

Committee: **Lead Member for Children and Families**

Date: **23 February 2006**

Title of Report: **Parental contributions towards the costs of local authority care for their children**

By: **Director of Children's Services**

Purpose of Report: **To re-instigate the policy of charging parents and those with parental responsibility a contribution towards the costs of local authority care for their children.**

Recommendation:

The Lead Member is recommended to endorse the proposal to re-instigate the policy of requiring a contribution towards the cost of local authority care from parents and others with parental responsibility towards each looked after child, subject to the exemptions set out in Appendix A

1. Financial Appraisal

1.1 It is not envisaged that re-instigating this policy will raise significant income for the County Council, but that the income will cover the costs of administering the policy. However, re-establishing a charge on parents and others with parental responsibility, as a contribution towards the costs of accommodating their child, may act as an incentive to parents and carers to work with social workers to identify other ways of providing support and preventing family breakdown, especially for older children, and thus reduce accommodation costs for the County Council.

2. Supporting Information

2.1 The policy to make a charge on parents and others with parental responsibility towards the cost of accommodating their child is based on the County Council's underpinning policy that all adults with parental responsibility retain it for children who are being looked after. Responsibility to contribute to their child's care costs is clearly part of their legal duties and responsibilities. Therefore, where parents are requesting a service it is consistent with the principles and requirements of the Children Act 1989 to establish a financial contribution, subject to a means test.

2.2 The Children Act 1989 provides a legal basis for charging parents and others with parental responsibility towards the costs of care. The Children Act 1989 Section 29 and Schedule 2 state:

'29. (1) Where a local authority provide any service under section 17 or 18, other than advice, guidance or counselling, they may recover from a person specified in subsection (4) such charge for the service as they consider reasonable.

(2) Where the authority are satisfied that that person's means are insufficient for it to be reasonably practicable for him to pay the charge, they shall not require him to pay more than he can reasonably be expected to pay.

(3) No person shall be liable to pay any charge under section (1) for services provided under section 17 or section 18 (1) or (5) at any time when he is in receipt of income support or family credit under the Social Security Act [1986 c.50] and some other benefits.

(4) The persons are –
(a) where the service is provided for a child under sixteen, each of his parents;
(b) where it is provided for a child who has reached the age of sixteen, the child himself;
and
(c) where it is provided for a member of the child's family, that member.'

2.3 The policy will fully reflect the legal framework and include both statutory and County Council exemptions, in that it will be targeted towards circumstances where parents and carers request accommodation for their child and the child is accommodated under Section 20 (voluntary agreement). The full list of exemptions is shown in Appendix A. Procedures will be in place for enforcement of the policy. An upper limit for the level of contribution will be set and a financial assessment of the parents' means will take place. They will then be required to pay the upper limit or a proportion thereof, depending on the financial assessment of their capacity to pay. Any decision to waive charges must be made by the Head of Locality Children's Services. Any decisions on write-offs will be made in accordance with Standing Orders.

3. Conclusion and Reason for Recommendation

3.1 Social work with children is based on the premise that the parents or those with parental responsibility for a child who becomes looked after retain their legal duties and responsibilities for their child. This includes contributing towards the costs of caring for their child. The policy includes a range of exemptions which are fair and reasonable, and will be re-instigated from 1 April 2006.

3.2 The amounts that parents will contribute under this policy do not cover the full costs of looking after their child. This policy does not preclude further voluntary contributions from parents who wish to contribute more fully to the County Council's costs, commensurate with their means.

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Local members: All

BACKGROUND DOCUMENTS
None

EXEMPTIONS

Parents are excluded from being assessed for financial contribution by law and by ESCC policy as defined below:

A. LAW

1. The child is accommodated under an Emergency Protection Order or Child Assessment Order or accommodated as a result of being taken into police protection or remanded in criminal proceedings or under a Criminal Supervision Order with a Condition of Residence.
2. The child is in care under an Interim Care Order.
3. The child is living with parents under a Care Order.
4. The child is 16 years or older and is being 'looked after' by the Authority.
5. Where parents are claiming Income Support, Family Credit or a Disability Working Allowance or an income based job seeker's allowance in their own right and not in respect of a disabled child.

B. POLICY

1. The child has a disability and the support provided is a series of short term breaks only (Respite Care).
2. The child is subject to a Statement of Special Educational Needs and is accommodated as a weekly boarder in a residential school.
3. The child is an infant whose parent is requesting the child be adopted or the child is placed for adoption.
4. The child is accommodated, under agreement, due to parental illness or an episode in hospital, for a period not exceeding four weeks.

NB Where the authority are satisfied that a person's means are insufficient for it to be reasonably practicable for him to pay the charge, they shall not require him to pay more than he can reasonably be expected to pay.