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24 January 2024

# Kinship carers in England



## Summary

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## Summary

The Government [defines kinship care](#) as “any situation in which a child is being raised in the care of a friend or family member who is not their parent.”

The 2021 Census estimated [around 141,000 children were living in kinship care in England and Wales](#) (1.1% of all children).

There are several types of kinship care arrangement, including private informal arrangements, kinship foster care, child arrangement orders and special guardianship orders. The type of arrangement can affect the support available.

## Issues

Several themes emerge from recent reports on kinship care, including:

- Kinship care does not get the recognition it deserves.
- Children growing up in kinship care do better than children in unrelated foster care, but worse than children in the general population. This applies to emotional, behavioural and education outcomes.
- Not enough is currently done to involve and support a child’s wider family network before they enter local authority care.
- The support provided to kinship carers, including financial, legal, practical and emotional, is not sufficient. There is also considerable variation between areas in the support available.

## Government strategy for children’s social care reform in England

In February 2023, the Government published an implementation strategy and consultation on children’s social care reform in England, [Stable Homes, Built on Love](#). This formed the Government’s response to the [Independent Review of Children’s Social Care](#), which reported in May 2022.

Proposals related to kinship care included:

- Publishing a kinship care strategy by the end of 2023.

- Providing £9 million for a training and support offer for kinship carers.
- Exploring the case for mandating a financial allowance for kinship carers with a special guardianship order or child arrangements order.
- Exploring workplace entitlements for kinship carers.

The strategy also set out a working definition of kinship care for consultation.

As part of broader reforms, the Government will also pilot how to better involve and support the wider family network prior to children entering the care system.

More information on the Government's proposals for the wider reform of children's care is provided in a separate briefing: [Government proposals for children's social care reform](#).

## Kinship care strategy

On 15 December 2023, the Government published its kinship care strategy for England, [Championing Kinship Care](#). The strategy commits £20 million in 2024/25 to improve the lives of children in kinship care. Its commitments include:

- Providing £16 million to pilot giving a financial allowance to special guardian kinship carers caring for children who were previously looked after by a local authority.
- Publishing [guidance for employers on how kinship carers can be supported at work](#).
- Providing £3.8 million to [expand the role of Virtual School Heads](#) to promote the education of children in kinship care.
- Publishing a definition of kinship care.

While the strategy's publication was welcomed, [concerns have been raised that it does not go far enough in several areas](#).

## Social security benefits

The main social security benefits which may be available to kinship carers are Child Benefit, Universal Credit, Child Tax Credit, and Guardian's Allowance. Further information is provided in section two of the briefing.

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# 1 Kinship care arrangements

## 1.1 Introduction

There is no legislative definition of kinship care in England. Government statutory guidance, published in December 2023, defines it as “any situation in which a child is being raised in the care of a friend or family member who is not their parent. The arrangement may be temporary or longer.”<sup>1</sup> Kinship carers are sometimes also referred to as “family and friends carers” or “connected people.”<sup>2</sup>

There are several different types of kinship care arrangement and the type of arrangement can affect what support is available and who has parental responsibility for the child.

Most children live in kinship care because their parents cannot look after them safely for some reason. Child protection concerns are common, even for children who are not looked after by local authorities.<sup>3</sup> In a [survey of 1,564 kinship carers in England and Wales](#), carried out by the charity Kinship in July and August 2022, 54% of those surveyed said their children had experienced abuse or neglect before coming to live with them.<sup>4</sup>

### Number of children in kinship care

The 2021 Census estimated around 141,000 children were living in kinship care in England and Wales (1.1% of all children; the proportion increases with age).<sup>5</sup> This figure does not include an estimated 24,000 children living with kinship carers they are not related to, such as family friends.<sup>6</sup>

The Census additionally recorded:

- 59.2% of children living in kinship care lived with at least one grandparent.
- 11.9% of children living in kinship care were disabled, compared with 6.6% of children living with at least one parent.

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<sup>1</sup> Department for Education, [Working Together to Safeguard Children](#), December 2023, p158.

<sup>2</sup> Kinship, [What is kinship care?](#), last accessed 25 July 2023.

<sup>3</sup> Joan Hunt, [Two decades of UK research on kinship care: an overview](#), December 2020.

<sup>4</sup> Kinship, [The Cost of Loving: Annual survey of kinship carers 2022](#) (PDF), October 2022, pp5-7.

<sup>5</sup> The number of children in kinship care in households of six or more people was not recorded in the Census but was estimated based on the proportion of children in kinship care in smaller households.

<sup>6</sup> ONS, [Kinship care in England and Wales: Census 2021](#), 26 September 2023; Family Rights Group, [164,000 children are growing up in kinship care in England and Wales](#), 26 September 2023.



- 25.3% of kinship care households contained one or more residents whose long-term physical or mental health condition or illness limited them a lot, compared with 10.0% of parental households. This is likely to be at least partly explained by the fact that kinship carers tend to be older than parents.<sup>7</sup>

Further analysis is provided on the Office of National Statistics website at: [Kinship care in England and Wales: Census 2021](#).<sup>8</sup>

The circumstances of kinship carers tend to be less advantageous than those of parents in the general population or unrelated foster carers.<sup>9</sup> In the 2021 Census, kinship care households were more likely than parental households to be classed as deprived in every dimension measured (employment, education, health and disability, and housing). For example, 14.2% of kinship care households were overcrowded compared to 8.3% of parental households.<sup>10</sup> A [2020 report summarising the past 20 years of research on kinship care](#) similarly found that kinship carers are more likely to live in the least affluent areas and to be categorised as experiencing deprivation in terms of employment, education, housing or disability.<sup>11</sup>

## 1.2 Informal non-statutory arrangements

The majority of kinship care arrangements are based on informal agreements between the kinship carer and those holding parental responsibility for the child, with no involvement from children's services or the Family Court.<sup>12</sup>

Providing the kinship carer is a close relative of the child or has [parental responsibility](#) for them there is no requirement to notify the local authority.<sup>13</sup> If the carer is not a close relative, or does not have parental responsibility, the arrangement will be classed as private fostering (see section 1.3 below).

Where a child is cared for under an informal arrangement, the local authority is not required to assess the arrangement or to provide financial support to

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<sup>7</sup> ONS, [Kinship care in England and Wales: Census 2021](#), 26 September 2023. This analysis is based on children living in kinship care in households of five or fewer people.

<sup>8</sup> ONS, [Kinship care in England and Wales: Census 2021](#), 26 September 2023.

<sup>9</sup> Parliamentary Taskforce on Kinship Care, *First Thought Not Afterthought: Report of the Parliamentary Taskforce on Kinship Care*, September 2020, [Executive Summary](#), pp4-6.

<sup>10</sup> ONS, [Kinship care in England and Wales: Census 2021](#), 26 September 2023.

<sup>11</sup> Joan Hunt, [Two decades of UK research on kinship care: an overview](#), December 2020, p9.

<sup>12</sup> DfE, [Family and Friends Care: Statutory Guidance for Local Authorities](#), March 2011, para 3.1; The Independent Review of Children's Social Care, [The Case for Change](#), June 2021, p48.

<sup>13</sup> DfE, [Family and Friends Care: Statutory Guidance for Local Authorities](#), March 2011, para 3.1; The definition of 'relative' includes a "grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent", Children Act 1989, section 105(1).

the kinship carers.<sup>14</sup> Where a child is assessed as in need, however, support may be provided under [section 17 of the Children Act 1989](#) (see box 1 below).

## 1 Support for children in need

Under [section 17 of the Children Act 1989](#), local authorities in England have a duty to safeguard and promote the welfare of children within their area who are in need, and promote their upbringing by their family (as far as is consistent with the duty to safeguard their welfare), “by providing a range and level of services appropriate to those children’s needs.”<sup>15</sup>

A child in need is defined as a child who:

- (a) [is] unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision...of services by a local authority...;
- (b) [whose] development is likely to be significantly impaired, or further impaired, without the provision of such services; or
- (c) [is] disabled.<sup>16</sup>

A local authority is responsible for assessing whether a child is in need. Where, following an assessment, an authority decides to provide services, a multi-agency ‘child in need plan’ should be developed, setting out which organisations and agencies will provide which services to the child.<sup>17</sup> Any service may also be provided to any member of the child in need’s family, “if it is provided with a view to safeguarding or promoting the child’s welfare”.<sup>18</sup>

Support provided under section 17 can include financial assistance.<sup>19</sup>

Further information is available in Library briefing 7730, [Local authority support for children in need \(England\)](#).<sup>20</sup>

[Statutory guidance published by the Department for Education](#) notes that the “range and level of family support services which may be provided under section 17 is wide” and may be provided to support both formal and informal kinship care arrangements.<sup>21</sup> It adds that “no child or young person should have to become a looked after child...for the sole purpose of enabling financial, practical or other support to be provided to the child’s carer.”<sup>22</sup>

<sup>14</sup> DfE, [Family and Friends Care: Statutory Guidance for Local Authorities](#), March 2011, para 2.16.

<sup>15</sup> [Children Act 1989](#), section 17 (1).

<sup>16</sup> [Children Act 1989](#), section 17(10).

<sup>17</sup> HM Government, [Working Together to Safeguard Children](#), July 2018, p38.

<sup>18</sup> [Children Act 1989](#), section 17(3).

<sup>19</sup> [Children Act 1989](#), section 17(6).

<sup>20</sup> Commons Library briefing CBP-7730, [Local authority support for children in need \(England\)](#).

<sup>21</sup> DfE, [Family and Friends Care: Statutory Guidance for Local Authorities](#), March 2011, paras 3.4-3.6.

<sup>22</sup> DfE, [Family and Friends Care: Statutory Guidance for Local Authorities](#), March 2011, paras 2.16-2.19.

If a local authority is involved in placing a child with a kinship carer, the child may be classed as a looked after child. If so, the carer will be treated as a foster carer and entitled to additional support (see section 1.4 below). The Family Rights Group charity recommends that anybody in this situation should seek legal advice to make sure they are getting all the support they are entitled to.<sup>23</sup>

## 2 Looked after children

A child is classed as a “looked after child” in two circumstances:

- They are in the care of a local authority pursuant to a care order made by the court (including interim care orders). A local authority has (often shared) parental responsibility for the child.
- They have been provided with accommodation by a local authority in exercise of its social services functions, typically under section 20 of the Children Act 1989 (see below), for a continuous period of more than 24 hours. The child is not in care and the local authority does not have parental responsibility for them.<sup>24</sup>

### Section 20 of the Children Act 1989

Under section 20 of the Children Act 1989, local authorities have a duty to provide accommodation to children in need who require it because:

- There is no one who has parental responsibility for them; or
- They are lost or abandoned; or
- The person who has been caring for them is prevented from providing them with suitable accommodation or care; or
- They have reached 16 and their welfare is “likely to be seriously prejudiced” if they are not provided with accommodation.

Authorities may additionally provide accommodation to any child in their area if they consider that doing so will safeguard or promote the child’s welfare.

A local authority may not provide accommodation under section 20 if a person with parental responsibility who is willing and able to provide accommodation for the child objects. In addition, any person with parental responsibility may remove the child from the accommodation at any time (accommodation provided under section 20 is, as a result, sometimes referred to as voluntary accommodation).<sup>25</sup>

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<sup>23</sup> Family Rights Group, [Private arrangement and private fostering](#).

<sup>24</sup> [Children Act 1989](#), section 22.

<sup>25</sup> [Children Act 1989](#), section 20.

## 1.3 Private fostering

If a child under the age of 16 (or 18 if they have a disability) is cared for by someone who is not their parent, somebody else who has parental responsibility for them, or a relative, for 28 days or more it is classed as private fostering.<sup>26</sup> The definition of “relative” for this purpose includes a “grandparent, brother, sister, uncle or aunt (whether of the full blood or half blood or by marriage or civil partnership) or step-parent”.<sup>27</sup>

Local authorities are not involved in arranging a private fostering placement. However, they do have duties in relation to the children involved in such arrangements, including carrying out criminal records checks on the private foster carer. Statutory guidance published by the Department for Education, [Children Act 1989: Private Fostering](#), provides further information.<sup>28</sup>

There is no automatic right to financial assistance from the local authority for a private fostering arrangement, but local authorities can provide support under section 17 of the Children Act 1989 (see section above). The charity Kinship suggests such support is “likely to be restricted to those in particularly difficult circumstances.”<sup>29</sup>

## 1.4 Court orders

Kinship carers may apply to court for an order providing legal recognition of a caring arrangement. Depending on the nature of the order, it may confer parental responsibility for the child on the carer.

A decision on whether to apply for a court order should be made after careful consideration, as a change in the legal nature of a placement can affect entitlement to support.

### Child Arrangements Orders

A child arrangements order, issued under section 8 of the [Children Act 1989](#), is a court order that specifies matters such as with whom a child is to live, when they spend time with each parent, and when and what other types of contact take place (for example, phone calls).<sup>30</sup>

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<sup>26</sup> [Children Act 1989](#), section 66.

<sup>27</sup> [Children Act 1989](#), section 105(1).

<sup>28</sup> Department for Education, [Replacement Children Act 1989 Guidance on Private Fostering](#), 25 July 2005

<sup>29</sup> Kinship, [Private fostering](#).

<sup>30</sup> [Children Act 1989](#), section 8.

Where a person who is not a parent is named in a child arrangements order as the person with whom the child is to live, they have parental responsibility for the child for as long as the order remains in force.<sup>31</sup>

### Financial support from local authority

Where a child lives with somebody under a child arrangements order, the local authority may make contributions towards the cost of accommodation and maintenance of the child. This does not apply where the person concerned is the child's parent, or the husband, wife or civil partner of the parent.<sup>32</sup>

Whether payments are made, and the amount, are at the discretion of the local authority; there is no entitlement to support. The charity Kinship states local authorities are more likely to pay an allowance if the child was previously looked after by the local authority.<sup>33</sup>

## Special Guardians

A special guardianship order is a court order which appoints a person – usually a relative – as a child's 'special guardian'.

A special guardian has parental responsibility for the child and is entitled to exercise it to the exclusion of any other person with parental responsibility (this does not affect situations where the law requires the consent of more than one person with parental responsibility).<sup>34</sup>

GOV.UK provides further information on [Becoming a special guardian](#).<sup>35</sup>

### Support for special guardians

Local authorities are required to carry out an assessment of a special guardian's support needs, including for financial support, if a special requests it.<sup>36</sup> What, if any, services are provided will be based on this assessment.

Financial support is payable in order to help someone become a child's special guardian or to support the continuation of such an arrangement. It can be paid:

- To ensure the special guardian can look after the child.
- Where the cost of caring for a child is more expensive than would otherwise be the case because of "illness, disability, emotional or

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<sup>31</sup> [Children Act 1989](#), section 12(2). Further information on applying for a child arrangements order and other related orders is set out in the Commons Library briefing CBP-8761, [Children: child arrangements orders – when agreement cannot be reached on contact and residence \(Great Britain\)](#).

<sup>32</sup> [Children Act 1989](#), Schedule 1, para 15.

<sup>33</sup> Kinship, [Child arrangements order financial support and benefits](#).

<sup>34</sup> [Children Act 1989](#), section 14C.

<sup>35</sup> Gov.uk, [Become a special guardian](#).

<sup>36</sup> [Children Act 1989](#), section 14F; [Special Guardianship Regulations 2005](#) (SI 2005/1109), Regulation 11.

behavioural difficulties or the consequences of [their] past abuse or neglect”.

- To contribute to legal costs associated with a special guardianship order.
- To help with the cost of accommodating and looking after the child.<sup>37</sup>

Financial support may be provided for one-off expenditure or on a more regular basis.<sup>38</sup> The level of support can vary as it will be based on the assessed needs. When considering providing financial support, local authorities will normally consider the special guardian’s means.<sup>39</sup>

[Statutory guidance on special guardianship](#), published by the Department for Education, says the financial support should be payable to “help secure a suitable special guardianship arrangement, where such an arrangement cannot be readily made because of a financial obstacle”. It adds that “financial issues should not be the sole reason for a special guardianship arrangement failing to survive.”<sup>40</sup>

When determining the amount of any ongoing financial support, local authorities should have regard to the amount of fostering allowance which would have been paid if the child were fostered. The statutory guidance states:

The local authority’s core allowance plus any enhancement that would be payable in respect of the particular child, will make up the maximum payment the local authority could consider paying the family. Any means test carried out as appropriate to the circumstances would use this maximum payment as a basis.<sup>41</sup>

The Local Government and Social Care Ombudsman has additionally highlighted relevant case law in this area:

...case law (R v Kirklees Council, 2010) has found councils should have regard to the amount of fostering allowance they would pay. Councils must not pay special guardianship allowance as a fixed percentage of fostering allowance without any justification. A second case in 2012 (R v London Borough of Merton) found councils should use the National Fostering Network’s minimum allowances [see page 16 below] as a starting point for calculation. In that case the council’s use of giving an allowance set at two thirds of the Fostering Network’s minimum was unlawful.<sup>42</sup>

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<sup>37</sup> [The Special Guardianship Regulations 2005](#), SI 2005/1109, Regulation 6.

<sup>38</sup> [The Special Guardianship Regulations 2005](#), SI 2005/1109, Regulation 8.

<sup>39</sup> Department for Education, [Special Guardianship Guidance](#), January 2017, paras 63-69; Special Guardianship Regulations 2005, SI 2005/1109, Regulation 13.

<sup>40</sup> Department for Education, [Special Guardianship Guidance](#), January 2017, para 37.

<sup>41</sup> Department for Education, [Special Guardianship Guidance](#), January 2017, para 65.

<sup>42</sup> Local Government and Social Care Ombudsman, [Firm foundations: complaints about council support and advice for special guardians](#) (PDF), May 2018, p11.

A further discussion of case law relating to financial support for special guardians was provided in a [High Court judgment from June 2022](#).<sup>43</sup>

### 3 Special guardians who were previously foster parents

Financial support cannot normally include the payment of remuneration to the special guardian for care of the child. However, where the special guardian previously fostered the child and received an element of remuneration in the financial support paid to them as the child's foster parent, the local authority may continue to pay that element of remuneration for two years from the date of the Special Guardianship Order.<sup>44</sup> This two-year transitional provision is intended to give the family time to adjust to their new circumstances.<sup>45</sup>

## 1.5 Looked after children

Where a child is looked after by a local authority (see box 3 below), the authority must arrange for them to live with one of the following people unless this would not be reasonably practicable or not consistent with the child's welfare:

- Their parent.
- A person who is not a parent but who has parental responsibility for them.
- Where there was a child arrangements order in force immediately before the child was taken into care, the person named in the order as the person with whom the child was to live.<sup>46</sup>

Where it is not possible for the child to live with one of the above people, the local authority must place the child in "the most appropriate placement available." "Placement" for these purposes is defined as living:

- With a "relative, friend or other person connected with [the child] and who is also a local authority foster parent."
- With a local authority foster parent who is not connected to the child.
- In a children's home.

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<sup>43</sup> [\[2022\] FWHC 1885 \(Admin\)](#).

<sup>44</sup> [The Special Guardianship Regulations 2005](#), SI 2005/1109, Regulation 7.

<sup>45</sup> Department for Education, [Special Guardianship Guidance](#), last updated 26 January 2017, paras 42-43.

<sup>46</sup> [Children Act 1989](#), section 22C(2)-(4).

- In “other arrangements” in accordance with regulations.<sup>47</sup>

A looked after child who is placed with a relative, friend or other connected person continues to be looked after.<sup>48</sup>

It is possible for a close relative, for example a grandparent, to be a local authority foster parent, subject to meeting the relevant criteria and being approved to perform this role.<sup>49</sup>

Around 15% of looked after children in England are living with foster carers who are relatives or friends, although the proportion differs between local authorities.<sup>50</sup>

The [statutory guidance on kinship care](#) makes clear that, before a local authority considers applying for a care order to take a child into its care (whereby the child would become a “looked after child”), consideration should be given to placing the child with family and friends with assistance through family support services.<sup>51</sup> A survey carried out for the Family Rights Group suggested the vast majority of people would prefer family members or friends to look after their children if they were unable to care for them.<sup>52</sup>

In cases where a local authority has been involved at the point a child goes to live with a kinship carer, it can be unclear if the child should be classed as looked after or if the local authority has merely facilitated a private arrangement.<sup>53</sup>

The statutory guidance states that whether a child who is cared for by a kinship carer should be looked after by the local authority will be decided on a case-by-case basis, with the key question being whether the child appears to require accommodation for the reasons in section 20 of the Children Act 1989 (see box 3 above). It adds that “in any event, where the local authority has instigated the arrangement for a child to live with a friend or relative, the local authority should provide an appropriate range and level of support for those arrangements.”<sup>54</sup>

## National minimum fostering allowances

Local authority foster parents are entitled to an allowance to cover the cost of caring for foster children in their home. Allowances are set at a local level

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<sup>47</sup> [Children Act 1989](#), section 22C(5)-(6).

<sup>48</sup> Department for Education, [Children Act 1989: family and friends care](#), March 2011, para 3.15.

<sup>49</sup> Gov.uk, [Becoming a foster parent in England](#).

<sup>50</sup> [Children looked after in England including adoptions 2022](#); The Independent Review of Children’s Social Care, [Final Report](#), May 2022, pp96-97; PQ 83441 [[on Children in Care: Foster Care](#)], 29 November 2021; Family Rights Group, [91% say kinship care would be their number one option if they couldn’t care for their child](#), 10 January 2022.

<sup>51</sup> Department for Education, [Children Act 1989: family and friends care](#), March 2011, para 3.17.

<sup>52</sup> Family Rights Group, [91% say kinship care would be their number one option if they couldn’t care for their child](#), 10 January 2022.

<sup>53</sup> Joan Hunt, [Two decades of UK research on kinship care: an overview](#), December 2020, p12.

<sup>54</sup> Department for Education, [Children Act 1989: family and friends care](#), March 2011, para 3.16.



and can vary by location, and according to the age and needs of the child. However, the Department for Education [publishes minimum allowances](#) annually. [Standard 28 of the National Minimum Standards for Fostering Services](#) requires foster carers to receive at least the applicable national minimum allowance per child.<sup>55</sup>

The national minimum weekly fostering allowances in England for 2023/24 are available on Gov.uk at: [Help with the cost of fostering](#).<sup>56</sup>

Every year [The Fostering Network](#) checks the allowances paid by all local authorities in England and Wales to see if they meet national minimum levels, and campaigns for them to be brought up to these levels where they are falling short.<sup>57</sup>

## 1.6 Local kinship care policies

The [statutory guidance on kinship care](#) says every local authority should have a published policy setting out its approach towards promoting and supporting the needs of children living with kinship carers. While the detail of the policy is to be determined locally, the guidance outlines matters that should be addressed.<sup>58</sup> This includes:

- Kinship care policies should be based on the principle that “children should be enabled to live with their families unless this is not consistent with their welfare.”<sup>59</sup>
- Support should be based on the needs of the child rather than their legal status and should seek to ensure that kinship carers are provided with support to ensure children do not become looked after by the local authority, or remain looked after for longer than is needed.<sup>60</sup>

Based on responses to a Freedom of Information request sent to all local authorities in England in 2019, the Parliamentary Taskforce on Kinship Care found 16% of local authorities either did not have a kinship care policy at all or had a very outdated policy. It also found the quality and consistency of the policies was “extremely variable” and indicated “a failure by a significant number of authorities to comply with the statutory guidance.”<sup>61</sup>

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<sup>55</sup> Department for Education, [Fostering services: national minimum standards](#), March 2011, p55. The standards are issued under [section 23 of the Care Standards Act 2000](#).

<sup>56</sup> Gov.uk, [Help and support for foster parents in England](#).

<sup>57</sup> The survey reports can be accessed online from the Fostering Network, [Allowance surveys](#)

<sup>58</sup> Department for Education, [Children Act 1989: family and friends care](#), March 2011, paras 4.2-4.3.

<sup>59</sup> Department for Education, [Children Act 1989: family and friends care](#), March 2011, para 4.4.

<sup>60</sup> Department for Education, [Children Act 1989: family and friends care](#), March 2011, para 4.6.

<sup>61</sup> Kinship Care Parliamentary Taskforce, [First Thought Not Afterthought: Report of the Parliamentary Taskforce on Kinship Care](#), September 2020, pp50-51.

## Family Group Conferences

Family group conferences (FGCs) are a decision making and planning forum in which the wider family group makes plans and decisions for children who have been identified as in need of a plan to safeguard their welfare. The primary decision makers at an FGC are the family members. However, the plan must take account of any stipulations made by the local authority for it to be agreed.<sup>62</sup>

Further information is available on the website of the Family Rights Group charity at: [What is a Family Group Conference?](#)<sup>63</sup>

The [statutory guidance on kinship care](#) says local authorities should ensure they “have arrangements in place to offer a family group conference or other form of family meeting as a means to engage families at an early stage and to support them in identifying solutions to difficulties they face in caring for their own children.” The arrangements should be set out in the local kinship care policy.<sup>64</sup>

[Research published by Coram in June 2023](#), based on 2,500 children in 21 local authorities in England, found that children whose families were referred for a Family Group Conference were less likely to go into care than those who were not.<sup>65</sup>

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<sup>62</sup> Department for Education, [Family and Friends Care: Statutory Guidance for Local Authorities](#), March 2011, p49.

<sup>63</sup> Family Rights Group, [What is a Family Group Conference?](#)

<sup>64</sup> Department for Education, [Family and Friends Care: Statutory Guidance for Local Authorities](#), March 2011, p27.

<sup>65</sup> Coram, [Groundbreaking Coram study demonstrates significant impact of Family Group Conferencing in preventing children going into care](#), 13 June 2023.

## 2 Social security benefits and tax credits

The main social security benefits which may be of relevance to kinship carers are Child Benefit, Child Tax Credit, Guardian's Allowance and Universal Credit.<sup>66</sup> Additional amounts for children may also be available for people receiving Housing Benefit.

Both Child Benefit and Child Tax Credit are administered by HM Revenue and Customs (HMRC), while local authorities have responsibility for Housing Benefit. A person may be entitled to both Child Benefit and Child Tax Credit for a child or 'qualifying young person' if they are responsible for them.<sup>67</sup>

It is no longer possible to make a new claim for Child Tax Credit or Housing Benefit; these are 'legacy benefits' which are being replaced by Universal Credit (UC). UC is administered by the Department for Work and Pensions (DWP) and is the only option for people of working age looking to make a new claim for means-tested benefit support.

### 2.1 Child Benefit

For [Child Benefit](#), a person is treated as 'responsible' for a child if the child lives with them, or if they are contributing towards the maintenance of the child at a rate of at least the amount of Child Benefit.<sup>68</sup> If there is more than one claim, the person who lives with the child gets paid.<sup>69</sup> Even if a new claim has priority over an existing claim, Child Benefit continues to be paid to the existing claimant for three weeks following the week in which the new claim is made, unless the existing claimant withdraws their claim prior to this.<sup>70</sup> Only one person may receive Child Benefit for any one child at a given time.

<sup>66</sup> If a person claims Universal Credit, they will now no longer be able to qualify for Child Tax Credit or Working Tax Credit.

<sup>67</sup> A 'qualifying young person' is a person who is aged 16 or over, but under 20 years old, and is in full time non advanced-education or is undertaking approved training: HM Revenue and Customs, Claimant Compliance Manual, [para CCM18025](#)

<sup>68</sup> [Social Security Contributions and Benefits Act 1992](#), section 143(1)

<sup>69</sup> As above, Schedule 10 para 2. If it is not clear with whom the child lives, the parent of the child has priority over all other claimants (Schedule 10, para 4).

<sup>70</sup> As above, Schedule 10 para 1(2)

## 2.2

# Child Tax Credit

For [Child Tax Credit \(CTC\)](#), a person is treated as responsible for a child if the child ‘normally lives’ with them.<sup>71</sup> This is not defined in regulations. If there are competing claims for CTC for the same child, it is paid to the person with ‘main responsibility’ for him/her. Again, this is not defined in the regulations, but HMRC guidance gives the following examples of factors that may be taken into account:

- who the child or qualifying young person normally lives with and where they keep the majority of their belongings such as clothes, toys
- who is responsible for the day to day spending for the child or qualifying young person such as buying clothes, food and providing pocket money
- who the main contact is for school/college/nursery/childcare
- who is responsible for the health care and hygiene of the child or qualifying young person such as making appointments with the doctor/dentist, doing the child or qualifying young person's laundry
- what is the registered address for contact for the school/college/nursery/childcare, healthcare
- who has legal custody of the child or qualifying young person
- normally, a child or qualifying young person who is placed as a result of a Residence Order, a child arrangement order or a Special Guardianship Order, is considered the responsibility of the person named on that order.<sup>72</sup>

This is not an exhaustive list, however; other factors may be considered. The HMRC guidance states that when deciding who has the main responsibility for a child or qualifying young person, the fact that someone receives Child Benefit for that child or qualifying young person should not be considered.<sup>73</sup>

As with Child Benefit, there is no provision to split CTC for a particular child between different people who each care for the child for a proportion of the time.

If the child is being looked after by the local authority and has been placed (under fostering arrangements, or prior to adoption) with a kinship carer who

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<sup>71</sup> [Regulation 3\(1\) Child Tax Credit Regulations 2002 \(SI 2002/2007](#) as amended)

<sup>72</sup> HM Revenue and Customs, Tax Credits Technical Manual, [para TCTM02205](#)

<sup>73</sup> [As above](#)

is receiving a payment from the local authority for their accommodation and maintenance, neither Child Benefit nor Child Tax Credit are payable. The principle here is that children in this situation are already being supported out of public funds, and that to pay benefit on top of this would be duplicating provision.<sup>74</sup> Foster carers may however be able to claim Working Tax Credit on the basis that they are a [self-employed foster carer](#).

Further information on entitlement to Child Benefit and Child Tax Credit for people who are foster carers or prospective adopters is available on the GOV.UK site, [Looking after someone else's child](#).<sup>75</sup>

## 2.3 Housing Benefit

For [Housing Benefit](#), the rules governing who is deemed responsible for a child are broadly similar. A person is responsible for a child if the child 'normally lives' with them (meaning they spend more time with them than with anyone else). Where it is unclear whose household the child lives in, receipt of Child Benefit may be the decisive factor.<sup>76</sup> Following the introduction of a deduction from Housing Benefit where a working-age household living in social rented housing is deemed to be under-occupying – that is, having a spare bedroom – the position of foster carers and kinship carers attracted attention. The original regulations did not exempt foster carers and those keeping a spare bedroom in expectation of a child placement from the under-occupation restrictions. However, on 12 March 2013, the then Secretary of State for Work and Pensions, Iain Duncan Smith, announced that the regulations would be amended to allow an additional room for approved foster carers:

People who are approved foster carers will be allowed an additional room, whether or not a child has been placed with them or they are between placements, so long as they have fostered a child, or become an approved foster carer in the last 12 months.<sup>77</sup>

The changes came into force on 1 April 2013.<sup>78</sup>

There are certain circumstances where a child who lives with a Housing Benefit claimant is not counted in their household for the purposes of calculating their award. This includes where the child is being fostered by the person on behalf of a local authority following a formal placement (where the child is being fostered under less formal arrangements, or is being fostered privately, benefit may however be payable). Children who have been placed with the claimant by social services or by an adoption agency prior to adoption are also not included in the claimant's household. These rules apply

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<sup>74</sup> HC Deb 20 October 2011 cc1089-1090w

<sup>75</sup> GOV.UK, [Looking after someone else's child](#)

<sup>76</sup> [Regulation 20 Housing Benefit Regulations 2006 \(SI 2006/213](#) as amended)

<sup>77</sup> [HC Deb 12 March 2013 cc9-10WS](#)

<sup>78</sup> [The Housing Benefit \(Amendment\) Regulations 2013, SI 2013/665](#)

regardless of whether a local authority is making a contribution towards the child's maintenance and/or accommodation.

## 2.4 Universal Credit

[Universal Credit](#) (UC) is replacing means-tested benefits and tax credits for working-age families, including Housing Benefit and Child Tax Credit. Since December 2018 it has been the only option for most people in the UK who wish to make a new application for means-tested benefit support.

The Department for Work and Pensions is in the process of inviting all tax credit claimants to move to Universal Credit. It currently aims for this to have been completed by March 2025.<sup>79</sup>

The rules for kinship carers mirror those for Child Tax Credit. A child element will be included in the UC calculation for each child who 'normally lives' with the claimant, but a child will not be included in the calculation if they are looked after by a local authority, since in these circumstances the local authority is responsible for providing financial support for the child's accommodation and maintenance.<sup>80</sup>

As with Housing Benefit, Universal Credit regulations provide that claimants of the housing costs element of UC are entitled to an additional room if they are a foster parent.<sup>81</sup>

## 2.5 Effect of allowances and payments on means-tested benefits

As to how payments received by family and friends carers may affect entitlement to means-tested benefits and tax credits, the situation is complicated.

For means-tested 'legacy benefits' payable to people under the qualifying age for Pension Credit, fostering allowances paid by a local authority should be ignored. Child arrangements order allowances and special guardianship allowances are normally ignored, but there may be exceptions in certain circumstances.

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<sup>79</sup> DWP, [LA Welfare Direct 9/2023](#), 8 September 2023

<sup>80</sup> See DWP, [Advice on Decision Making Chapter F1: Child Element \(PDF\)](#), paras F1071-1075

<sup>81</sup> [Schedule 4, paras 12\(1&4\) & 29\(9A\) Universal Credit Regulations 2013 \(SI 2013/376, as amended\)](#). See DWP, [Advice on Decision Making Chapter F3: Housing Costs Element: Support for renters \(PDF\)](#), para F3133

For people over the qualifying age for Pension Credit, the above payments and allowances are ignored in full for means-tested benefits.

For tax credits, fostering allowances paid by a local authority are disregarded for the purposes of calculating entitlement provided payments do not exceed £10,000 a year, plus £200 a week for each child under 11 and £250 a week for each child aged 11 or over. Special guardianship allowances and payments to people with a child arrangements order are ignored completely.

Under Universal Credit, fostering allowances, special guardianship allowances and payments to people with a child arrangements order will not count as income.

## 2.6 Guardian's Allowance

Finally, kinship carers receiving Child Benefit may also be able to get [Guardian's Allowance](#). This is a non-means-tested, non-contributory benefit for people bringing up a child because one or both of the parents has died. It is payable if both parents have died, or if one parent is dead and the whereabouts of the other is unknown (and was unknown at the time of death), or if one parent is dead and the other is in prison.

## 2.7 Two-child limit for Child Tax Credit and Universal Credit

As a result of provisions in the [Welfare Reform and Work Act 2016](#), the per child element in Child Tax Credit and the equivalent element in Universal Credit are limited to two children for births from 6 April 2017. The change means that anyone who is responsible for a child born on or after that date will not receive the child element for that child unless:

- there is no more than one child already on the claim
- an exception applies
- transitional protection applies under Universal Credit.<sup>82</sup>

A child element will continue to be paid for all children born before 6 April 2017.

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<sup>82</sup> The Government have said that anyone who is moved to Universal Credit by the 'managed migration' process will not lose out in cash terms where their circumstances remain the same. To ensure this happens, UC includes transitional protection in the form of an additional amount to broadly make up the difference between UC amount awarded and what the claimant was receiving in total from legacy benefits and tax credits, at the point of transfer.

Exceptions to the two-child limit include where a third or subsequent child is placed with a family or friend as an alternative to entering the care system. The five exceptions are for:

- multiple births
- adoption
- non-parental care arrangements
- where a child of the claimant has a child of their own
- non-consensual conception.<sup>83</sup>

The change does not affect Child Benefit and eligible families continue to be entitled to Child Benefit for each child regardless of the number of children they have.

## The two-child rule and kinship care arrangements

The original two-child limit rule introduced from April 2017 had implications for some kinship carers. For example, a child element would be payable for a third child joining a family under a kinship care arrangement; or if a family already had two children and one or both were being looked after under kinship care. However, if the family had another child of their own, the child element would not be payable for that (third) child. So, in other words, a child element was available to three children if the family had two biological children and then took on a child in kinship care, but not if the child in kinship care arrived first. Hence the order in which the child became a member of the household mattered.

A case brought by the [Child Poverty Action Group](#) on behalf of one claimant household argued that the exception to the two-child rule for cared-for children was perverse because it was only available where the cared-for child was the third or subsequent child. In April 2018, the High Court accepted CPAG's arguments that the ordering restriction on the kinship care exception was perverse and therefore unlawful. A wider challenge to the two-child limit as a whole, was, however, dismissed.<sup>84</sup>

The Government accepted the High Court's decision in relation to children joining a family under kinship care arrangements. The then Secretary of State for Work and Pensions, Esther McVey, confirmed that the exceptions to the two-child limit would be extended for children who would otherwise be likely to be in local authority care and to those who are adopted, for whom the ordering or sequencing issue also applied.<sup>85</sup>

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<sup>83</sup> Further information on the two-child limit, including examples of how the rules may impact different family arrangements is set out, see Revenuebenefits, [Universal credit: 2-child limit](#), updated 1 July 2022

<sup>84</sup> [SC & Ors v Secretary of State for Work And Pensions & Ors](#) [2018] EWHC 864 (Admin).

<sup>85</sup> [Extending support in Universal Credit and Child Tax Credit: Written statement - HCWS653](#), 27 April 2018; and [More support for non-parental carers](#), DWP press release, 27 April 201



The changes were made by the [Universal Credit and Jobseeker's Allowance \(Miscellaneous Amendments\) Regulations 2018 \(SI 2018/1129\)](#), and the [Child Tax Credit \(Amendment\) Regulations 2018 \(SI 2018/1130\)](#), and came into force on 28 November 2018.

Further information on the two-child limit under Universal Credit is available in the Commons Library briefing papers:

- [Two child limit in Universal Credit and child tax credits](#)
- [The impact of the two-child limit in Universal Credit](#)

## 3 Issues and recommendations for reform

Several common issues, and recommendations for reform, have been raised in reports about kinship care. This section provides a summary based on a selection of reports published since 2020.

### 3.1 Recognition

It is often suggested that kinship care does not get the recognition it deserves. For example, [a 2020 report from the Parliamentary Taskforce on Kinship Care](#) described it as “widely unrecognised, underappreciated and often poorly supported”, and as “the unacknowledged third pillar of the children’s social care system.”<sup>86</sup> It added that kinship placements “often arise in situations of tragedy or trauma” yet “rarely attract the same degree of focused and targeted support as other placements in the care system.”<sup>87</sup>

### 3.2 Experiences and outcomes

Research generally suggests that, as a group, children growing up in kinship care do better, or at least as well as, those in unrelated foster care, but worse than children in the general population. This applies to both emotional and behavioural outcomes, and education outcomes.<sup>88</sup>

A [2020 report by Joan Hunt](#), Honorary Professor in Cardiff University’s School of Law and Politics, commissioned by the Family Rights Group charity, summarised the past 20 years of research on kinship care. The report found children reported to be “overwhelmingly (although not exclusively) positive about their experience of kinship care”. It was also seen as preferable to unrelated care.<sup>89</sup> On the whole, most children had “close and trusting

<sup>86</sup> Parliamentary Taskforce on Kinship Care, First Thought Not Afterthought: Report of the Parliamentary Taskforce on Kinship Care, September 2020, [Executive Summary](#) (PDF), p4.

<sup>87</sup> Parliamentary Taskforce on Kinship Care, First Thought Not Afterthought: Report of the Parliamentary Taskforce on Kinship Care, September 2020, [Executive Summary](#) (PDF), pp4-6.

<sup>88</sup> Joan Hunt, [Two decades of UK research on kinship care: an overview](#), December 2020, p10; Coram Voice and University of Oxford, [10,000 voices: The views of children and young people in kinship foster care on their well-being](#), March 2023, pp36-38; Parliamentary Taskforce on Kinship Care, First Thought Not Afterthought: Report of the Parliamentary Taskforce on Kinship Care, September 2020, [Executive Summary](#), pp4-6; Nuffield Foundation, [The lifelong health and wellbeing trajectories of people who have been in care](#) (PDF), July 2021; Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, p9.

<sup>89</sup> Joan Hunt, [Two decades of UK research on kinship care: an overview](#), December 2020, p9.

relationships with their carers” and generally felt part of the family. Compared with unrelated foster care, most studies also reported similar or lower levels of placement disruption for kinship arrangements.<sup>90</sup> Concerns were expressed, however, including by those who were happy being in kinship care. These included being stigmatised, issues around parental contact, and awareness of their carer’s financial difficulties.<sup>91</sup>

The review also found that children in kinship arrangements were more likely to have contact with their parents than those in unrelated foster care. The review noted, however, that contact can be problematic and there is a need for a differentiated approach.<sup>92</sup>

Similarly, a [report published in March 2023 by Coram Voice and the University of Oxford](#) compared survey responses from 1,216 children in kinship foster care with 4,259 children in unrelated foster care across 38 local authorities between September 2016 and March 2021. The report said kinship foster care “can be a positive arrangement for the children that experience it and could provide opportunities to maintain contacts with immediate support networks, including birth families and friends.” It added that “the findings support current guidance to give preference to suitable placements with family and friends.”<sup>93</sup>

### 3.3 Involving family networks

Several reports have suggested not enough is currently done to involve and support the wider family network when a child is in need. For example, the Parliamentary Taskforce on Kinship Care’s report said the wider family is “often an untapped resource” for children in and on the edge of local authority care. It argued that a greater focus on supporting the wider family could “safely avert many more children from having to come into care.” However, local authorities are “not consistently exploring potential kinship care placements as a realistic option at an early stage.”<sup>94</sup>

The report recommended the Government should consider introducing new duties on local authorities to ensure potential kinship care placements are

<sup>90</sup> Joan Hunt, [Two decades of UK research on kinship care: an overview](#), December 2020, p9.

<sup>91</sup> Joan Hunt, [Two decades of UK research on kinship care: an overview](#), December 2020, p9.

<sup>92</sup> Joan Hunt, [Two decades of UK research on kinship care: an overview](#), December 2020, p12.

<sup>93</sup> Coram Voice and University of Oxford, [10,000 voices: The views of children and young people in kinship foster care on their well-being](#), March 2023, pp36-38; Children and Young People Now, [‘Significantly more’ children in kinship care benefit from parental contact, research reveals](#), 2 March 2023.

<sup>94</sup> Parliamentary Taskforce on Kinship Care, *First Thought Not Afterthought: Report of the Parliamentary Taskforce on Kinship Care*, September 2020, [Executive Summary](#), pp4-6.

explored early and that all families are offered a family group conference before the child enters the care system.<sup>95</sup>

Similarly, while finding evidence of an increased emphasis on kinship placements in both local authorities and the courts, Joan Hunt's 2020 research review said it seemed "there is still scope for local authorities to expand their use of kinship care by being more proactive about exploring resources within the family network." It found family group conferences were rarely used.<sup>96</sup>

## 3.4 Support for kinship carers

The adequacy of support for kinship carers, and the "variation between regions and local authorities in the way in which they recognise and support kinship care", are frequently raised as issues.<sup>97</sup> A [report published in October 2023 by Foundations – What Works Centre for Children and Families](#) (PDF), based on surveys of local authorities in England, examined the variation in support for kinship carers.<sup>98</sup>

Advocates of greater support for kinship carers often make the argument that it would save money in the longer term by enabling more children to live safely with their families and so reduce the numbers entering the care system.<sup>99</sup> The Kinship charity has, for example, suggested that "for every 1,000 children that are raised in kinship families rather than the care system, the government saves £40 million and increases the lifetime earnings of those children by £20 million."<sup>100</sup>

Joan Hunt's 2020 research review identified some common themes in the research regarding support for kinship carers:

- Kinship carers are not a homogeneous group and their support needs will vary and change over time. Support needs to be available as and when needed.

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<sup>95</sup> Parliamentary Taskforce on Kinship Care, First Thought Not Afterthought: Report of the Parliamentary Taskforce on Kinship Care, September 2020, [Executive Summary](#), pp4-6.

<sup>96</sup> Joan Hunt, [Two decades of UK research on kinship care: an overview](#), December 2020, p12.

<sup>97</sup> Parliamentary Taskforce on Kinship Care, First Thought Not Afterthought: Report of the Parliamentary Taskforce on Kinship Care, September 2020, [Executive Summary](#), pp4-6; Kinship, [Out of the Shadows: a vision for kinship care in England: Executive summary](#), March 2022, pp3-4.

<sup>98</sup> Foundations – What Works Centre for Children and Families, [A survey of local authorities in England: Understanding the variation in support for kinship carers](#) (PDF), October 2023.

<sup>99</sup> Parliamentary Taskforce on Kinship Care, First Thought Not Afterthought: Report of the Parliamentary Taskforce on Kinship Care, September 2020, [Executive Summary](#) (PDF), p6; Kinship, [Out of the Shadows: a vision for kinship care in England: Executive summary](#), March 2022, pp3-4; Kinship, [Breaking Point: kinship carers in crisis](#), October 2023.

<sup>100</sup> Public Services Committee, [A response to the Children's Social Care Implementation Strategy](#), 25 May 2023, HL Paper 201 2022-23, p19.

- Support should not be dependent on the legal status of the arrangement but should reflect the child’s needs.
- Variation in local provision needs to be addressed as families in different areas get different levels of support.<sup>101</sup>

## Financial support

The negative financial impact of becoming a kinship carer is a major theme raised in reports and “emerges from virtually every study”.<sup>102</sup>

In a [report based on a survey of 1,657 kinship carers in England and Wales](#), carried out between August and September 2023, the charity Kinship said 41% of respondents said they felt they couldn’t always meet their children’s needs in their current financial situation. 12% said they were concerned they may have to stop caring for their kinship child in the next year if their situation didn’t improve. The most common reasons given for this were financial issues and challenges in managing children’s emotional and behavioural needs.<sup>103</sup>

It is also often suggested that the financial support available to kinship carers is insufficient.<sup>104</sup>

[Kinship’s 2022 annual survey](#), based on responses from 1,564 kinship carers found that two-thirds of those surveyed received an allowance from their local authority, but this varied based on the legal status of the arrangement. Only 4% of informal kinship carers surveyed said they received an allowance.<sup>105</sup> The charity has said all kinship carers should receive a non-means tested financial allowance that matches the current minimum fostering allowance.<sup>106</sup>

## Employment support

Many kinship carers leave their job, take early retirement or substantially reduce their hours upon looking after a child.<sup>107</sup> The Parliamentary Taskforce on Kinship Care suggested, for example, that more than half of kinship carers have to give up work or reduce their hours.<sup>108</sup>

In a [June 2023 report](#), Kinship argued that the “typically poor or non-existent” employment support from employers and local authorities is resulting in “significant and often permanent unemployment and underemployment for

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<sup>101</sup> Joan Hunt, [Two decades of UK research on kinship care: an overview](#), December 2020, pp15-16.

<sup>102</sup> Joan Hunt, [Two decades of UK research on kinship care: an overview](#), December 2020, pp13-14.

<sup>103</sup> Kinship, [Breaking Point: kinship carers in crisis](#), October 2023.

<sup>104</sup> Kinship, [Out of the Shadows: a vision for kinship care in England: Executive summary](#), March 2022, pp3-4.

<sup>105</sup> Kinship, [The Cost of Loving: Annual survey of kinship carers 2022](#) (PDF), October 2022, pp5-7.

<sup>106</sup> Kinship, [Out of the Shadows: a vision for kinship care in England: Executive summary](#), March 2022, pp3-4.

<sup>107</sup> Joan Hunt, [Two decades of UK research on kinship care: an overview](#), December 2020, p13.

<sup>108</sup> Parliamentary Taskforce on Kinship Care, [First Thought Not Afterthought: Report of the Parliamentary Taskforce on Kinship Care](#), September 2020, [Executive Summary](#), pp4-6.

kinship carers.” It suggested this is “leading to devastating consequences for kinship families” and comes at a cost to the state in the form of additional benefit expenditure.<sup>109</sup>

The report recommended:

- The Government should introduce a right to paid kinship care leave for all kinship carers (this has also been recommended by several other reports).<sup>110</sup>
- Local authorities should provide better employment advice and support to kinship families.
- Employers should introduce kinship friendly employment policies and seek to improve their understanding of kinship care.<sup>111</sup>

## Legal information and advice

Research suggests many kinship carers do not feel they know enough about their legal position or options to make an informed decision when becoming a kinship carer. Many also report incurring legal costs which they received no support with.<sup>112</sup>

A [report published in 2022 by the All-Party Parliamentary Group \(APPG\) on Kinship Care](#), for example, said kinship carers are often unaware of the practical and financial implications of one type of kinship care arrangement versus another.<sup>113</sup> The report recommended:

- Adequate funding should be provided for not-for-profit independent legal advice, information services and advocacy services specialising in child welfare and family court law and practice.
- Non-means tested early advice should be available under legal help to kinship carers and prospective kinship carers.
- The Government should expand the scope of legal aid for prospective special guardians in private law. It should consider extending this to include all kinship carers considering taking on care of a child where it has been determined that they cannot live with their parents.<sup>114</sup>

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<sup>109</sup> Kinship, [Forced Out: delivering equality for kinship carers in the workplace](#), June 2023, pp6-7.

<sup>110</sup> Parliamentary Taskforce on Kinship Care, First Thought Not Afterthought: Report of the Parliamentary Taskforce on Kinship Care, September 2020, [Executive Summary](#), pp4-6; Kinship, [Out of the Shadows: a vision for kinship care in England: Executive summary](#), March 2022, pp3-4.

<sup>111</sup> Kinship, [Forced Out: delivering equality for kinship carers in the workplace](#), June 2023, pp6-7.

<sup>112</sup> Joan Hunt, [Two decades of UK research on kinship care: an overview](#), December 2020, p11; Parliamentary Taskforce on Kinship Care, First Thought Not Afterthought: Report of the Parliamentary Taskforce on Kinship Care, September 2020, [Executive Summary](#), pp4-6.

<sup>113</sup> All Party Parliamentary Group on Kinship Care, [Legal labyrinth: how a lack of legal aid and advice is undermining kinship care](#), May 2022, p7.

<sup>114</sup> All Party Parliamentary Group on Kinship Care, [Legal labyrinth: how a lack of legal aid and advice is undermining kinship care](#), May 2022, p9.

Several other reports have also called for the extension of legal aid and legal advice services to kinship carers.<sup>115</sup>

As explained in section four below, from 1 May 2023 legal aid was extended to people pursuing special guardianship orders in private family law.<sup>116</sup>

## Practical and emotional support

Many children in kinship care have some form of special needs or emotional or behavioural problems arising from their earlier life experiences.<sup>117</sup>

Joan Hunt's review found the need for support for both children and their kinship carers to be a consistent theme in the research.<sup>118</sup> Therapeutic and counselling services were the most frequently identified form of direct help needed for children in kinship care.<sup>119</sup>

However, the charity Kinship has said kinship carers and their children are "struggling to access the health, educational and behavioural support they need."<sup>120</sup> It has also suggested the quality of local authority support and information for kinship carers is "unacceptably low."<sup>121</sup>

The Parliamentary Taskforce on Kinship Care recommended it should be made a duty on local authorities, supported by funding from central government, to commission kinship care support services, including access to counselling, therapeutic work, family therapy, contact support and training resources. It additionally recommended the [Adoption Support Fund](#) should be extended to children being raised by kinship carers.<sup>122</sup>

## Statutory definition of kinship care

It has been suggested that the difficulties faced by some kinship carers in accessing support, and the variation between areas in the support offered, stems in part from the lack of a statutory definition of kinship care.<sup>123</sup> The Family Rights Group charity, for example, has argued:

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<sup>115</sup> Parliamentary Taskforce on Kinship Care, *First Thought Not Afterthought: Report of the Parliamentary Taskforce on Kinship Care*, September 2020, [Executive Summary](#), pp4-6; Kinship, [Out of the Shadows: a vision for kinship care in England: Executive summary](#), March 2022, pp3-4; Kinship, [Breaking Point: kinship carers in crisis](#), October 2023.

<sup>116</sup> Ministry of Justice, [Family members taking on vulnerable children to receive better legal support](#), 1 May 2023.

<sup>117</sup> Joan Hunt, [Two decades of UK research on kinship care: an overview](#), December 2020, pp13-14.

<sup>118</sup> Joan Hunt, [Two decades of UK research on kinship care: an overview](#), December 2020, p14.

<sup>119</sup> Joan Hunt, [Two decades of UK research on kinship care: an overview](#), December 2020, p15.

<sup>120</sup> Kinship, [The Cost of Loving: Annual survey of kinship carers 2022](#) (PDF), October 2022, pp5-7.

<sup>121</sup> Kinship, [Breaking Point: kinship carers in crisis](#), October 2023.

<sup>122</sup> Parliamentary Taskforce on Kinship Care, *First Thought Not Afterthought: Report of the Parliamentary Taskforce on Kinship Care*, September 2020, [Executive Summary](#) (PDF), pp7-8.

<sup>123</sup> All Party Parliamentary Group on Kinship Care, [Legal labyrinth: how a lack of legal aid and advice is undermining kinship care](#), May 2022, p15.

Currently, there is no single definition of kinship care in primary legislation. As a result, kinship carers can face many challenges including not being recognised in their parenting role by hospital services, schools, or employers.

It also means kinship care is interpreted in different ways by government, state agencies, services, and the public including kinship carers themselves.<sup>124</sup>

In January 2023, the charity called on the Government to define kinship care in law and [published a draft definition](#).<sup>125</sup>

## 4 Kinship Care Alliance

The Kinship Care Alliance is a network of organisations which subscribe to a set of shared aims and beliefs on kinship care.<sup>126</sup> It has published an Agenda for Action which makes a series of recommendations aimed at ensuring:

- The wider family, both domestic and abroad, are explored, as a first port of call, to avoid children entering care.
- Local authorities and other public agencies recognise and meet the needs of children in kinship care in their area.
- Specialist advice is available to family and friends who are considering, or have taken on a child.
- Kinship carers are supported to remain in the labour market.
- Children in kinship care are prevented from ending up in severe poverty.

Further information is available on the website of the Family Rights Group at: [Kinship Care Alliance: Agenda for Action](#).<sup>127</sup>

## 3.5

## Kinship Care Bill

In July 2022, Munira Wilson MP introduced a [Kinship Care Bill](#) under the [Ten Minute Rule](#). Introducing the Bill, Munira Wilson described kinship care as “the Cinderella service of our children’s social care system” and said the Government had “created a system full of unfairness and uncertainty, leaving some of the most vulnerable families without help.”<sup>128</sup>

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<sup>124</sup> Family Rights Group, [Time to Define Kinship Care](#).

<sup>125</sup> Family Rights Group, [How kinship care could be defined](#), January 2023.

<sup>126</sup> Family Rights Group, [The Kinship Care Alliance](#).

<sup>127</sup> Family Rights Group, [Kinship Care Alliance: Agenda for Action](#).

<sup>128</sup> [HC Deb 5 July 2022](#), c746.



Munira Wilson then provided the following summary of the Bill's provisions:

The Bill I am introducing today includes four proposals to ensure that kinship carers get the financial and practical support their children need. First, all kinship carers should receive weekly payments equal to the national minimum weekly allowance that foster carers receive. Secondly, kinship carers should be entitled to paid employment leave when a child starts living with them, just as happens when a family adopts a child. Thirdly, children in kinship care should have the same support as looked-after children in our education system, such as pupil premium plus, virtual school heads and priority in the admissions process. Finally, those things should be underpinned by a statutory definition of kinship care that will act as a gateway for carers to access the rights I have just mentioned.<sup>129</sup>

The Bill was read a first time, but did not progress any further before the end of the 2022-23 parliamentary session.

Munira Wilson again outlined the reasoning behind the Bill during a [Westminster Hall debate on support for kinship carers](#), held on 18 October 2022.<sup>130</sup>

## 3.6

### ACDS principles for kinship care

In October 2023, a working group of members of the Association of Directors of Children's Services (ADCS) published a paper setting out some high level principles for what it termed extended family care.<sup>131</sup> These included:

- Where extended family care is deemed to be in a child's best interests, the local authority needs to be able to coordinate caring arrangements without the need for carers to become local authority foster carers.
- Once established, extended family care arrangements should be viewed alongside other family arrangements. There should be no ongoing role for local authorities unless there are safeguarding concerns.
- A legal order should not be a gateway to support. All entitlements at national level should be available to all extended family carers, with additional support for carers for whom the local authority was taking a coordinating role.
- A system of entitlements should be defined at the national level. Financial assistance should be rooted via the welfare system to avoid oversight and intrusion from children's social care.<sup>132</sup>

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<sup>129</sup> [HC Deb 5 July 2022, c747](#).

<sup>130</sup> [HC Deb 18 October 2022, cc246WH-265WH](#).

<sup>131</sup> ADCS, [Principles for extended family care](#), 19 October 2023.

<sup>132</sup> ADCS, [Principles for extended family care](#), 19 October 2023, pp2-3.

## 4 Kinship Care Strategy

On 15 December 2023, the Government published a [national kinship care strategy, \*Championing Kinship Care\*](#) (referred to in this section as “the strategy”).<sup>133</sup> This followed on from a commitment made in the Government’s children’s social care reform implementation strategy, [Stable Homes, Built on Love](#), which was published in February 2023 (see section six below).<sup>134</sup>

The kinship care strategy sets out the Government’s vision as:

to build a children’s social care system where more children who cannot live with their parents are supported to live with people who are known to them and love them. Kinship care will be the first consideration for a child who can no longer live with their parents. By receiving the right support at the right time, kinship carers will be empowered to provide care for children that allows them to thrive.<sup>135</sup>

### 4.1 Commitments

The strategy commits £20 million in 2024/25 to improve the lives of children in kinship care. This funding is in addition to £200 million committed as part of the [Stable Homes, Built on Love](#) implementation strategy.<sup>136</sup>

Commitments are set out under three broad headings: supporting kinship families, empowering kinship families, and helping kinship families to be understood.

#### Supporting kinship families

The strategy highlights the financial strain that becoming a kinship carer can put on families and says this can “lead to inequalities between children who grow up in kinship care and their peers who grow up in parental care.” It adds

<sup>133</sup> Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023; Department for Education, [England’s first ever kinship care strategy launches](#), 15 December 2023.

<sup>134</sup> Department for Education, [Children’s social care: stable homes, built on love](#), 2 February 2023.

<sup>135</sup> Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, p13.

<sup>136</sup> Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, p10.

that the deprivation experienced by many kinship households can “threaten the stability of kinship care arrangements.”<sup>137</sup>

Citing evidence that children in kinship care “achieve better outcomes than children in other types of non-parental care”, the strategy says the Government wants to “improve the support available for families, to allow more children in kinship care to thrive.”<sup>138</sup>

### Financial allowances

The Government will launch a pathfinder programme in 2024 in up to eight local authorities. Under this, special guardian kinship carers who are caring for previously looked after children will be given a financial allowance, paid at the same rate as foster care allowances.

Among other things, the pathfinder will test whether this could produce savings for local authorities by reducing the number of children in local authority care.

£16 million will be provided in 2024/25. The Government will explore expanding eligibility to other groups of kinship carers and all local authorities in the future.

The Government will share more information on the first wave of pathfinders, which will run from 2024 to 2028, in spring 2024.<sup>139</sup>

### Renaming the adoption support fund

Local authorities and regional adoption agencies can apply to the Adoption Support Fund for funding to pay for essential therapeutic services for eligible adoptive children, and children with a special guardianship order or child arrangements order who were previously looked after.<sup>140</sup>

The strategy says the Government will rename the fund as the Adoption and Special Guardianship Fund to try and increase awareness of it among special guardians. The Government will also commission an analysis to better understand how the fund is used.

### Other commitments

Other commitments related to supporting kinship carers include:

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<sup>137</sup> Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, pp23-25.

<sup>138</sup> Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, p21.

<sup>139</sup> Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, pp25-27.

<sup>140</sup> GOV.UK, [Adoption and special guardianship support fund](#), 15 December 2023.

- Producing guidance for employers on how kinship carers can be supported at work.<sup>141</sup> This guidance, [Kinship Carers in the Workplace: Guidance for Employers](#), was published alongside the strategy.<sup>142</sup>
- Reaffirming that the Government will establish a training, information and support offer for kinship carers, as set out in the Stable Homes, Built on Love strategy (see 6.1 above). This will be live from spring 2024.<sup>143</sup>
- Continuing to support peer support groups for kinship carers (see box below). The Government will invest up to £1.8 million over the next two years.<sup>144</sup>
- Providing £3.8 million in 2024/25 to expand the role of [Virtual School Heads](#) to promote the education of children in kinship care.<sup>145</sup> Delivery will commence between September 2024 and March 2025. Further information was provided in updated guidance published alongside the strategy: [Children's social care: virtual school head role extension](#).<sup>146</sup>

## 5 Kinship carers support groups

In July 2021, the Government announced £1 million in new funding for 2020/21 “to increase the number of local kinship carers support groups”. It also said it was increasing funding to the Family Rights Group charity’s kinship carers helpline.<sup>147</sup>

It was subsequently announced that the charity Kinship had been awarded the £1 million contract to develop and deliver a peer-to-peer support service across England.<sup>148</sup> Funding for the programme from the Department for Education was extended for a second year until December 2023.<sup>149</sup> The charity will establish “100 self-sustaining kinship peer support groups by January 2024.”<sup>150</sup>

<sup>141</sup> Department for Education, Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, p29.

<sup>142</sup> Department for Education, [Kinship carers in the workplace: guidance for employers](#), 15 December 2023.

<sup>143</sup> Department for Education, Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, p30.

<sup>144</sup> Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, p31.

<sup>145</sup> Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, pp32-33.

<sup>146</sup> Department for Education, [Children's social care: virtual school head role extension](#), 15 December 2023.

<sup>147</sup> Department for Education, [Families across England to receive better support to adopt](#), 26 July 2021.

<sup>148</sup> Kinship, [Kinship to develop a game-changing new national Peer-to-Peer Support Group Service](#).

<sup>149</sup> Kinship, [Kinship's game-changing Peer-to-Peer Support Service contract extended](#).

<sup>150</sup> Department for Education, [Children's social care: stable homes, built on love](#), 2 February 2023, p78.

## Empowering kinship families

The strategy says many kinship carers “do not feel like their voices are being heard.”<sup>151</sup> It says the Government will champion kinship families and “continuously promote kinship care to be at the forefront of children’s social care reform.” It adds that it will ensure “the voices of kinship carers and kinship children are built into the policy making process.”<sup>152</sup>

The strategy says the Government will:

- Update guidance and standards on the provision of children’s advocacy services to improve the availability of advocacy services for children in kinship care. The revised standards and guidance will be published in spring 2024.
- Recruit a National Kinship Care Ambassador in spring 2024 to advocate for kinship carers and work with local authorities to improve services.
- Create a National Kinship Care Advisory Board of sector experts to advise the Minister for Children, Families and Wellbeing on kinship care policy. More information will be published in May 2024.
- Work with Foundation – What Works Centre for Children and Families and the sector to “work towards every family being offered access to high-quality family group conferences at [pre-proceedings stage](#). The Government will also explore using legislation to mandate the use of family group conferences at pre-proceedings stage in future.
- Use learning from the piloting of Family Network Support Packages (see section 6.1 below) to inform future decisions about their wider rollout. Findings from the evaluation of the pilot will be published in spring 2025.
- Using digital innovation to make it easier for social workers to identify people who a child considers to be connected to them.<sup>153</sup>

## Understanding kinship families

The strategy suggests the lack of a single definition of kinship care can lead to challenges for kinship carers being recognised by agencies and can contribute to a feeling of being undervalued. It also highlights a lack of national direction and incomplete data on kinship carers.

The Government wants, it says, to improve the understanding and visibility of kinship care. This, it says, will allow the support provided by local authorities, schools and others to be better tailored to the needs of kinship families. The

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<sup>151</sup> Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, p35.

<sup>152</sup> Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, p34.

<sup>153</sup> Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, pp36-39 and p55.

Government also seeks to improve data collection and consultation with kinship families to enable investment to be better targeted.<sup>154</sup>

### Definition of kinship care

After consulting on it as part of the Stable Homes, Built on Love consultation, the strategy sets out the Government’s definition of kinship care. This states that kinship care is “any situation in which a child is being raised in the care of a friend or family member who is not their parent. The arrangement may be temporary or longer term.” The definition then provides a non-exhaustive list of types of kinship care arrangement.<sup>155</sup>

The Government will also replace the term “family and friends care” with kinship care in future government guidance.

The strategy says the publication of a clear definition of kinship care will “help to reduce barriers to kinship carers accessing services and support by creating a common understanding of what kinship care means.” It adds that the definition will “help prevent kinship carers needing to repeatedly explain their situation and circumstances to services.”<sup>156</sup>

### Other commitments

The strategy’s other commitments aimed at improving understanding of kinship families include:

- The Government will update the 2011 statutory guidance on family and friends care and rename it Kinship Care: Statutory Guidance for Local Authorities. The guidance will “be strengthened to improve standards and consistency in practice by setting out clear advice and expectations.” It will also reaffirm the expectation that every local authority should publish a policy on its approach to supporting kinship carers. The updated guidance will be published in spring 2024.
- Improving social worker training through the Early Career Framework for social workers and developing a knowledge and skills statement for family help lead practitioners. Further information on the proposed Early Career Framework and the piloting of a family help service is provided in the [Library briefing on the broader reform of children’s social care](#).<sup>157</sup>
- Ofsted will update inspector training and guidance to ensure kinship care is well embedded in inspections of local authorities.
- The Law Commission will carry out a review into the legal statuses and orders for kinship carers and make recommendations on how they can be

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<sup>154</sup> Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, p40.

<sup>155</sup> Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, p44.

<sup>156</sup> Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, pp43-45.

<sup>157</sup> Commons Library briefing CBP-9818, [Government proposals for children’s social care reform](#).

simplified and streamlined. Further information is available on the Law Commission’s website at: [Review of law on kinship](#).<sup>158</sup>

- Improving data join-up between the Department for Education and the Ministry of Justice to improve data on kinship care.<sup>159</sup>

## 4.2 Implementation

The commitments set out in the strategy will begin to be implemented over the next two years, after which the focus will be on embedding reform everywhere. Further detail on how the reforms will be implemented over the next two years, along with key milestones, is set out in tables on pages 52 to 55 of the strategy.<sup>160</sup>

## 4.3 Reaction

While there was a broad welcome for the strategy’s publication, concerns were raised that it does not go far enough in several areas.<sup>161</sup>

The Association of Directors of Children’s Services (ADCS) said the strategy “outlines a number of positive steps to better support the development of kinship arrangements, however, there is a lot of detail to work through.” It also encouraged the Government to provide financial support to kinship carers “via the welfare system in the form of a ‘child benefit plus’ payment.” It added this would reduce stigma and ensure families could get support with “unnecessary state intervention and [local authority] oversight.”<sup>162</sup>

The charity Kinship welcomed the strategy’s publication and described it as a “landmark moment for kinship carers.” It added, however, that “the investment and commitments in the strategy fall short of the ambitious and wholesale reform needed.” The charity highlighted that kinship carers outside the eight pilot areas will not benefit from the proposed financial allowance, and expressed disappointment that the Government had not committed to giving kinship carers statutory paid leave like adopters.<sup>163</sup>

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<sup>158</sup> Law Commission, [Review of law on kinship](#), 15 December 2023.

<sup>159</sup> Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, pp45-49 and p55.

<sup>160</sup> Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, pp52-55.

<sup>161</sup> For example, Barnardo’s, [Barnardo’s responds to the Government’s first Kinship Strategy](#).

<sup>162</sup> ADCS, [ADCS response: National Kinship Care Strategy](#), 15 December 2023.

<sup>163</sup> Kinship, [Government published first ever National Kinship Care Strategy for England](#), 15 December 2023.

Kinship sets out its more detailed assessment of the strategy, and policy on kinship care more generally, in its [Kinship care policy tracker](#).<sup>164</sup>

The Chief Executive of the Family Rights Group, Cathy Ashley, similarly welcomed the strategy but suggested it lacked ambition. Among other things, she raised concerns about the limited scale of the pilot of financial allowances and the absence of a commitment to paid employment leave for kinship carers. She also suggested failing to put the definition of kinship care in primary legislation “will significantly curtail its potential impact”. A [more detailed initial analysis of the strategy](#) is also available in the charity’s website.<sup>165</sup>

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<sup>164</sup> Kinship, [Kinship care policy tracker](#).

<sup>165</sup> Family Rights Group, [Family Rights Group’s response to the national kinship care strategy](#), 15 December 2023.



## 5 Independent review of children’s social care (2021/22)

In January 2021, the [Government launched an independent review of children’s social care](#) and announced it would be led by Josh MacAlister, the founder and chief executive of the children’s social work charity, Frontline.<sup>166</sup>

The [review’s terms of reference](#) said its focus should include all children in care in formal settings and “also those receiving support under informal, kinship care.”<sup>167</sup>

### 5.1 Final report

The [final report of the Independent Review of Children’s Social Care](#) was published on 23 May 2022.<sup>168</sup>

The report highlighted evidence that kinship care is associated with better adult outcomes in health, earnings and family life than other types of non-parental care. It also cited international studies suggesting the UK does “not consider kinship care as an option readily enough.”<sup>169</sup> Despite statutory guidance recommending the use of family group conferencing (see section 1.6 above), the report added, “too often this does not happen at all before a child is taken into care, or happens too late in the process when care is rapidly becoming the only option.”<sup>170</sup> It said more must be done to bring wider family members and friends into decision making before it is decided to place children into the care system.<sup>171</sup>

The report described kinship carers as “a silent and unheard majority in the children’s social care system” and said “they need far greater recognition, and support.”<sup>172</sup> The current system, it said, “drives families towards

<sup>166</sup> Department for Education, [Education Secretary launches review of children’s social care](#), 15 January 2021; [HCWS717](#), 18 January 2021.

<sup>167</sup> Department for Education, [Terms of reference for the independent review of children’s social care: a bold and broad approach to support a fundamental review of children’s experiences](#).

<sup>168</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022.

<sup>169</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, pp94-96.

<sup>170</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, p99.

<sup>171</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, p9.

<sup>172</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, p9.

becoming foster carers in order to gain access to financial...and practical support.”<sup>173</sup>

## Recommendations

### Family group decision making and Family Network Plans

The report recommended the Government should introduce a legal right to family group decision making so that “a family led alternative plan for taking care of the child can be considered before a Care Order is presented by the local authority to the court.”<sup>174</sup>

The report said the envisioned family group decision making process could result in several outcomes, including:

- Family members or friends providing additional and substantial care for the child via a fully funded ‘Family Network Plan’.
- Long term support from services, material help with day to day living or changes to housing.
- A longer term or permanent option for family care through a child arrangements order or special guardianship order.
- A local authority-led plan for care and the child becoming looked after where a Family Network Plan is not going to be possible.

If agreed that a family-led alternative to local authority care was in the best interests of the child, the report said, the Family Network Plan would detail any practical and financial support to be provided. This “could range from providing funding to make adaptations to a relative’s home through to compensating someone for reduced working hours or paying for regular childcare.”<sup>175</sup>

Children cared for under a Family Network Plan would not become looked after and parents would retain parental responsibility for them. The report added that plans would require appropriate local authority oversight.<sup>176</sup>

Noting case law ruling that a child should be considered looked after where local authorities played a major role in arranging a placement, the report emphasised that the Family Network Plan would need to be configured so that services can play a major role in supporting families without the child becoming looked after.<sup>177</sup>

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<sup>173</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, p97.

<sup>174</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, pp9 and 99.

<sup>175</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, p103.

<sup>176</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, pp101-103. The report noted case law that a child should be considered looked after where local authorities play a major role in arranging a placement and said the Family Network Plan would need to be configured so that services could play a major role in supporting families without the child becoming looked after.

<sup>177</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, p103.

## Support for kinship carers

The report highlighted the financial pressures faced by many kinship carers and said there was a “postcode lottery” of support from local authorities. It recommended local authorities should make a financial allowance paid at the same rate as their fostering allowance available for special guardians and kinship carers with a child arrangements order looking after children who would otherwise be in care.<sup>178</sup>

The report additionally recommended:

- Legal aid should be provided in a range of circumstances where special guardians and kinship carers with a child arrangements order interact with the family court.<sup>179</sup>
- All new special guardians and kinship carers with a child arrangements order should be given kinship leave matching the entitlement given to adopters.<sup>180</sup>
- Local authorities should develop peer support and training for all kinship carers.<sup>181</sup>
- The Government should develop a legal definition of kinship care. The report said this would help informal kinship carers “benefit from being part of a wider recognised community in order to access broader sources of support.”<sup>182</sup>

## Implementation and funding

The report said its recommendations should be “delivered at pace and with determination through a single five-year reform programme.”<sup>183</sup> It expected legislation establishing Family Network Plans and family group decision making, and mandating allowances for some kinship carers, to be implemented in the period between 2024 and 2027.<sup>184</sup>

The report said £23 million must be invested to improve support for special guardians and kinship carers with a child arrangements order, and to establish Family Network Plans.<sup>185</sup>

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<sup>178</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, p106.

<sup>179</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, p106.

<sup>180</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, p107.

<sup>181</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, p107.

<sup>182</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, p108.

<sup>183</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, p12.

<sup>184</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, p233.

<sup>185</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, p231.

## 6 Children’s social care reform strategy

### 6.1 Government children’s social care strategy

On 2 February 2023, the Government published an implementation strategy and consultation on children’s social care reform, [Stable Homes, Built on Love](#) (referred to below as “the strategy”).<sup>186</sup> This formed the Government’s response to the Independent Review of Children’s Social Care, and also reports from the Competition and Markets Authority and the Child Safeguarding Practice Review Panel. The consultation closed on 11 May 2023.<sup>187</sup>

The strategy said children’s social care needs to be rebalanced “away from costly crisis intervention to more meaningful and effective help for families.”<sup>188</sup> It set out reforms across six areas, including one concerned with “unlocking the potential of family networks”.<sup>189</sup>

The reforms will be implemented in phases:

- Over the next two years, the Government will invest £200 million “addressing urgent issues facing children and families now, laying the foundations for whole system reform and setting national direction for change.”
- After two years, the Government will refresh the strategy, scale up the approaches tested and bring forward new legislation, subject to parliamentary time. Activity in the later phases will be about “embedding reform everywhere”.<sup>190</sup>

#### Involving family networks

The strategy set out reforms aimed at “unlock[ing] the potential of family networks” and creating “a culture of ‘family first’ that prioritises family-led solutions.” Family-led alternatives should, it said, “be considered for all

<sup>186</sup> Department for Education, [Children's social care: stable homes, built on love](#), 2 February 2023.

<sup>187</sup> Competition and Markets Authority, [Children’s social care market study: final report](#), 10 March 2022; The Child Safeguarding Practice Review Panel, [Child Protection in England: National review into the murders of Arthur Labinjo-Hughes and Star Hobson](#), 26 May 2022.

<sup>188</sup> Department for Education, [Stable Homes, Built on Love: Implementation Strategy and Consultation: Children’s Social Care Reform 2023](#), February 2023, p16.

<sup>189</sup> Department for Education, [Stable Homes, Built on Love: Implementation Strategy and Consultation: Children’s Social Care Reform 2023](#), February 2023, pp16-19.

<sup>190</sup> Department for Education, [Stable Homes, Built on Love: Implementation Strategy and Consultation: Children’s Social Care Reform 2023](#), February 2023, pp16 and 142.

children prior to entering the care system, or at the earliest opportunity thereafter.”<sup>191</sup>

As part of the broader reforms, the Government will provide over £45 million to launch a ‘Families First for Children Pathfinder’ programme in up to 12 local areas in England over the next two years.<sup>192</sup>

Among other things, the pathfinders will test how to implement family group decision-making and Family Network Support Packages (a re-naming of the care review’s suggested Family Network Plans) in local areas. This will include:

- How family group-decision making and a Family Network Support Package can be used alongside Child in Need Plans and Child Protection Plans to improve outcomes for children.
- The necessary oversight arrangements needed to keep children in kinship care safe while minimising state intervention in family life.
- How local authority funding can be used to provide practical support for families who need it.

The first wave of pathfinders, taking place in Dorset, Lincolnshire and Wolverhampton, launched in July 2023. A second wave is expected to launch in spring 2024. Further information is provided in a [Department for Education policy paper published in July 2023](#).<sup>193</sup>

In addition, the Government will invest in pilots in seven areas focused only on Family Network Support Packages (Family Network pilots).<sup>194</sup> Brighton and Hove, Sunderland, Gateshead, and Telford and Wrekin are involved in the first wave of pilots, which started in July 2023.<sup>195</sup>

## Support for kinship care

The strategy said kinship care has “not received sufficient national policy attention” and, “even where children are in kinship care arrangements, too little support is given to extended family members who play a caring role for their young relatives.” The level of support, it added, differs vastly across the

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<sup>191</sup> Department for Education, [Stable Homes, Built on Love: Implementation Strategy and Consultation: Children’s Social Care Reform 2023](#), February 2023, pp18 and 75-77.

<sup>192</sup> Department for Education, [Stable Homes, Built on Love: Implementation Strategy and Consultation: Children’s Social Care Reform 2023](#), February 2023, pp44-45.

<sup>193</sup> DfE, [Families first for children \(FFC\) pathfinder programme and family networks pilot \(FNP\)](#), 26 July 2023.

<sup>194</sup> Department for Education, [Stable Homes, Built on Love: Implementation Strategy and Consultation: Children’s Social Care Reform 2023](#), February 2023, pp18 and 79; [DfE care review response: key points](#), Community Care, 7 February 2023.

<sup>195</sup> DfE, [Families first for children \(FFC\) pathfinder programme and family networks pilot \(FNP\)](#), 26 July 2023; DfE, [Transformation to children’s social care to put families first](#), 26 July 2023.

country” and access to it “is generally provided based on the legal status of the carer rather than the needs of the child and family.”<sup>196</sup>

It said the Government will:

- Provide £9 million for a training and support offer which all kinship carers will be able to access by the end of the Parliament. This could include an offer of face-to-face and online training, and access to independent guidance and support.<sup>197</sup> As part of this, in November 2023 it was announced that the charity Kinship had been awarded an 18-month contract worth £3 million to deliver a national training and support programme for kinship carers.<sup>198</sup>
- Explore the case for mandating a financial allowance for kinship carers with a special guardianship order or child arrangements order. The Government will also explore the case for introducing a consistent approach across England to financial allowances for these kinship carers before the next Parliament.<sup>199</sup>
- Encourage local authorities to review their existing policies to do more to support wider family networks to care for children when they cannot remain at home.<sup>200</sup>
- Explore possible workplace entitlements for kinship carers and options for an extension of legal aid for kinship carers with special guardianship orders and child arrangements orders. As mentioned above, from 1 May 2023, legal aid was extended to people pursuing special guardianship orders in private family law.<sup>201</sup>

## National policy on kinship care

### Kinship care strategy

In recognition that kinship care has not received sufficient national policy attention, the strategy said the Government would publish a national kinship care strategy by the end of 2023 (see section three above). This, it said, would set out the Government’s position on kinship care and “comprehensive plans

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<sup>196</sup> Department for Education, [Stable Homes, Built on Love: Implementation Strategy and Consultation: Children’s Social Care Reform 2023](#), February 2023, p77.

<sup>197</sup> Department for Education, [Stable Homes, Built on Love: Implementation Strategy and Consultation: Children’s Social Care Reform 2023](#), February 2023, pp19, 75 and 81.

<sup>198</sup> Children and Young People Now, [Charity to deliver government-funded national kinship care training](#), 3 November 2023; [PQ755 \[Carers: Finance\]](#), 20 November 2023.

<sup>199</sup> Department for Education, [Stable Homes, Built on Love: Implementation Strategy and Consultation: Children’s Social Care Reform 2023](#), February 2023, p81.

<sup>200</sup> Department for Education, [Stable Homes, Built on Love: Implementation Strategy and Consultation: Children’s Social Care Reform 2023](#), February 2023, p81.

<sup>201</sup> Ministry of Justice, [Family members taking on vulnerable children to receive better legal support](#), 1 May 2023.

to better support children and carers.” It would also, the strategy said, allow the Government to update on its exploration of financial allowances.

Alongside the national strategy, the Government said it would also update the statutory guidance on kinship care.<sup>202</sup>

### Definition of kinship care

The strategy noted concerns that the lack of a recognised definition of kinship care means it can be hard for people to know if they are in a kinship care arrangement and to know what they are entitled to. The strategy set out a working definition of kinship care for consultation with the intention of hearing how it may be improved ahead of publishing the national strategy.<sup>203</sup>

### National framework for children’s social care

The independent review of children’s social care had also recommended the Government create a national children’s social care framework “to set the direction and purpose of the system, supported by meaningful indicators that bring transparency and learning.”<sup>204</sup>

The Government’s strategy said it would establish a Children’s Social Care National Framework setting out the purpose of children’s social care and the outcomes it should achieve.<sup>205</sup> Practice guides will also be produced setting out approaches for achieving the outcomes outlined within the framework.<sup>206</sup> It also said the Government would establish a children’s social care dashboard to provide information on what is happening in practice and how outcomes are being achieved.<sup>207</sup>

Following a consultation, the [national framework was issued as statutory guidance](#) on 15 December 2023.<sup>208</sup> It sets out that one of the principles of children’s social care is that “children are raised by their families, with their family networks or in family environments wherever possible.”

The framework also details four outcomes for children’s social care and sets out expectations for practitioners and senior leaders in how they should achieve them in practice. Outcome two outlines that “children and young

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<sup>202</sup> Department for Education, [Stable Homes, Built on Love: Implementation Strategy and Consultation: Children’s Social Care Reform 2023](#), February 2023, pp19 and 83-84.

<sup>203</sup> Department for Education, [Stable Homes, Built on Love: Implementation Strategy and Consultation: Children’s Social Care Reform 2023](#), February 2023, pp84-85.

<sup>204</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, pp11-12.

<sup>205</sup> The Independent Review of Children’s Social Care, [Final Report](#), May 2022, pp135-136; Department for Education, [Children’s social care national framework and dashboard](#), February 2023, p10.

<sup>206</sup> Department for Education, [Stable Homes, Built on Love: Implementation Strategy and Consultation: Children’s Social Care Reform 2023](#), February 2023, pp21-22 and 137.

<sup>207</sup> Department for Education, [Stable Homes, Built on Love: Implementation Strategy and Consultation: Children’s Social Care Reform 2023](#), February 2023, pp21-22 and 136.

<sup>208</sup> Department for Education, [Children’s social care national framework and dashboard](#), February 2023; Department for Education, [Children’s social care national framework and dashboard](#), February 2023, p10; Department for Education, [Children’s social care: national framework](#), 15 December 2023.

people are supported by their family network.”<sup>209</sup> The practice expectations include that:

- Assessments for kinship carers should be proportionate.
- Practitioners should help kinship carers to access financial support.
- Kinship carers should have the opportunity to inform the delivery and design of children’s services.<sup>210</sup>

Foundations – What Works Centre for Children and Families is carrying out a review of what works to support kinship families and will set this out in a practice guide in the summer of 2024.<sup>211</sup>

[A policy paper on the proposed children’s social care dashboard](#) was also published on 15 December 2023.<sup>212</sup> This sets out the following dashboard indicator for the outcome that children and young people are supported in their family network: “Percentage of children who cease being looked after due to moving into Special Guardianship Order (SGO), or Care Arrangement Order (CAO).” It explains that “moving children from care arrangements to a SGO or CAO shows that kinship care is being prioritised where children cannot safely live with their parents.”<sup>213</sup>

It is intended that the first version of the dashboard will be published in 2024.<sup>214</sup>

## 6.2 Reaction to strategy

### House of Commons debate

The Education Secretary, Gillian Keegan, made a [statement on the Government’s strategy for children’s social care](#) on 2 February 2023.<sup>215</sup>

The Shadow Children’s Minister, Helen Hayes (Lab), said more support for kinship carers was welcome, but the Government’s strategy fell “far short of what they need.”<sup>216</sup> The Chair of the Education Committee, Robin Walker (Con)

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<sup>209</sup> Department for Education, [Children’s social care: national framework](#), 15 December 2023, p13.

<sup>210</sup> Department for Education, [Children’s social care: national framework](#), 15 December 2023, pp36-40; Department for Education, [Championing kinship care: national kinship care strategy](#), 15 December 2023, p45.

<sup>211</sup> Foundations – [What Works Centre for Children and Families, Championing Kinship Carers: Moving towards evidence-based support for kinship families](#), 15 December 2023.

<sup>212</sup> Department for Education, [Children’s social care: dashboard and indicators update](#), 15 December 2023.

<sup>213</sup> Department for Education, [Children’s social care: dashboard and indicators update](#), 15 December 2023, p21.

<sup>214</sup> Department for Education, [Children’s social care: dashboard and indicators update](#), 15 December 2023, p5.

<sup>215</sup> [HC Deb 2 February 2023, cc483-485](#).

<sup>216</sup> [HC Deb 2 February 2023, c486](#).



also welcomed the support for kinship carers, but urged the Government to go further and to use the kinship care strategy to ensure kinship carers have greater legal status.<sup>217</sup>

In responses, Gillian Keegan emphasised the strategy marked “the start of the journey” and that there “will be more work done in the area of ensuring more children can stay within their family network.”<sup>218</sup> The Secretary of State added that she had written to councils “to ask them to review their kinship care arrangements, and to make sure they know we will be looking to ensure that we have the right support for kinship carers.”<sup>219</sup>

The statement was also [debated in the House of Lords on 8 February 2023](#).<sup>220</sup>

## Kinship Care Alliance

The Kinship Care Alliance is a network of organisations which subscribe to a set of shared aims and beliefs on the issue of kinship care.<sup>221</sup> The alliance said it “applaud[ed] “the centrality of kinship care in the [Government’s] implementation strategy” and was “particularly delighted by a commitment to produce a national kinship care strategy [in 2023].” However, it said greater urgency was needed to deliver on the strategy’s ambitions and “to ensure that kinship care is consistently explored as a first option for children who cannot remain at home.”

The response said the Government’s ambition to create a ‘family-first approach’, including family group decision making and kinship care reforms, “has the potential to be transformative to the lives of individual children and the wider child welfare system.” However, it expressed concern that “the scale of investment set out in the strategy to deliver this ambition falls far short of what is needed.” It added that delivering the reform via pathfinders was “misguided...when there is already strong evidence of what is needed now” and “risks reinforcing the present postcode lottery.”

The alliance also said:

- The commitment to a national strategy is “very welcome” but it “needs to provide clear direction and expectations on local authorities and be adequately funded.”
- There is a need for investment in research into the experiences and outcomes of black and minority ethnic children in kinship care.
- The alliance would like to see “greater equity between kinship care and the support available under foster and adoption frameworks.”

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<sup>217</sup> [HC Deb 2 February 2023, c487](#).

<sup>218</sup> [HC Deb 2 February 2023, cc487, 488 and 491](#).

<sup>219</sup> [HC Deb 2 February 2023, c494](#).

<sup>220</sup> [HL Deb 8 February 2023, cc1226-1238](#).

<sup>221</sup> Family Rights Group, [The Kinship Care Alliance](#).

- The Government’s commitment to explore the case for mandating a financial allowance for kinship carers with a special guardianship order or a child arrangements order is welcome, but this would need to be properly funded and should be extended to kinship carers raising children under a private arrangement without a legal order.
- While the Government’s commitment to explore additional workplace entitlements for kinship carers is welcome, the alliance would like to see “an urgent commitment to deliver employment reforms which should include paid employment leave for kinship carers.”
- The extension of legal aid to prospective special guardians is positive but “there is further to go.” Most special guardianship orders arise out of public law proceedings, meaning many prospective special guardians will not be eligible.
- While the Government pledged to explore options for extending legal aid for kinship carers with special guardianship orders and child arrangements orders, prospective carers need legal advice earlier in the day, before they apply for a legal order.
- The national strategy should ensure therapeutic support is available to all kinship families. A first step should be to extend eligibility for the Adoption Support Fund.
- The Government’s commitment to develop a working definition of kinship care is welcome, but “it must...be written into primary legislation for it to provide the necessary clarity and to have sufficient weight.”<sup>222</sup>

## Kinship

The charity Kinship welcomed Government plans to fund support and training for kinship carers and said the strategy “places kinship care front and centre of a new national approach to supporting children and families across England.” However, it urged the government to “accelerate the pace of change in regard to financial support” and ensure its reforms reach all kinship carers, including those without a legal order. It also called on the Government to “provide the long-term and sustainable funding which local authorities need to deliver these reforms.”<sup>223</sup>

## Others

Josh MacAlister, who led the Independent Review of Children’s Social Care, welcomed the new support for kinship carers but said the Government needed

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<sup>222</sup> Kinship Care Alliance, [Consultation Response: Stable Home, Built on Love](#) (PDF), May 2023.

<sup>223</sup> Kinship, [Kinship welcomes Government’s ‘first ever major commitment’ to supporting kinship families](#), 2 February 2023.

“to speed up legislating to provide kinship carers with support so that more children can live well with their own families.”<sup>224</sup>

The Family Rights Group charity welcomed the commitment to a national kinship care strategy “and the recognition that current financial support is neither fair nor adequate for the strains kinship families face”. It added, however, that limiting the roll-out of family group conferences to a handful of pathfinders “risks reinforcing the very postcode lottery that the Government’s strategy purports to correct.”<sup>225</sup>

## Lords Committee report

On 25 May 2023, the Lords Public Services Committee published [A response to the Children’s Social Care Implementation Strategy](#).<sup>226</sup>

The Committee welcomed the increased emphasis on kinship care but urged the Government “not to lose sight of the need to ensure that young people will be safe with the new carer.”<sup>227</sup>

It said the forthcoming kinship care strategy “should ensure that sufficient financial support for those caring for their kin is provided regardless of whether the arrangement is formal or informal, and that it is consistent across England.” It added that additional funding should be allocated to local authorities to provide this.<sup>228</sup>

The report noted that the Government had committed to developing a definition of kinship care, but said it should be set out in primary legislation to ensure families in informal kinship care arrangements can access support consistently.<sup>229</sup>

## 6.3

## Government response to strategy consultation

In September 2023, the Government published a response to its [consultation on the children’s social care reform strategy](#).<sup>230</sup> The response reported a “predominantly positive response” to the proposals regarding family

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<sup>224</sup> Medium, [The right direction. Now let’s go further and faster to transform Children’s Social Care](#), 1 February 2023.

<sup>225</sup> Family Rights Group, [Government’s children’s social care strategy provides warm words but fails to deliver for children and families](#), 2 February 2023.

<sup>226</sup> Public Services Committee, [A response to the Children’s Social Care Implementation Strategy](#), 25 May 2023, HL Paper 201 2022-23.

<sup>227</sup> Public Services Committee, [A response to the Children’s Social Care Implementation Strategy](#), 25 May 2023, HL Paper 201 2022-23, pp19-20.

<sup>228</sup> Public Services Committee, [A response to the Children’s Social Care Implementation Strategy](#), 25 May 2023, HL Paper 201 2022-23, pp21-22.

<sup>229</sup> Public Services Committee, [A response to the Children’s Social Care Implementation Strategy](#), 25 May 2023, HL Paper 201 2022-23, pp21-22.

<sup>230</sup> Department for Education, [Children’s social care: stable homes, built on love consultation response](#), 21 September 2023.

networks and kinship care. However, there was also “shared agreement that kinship carers need greater support” and this support “needs to be consistent across the country.”<sup>231</sup>

The response outlined measures taken by the Government since publication of the implementation strategy. Among other things, the response noted the Government had “strengthened guidance on engaging Family Networks and use of Family Group Conferences” in the statutory guidance, *Working Together to Safeguard Children*.<sup>232</sup> The updated guidance was published in December 2023.<sup>233</sup>

The response said the Government would, over the next 18 months:

- Publish a national kinship care strategy by the end of 2023 (see section three above).
- Launch a national kinship training, information and advice service by Spring 2024.
- Set out next steps on extending additional workplace entitlements for kinship carers with a special guardianship order (SGO) or child arrangements order (CAO), as well as the case for introducing a financial allowance for kinship carers with SGOs and CAOs in every local authority.<sup>234</sup>

It also said a finalised definition of kinship care, which takes into account feedback received, would be published in the kinship strategy (see section three above).<sup>235</sup>

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<sup>231</sup> Department for Education, [Children's social care: stable homes, built on love consultation response](#), 21 September 2023, p33.

<sup>232</sup> Department for Education, [Children's social care: stable homes, built on love consultation response](#), 21 September 2023, p29.

<sup>233</sup> Department for Education, [Working together to safeguard children](#), December 2023.

<sup>234</sup> Department for Education, [Children's social care: stable homes, built on love consultation response](#), 21 September 2023, p29.

<sup>235</sup> Department for Education, [Children's social care: stable homes, built on love consultation response](#), 21 September 2023, p33.

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