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Baroness Barran

House of Lords

12 June 2025

Dear Diana

I'd like to thank you for the interesting debate on Clause 5 of the Children's Wellbeing and Schools Bill and for raising important questions in relation to the approval and assessment of kinship carers.

I am writing to you to provide a fuller response to amendment 74, which seeks to remove the requirement for a child to have lived with the kinship carer for at least a year before an application for a Child Arrangements Order is made and amendment 76, which proposes the Government produces a report the current pathways for approval of kinship care.

Kinship carers step forward in extraordinary circumstances – often at short notice and out of deep love and commitment to a child within their family or close network. While kinship carers bring unique strengths, they may also face complex family dynamics, financial pressures, or emotional strain. The assessment process is not about questioning their love or commitment – it is about ensuring they are equipped and supported to take on what can be a demanding and life-changing role. Assessments are required where there is formal involvement of children's services and are about fulfilling our responsibilities to safeguard children and support carers.

As I said in the House, we agree that we must tackle the barriers that currently make it harder for people to become kinship carers and recognise that sometimes it can feel as though the assessment process itself is an obstacle. However, the Kinship Care Statutory Guidance provides necessary flexibility, recognising that the assessment of kinship foster carers may differ from that of mainstream foster carers. For example, local authorities are permitted to adopt a tailored approach in presenting assessment reports for kinship carers, taking into account the unique dynamics of family relationships, safeguarding considerations, accommodation suitability, and any relevant criminal history. The Statutory Guidance also stipulates that fostering panels should not make negative recommendations solely based on prospective kinship foster carers not meeting the Fostering National Minimum Standards during the assessment. If the placement aligns with the child's best interests, the prospective kinship foster carer should still be considered for approval to foster the child and then supported by that fostering service to attain the standards.

In relation to amendment 74, the law already allows a kinship carer to make an application for a child arrangement order, even if they do not meet the initial criteria. Under Section 10 the Children Act 1989 a kinship carer can still apply for a child arrangements order, even if the child has not been living with them for at least 1 year before making the application, so long as they have obtained leave of the court, or the court considers that the application should be made. Therefore, to amend the law as proposed is unnecessary.

In relation to amendment 76, we appreciate there may be a lack of clarity in the legal framework underpinning kinship arrangements, which might make it difficult for kinship carers and local authorities to navigate. This is why I am happy to confirm that we are working with the Law Commission, who very recently announced the launch of a holistic review of this complex legislative landscape.

This work will seek to review and simplify the legal orders available for kinship families, increase both transparency and accountability of the system, and make it easier to assess and agree to new kinship arrangements and for families to know what they are entitled to. It will also consider the legal processes and thresholds for assessment, approval and oversight of kinship carers.

Regarding part 4(c) of amendment 76, which proposes regulations to establish a kinship child protection plan, I agree that we must keep the safeguarding of children at the forefront of our thinking when considering arrangements for a child. However, it would be inappropriate to assume that every child going to live with a family member needs a child protection plan. It is right we protect children at risk of harm, but we should avoid intervening in family life where children are safe, loved, and supported.

I would also like to clarify some aspects of kinship care policy that were raised during the debate.

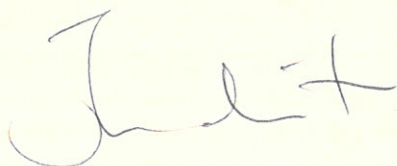
Firstly, you mentioned that “kinship families secured by special guardianship or child arrangement orders have fewer entitlements to support and less security as regards permanence and parental responsibility” (Hansard, column 1161). In fact, Special Guardianship Orders (SGOs) confer enhanced parental responsibility upon the Special Guardian - responsibility that can be exercised to the exclusion of the birth parents or anyone else with parental responsibility for the child. This is a stronger legal position than that afforded by a Child Arrangements Order, where parental responsibility is shared equally and that afforded to kinship foster carers, where parental responsibility sits either with parents (under s.20 voluntary care arrangements) or is shared between parents and the local authority (under care orders). SGOs are intended to last until the child reaches 18 - they are not temporary, unless they are discharged sooner by the Court. They offer a durable and secure foundation for children who cannot live with their birth parents but for whom adoption may not be appropriate. However, we recognise the need for improving the support afforded to carers to prevent placement breakdowns. This is why at Autumn Budget 2024, the Government announced trialling a new Kinship Allowance.

Secondly, I would like to clarify that the purpose of a family group decision making (FGDM) is not to approve a family member to be a kinship carer. Family group decision making is a voluntary process which allows a family network to come together and make a family-led plan in response to concerns about a child, working alongside skilled professionals. It is designed primarily to support families to stay together, however only when it is safe to do so. When this is not possible, FGDM can also identify a kinship carer who can offer to provide a safe, loving and stable home which

helps to keep children out of local authority care and remain within their family. Where family members do subsequently go on to become kinship carers following family group decision making and the child is deemed to be looked after, they will be subject to the appropriate assessment and approval processes in line with the statutory requirements. This includes ensuring that the placement is safe and suitable for the child, and that the carer is suitable to meet the child's needs long term.

Thank you again for taking the time to engage on these matters. I hope these further details have been useful and I will place a copy in the House libraries.

Yours sincerely,

A handwritten signature in dark ink, appearing to read 'J. Blake', written in a cursive style.

BARONESS BLAKE OF LEEDS, CBE

