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## Social Justice and Social Security Committee

# Kinship Carers



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# **Social Justice and Social Security Committee**

To consider and report on matters falling within the responsibility of the Cabinet Secretary for Social Justice, Housing and Local Government, excluding matters relating to local government, housing and planning.



[sjss.committee@parliament.scot](mailto:sjss.committee@parliament.scot)

# Committee Membership



**Elena Whitham**  
Scottish National Party



**Deputy Convener**  
**Natalie Don**  
Scottish National Party



**Jeremy Balfour**  
Scottish Conservative  
and Unionist Party



**Miles Briggs**  
Scottish Conservative  
and Unionist Party



**Foyso Choudhury**  
Scottish Labour



**Pam Duncan-Glancy**  
Scottish Labour



**Paul McLennan**  
Scottish National Party



**Emma Roddick**  
Scottish National Party

# Introduction

1. Kinship carers play a vital role in providing stable, nurturing homes for children who are unable to live with their parents. This role can force kinship carers to navigate practical and emotional complexities to get the support they and the children they care for need. We decided to look at the issues facing kinship carers to see how the support they receive could be improved.
2. In an [evidence session on 24 February 2022](#) comprising two panels, we heard from representatives for kinship carers, a local authority, COSLA and organisations that support and provide advice to kinship carers. We took oral and written evidence from the following organisations:
  - CELCIS
  - COSLA
  - Social Work Scotland
  - Perth and Kinross Council
  - Scottish Kinship Care Alliance
  - Citizens Advice Bureau (Peebles and District)
  - Citizens Advice Scotland
  - Child Poverty Action Group
  - Kinship Care Advice Service Scotland
  - The Promise Scotland
3. Following that evidence session, a number of kinship carers were invited into the Parliament to speak to Committee members about their experiences and the issues and barriers they face in accessing support, financial and otherwise. [A note was made of this meeting.](#)
4. On [31 March 2022 the Minister for Children and Young People](#) appeared before the Committee to discuss the issues raised.
5. We are grateful to all those who shared their knowledge and experience.

# Background

6. Kinship care is when a child or young person can't live with their parents and instead is cared for by another relative or close friend.
7. Although the exact number of children living with kinship carers in Scotland is unknown, a policy report from the Hadley Centre for Adoption and Foster Care Studies at the University of Bristol estimated that 12,360 children in Scotland were living in some form of kinship care arrangement in 2011.<sup>1</sup> It is likely that the number will have increased since then. Scottish Government figures show the number of children living in a formal kinship care arrangement in 2020 was 4,456, up from 3,172 children in 2010.<sup>2</sup>
8. Kinship care arrangements can be short term, for example while a parent is ill, or can be much longer term. The means by which kinship care arrangements come about can also vary. Some are arranged privately between family members with little or no involvement of the local authority. This is often referred to as 'informal' kinship care. Kinship carers in this situation can seek court orders to get legal recognition that the child lives with them, but many do not. The other major route into kinship care is where the local authority or Children's Hearing have decided that the child should be 'looked after'. Very broadly this means that the local authority needs to protect the child's welfare and part of that includes deciding where that child will live. In these situations, kinship care is one option that may be considered. Clearly this is a complex landscape. Fundamentally, the legal framework does not treat all kinship carers the same.
9. We heard from several witnesses that the terminology used to describe kinship care arrangements can be confusing for everyone involved – kinship carers and those providing support. Kirsty Doull, CELCIS, explained that—  
  
” there can often be informal arrangements when a court order is in place, but it can sometimes feel a little bit tricky to describe them as “informal”. Similarly, some formal arrangements do not involve an order that has been granted by the children hearings system, but are based on a parents consent—for example, under a voluntary agreement through section 25 of the Children (Scotland) Act 1995.<sup>3</sup>
10. Gill Westwood, Peebles and District Citizens Advice Bureau, told us—  
  
” If the system could be streamlined or even just use simpler terminology, that would be a huge benefit to kinship carers. Terms such as “formally looked after” and “not looked after” are great for social workers and professionals, but they do not translate for people who are dealing with children who have experienced trauma, who experience a bit of trauma themselves in trying to help those children.<sup>4</sup>
11. The way a child came to be cared for by kinship carers can have a significant impact on the support carers receive. Largely, the support will depend on whether the child is or was looked after, or was at risk of being looked after, by their local authority. Support for carers is discussed in more detail later in the report.

12. Giving evidence to us, the Minister for Children and Young People acknowledged the contribution of kinship carers and the way that the policy around kinship care has developed. She told us that—  
  
” Kinship care has evolved over many decades. What started as informal and ambiguous care for children has progressed to become more structured, resulting in recognition in statute. I know that it can be complex—not only for kinship families, but for those who support them. We recognise and value the role that kinship carers play in providing secure, stable and nurturing homes for children and young people when they are no longer able to live with their birth parents.<sup>5</sup>
13. An Independent Care Review was commissioned in 2017 and reported in 2020. The focus of the review was children in the care system. The main findings were set out in the report [The Promise](#). On kinship care, the Independent Care Review highlighted the need for continued support for kinship carers, stating—  
  
” Too often, children have been placed with an ‘auntie’ or ‘granny’ or other relation with no ongoing support to manage a complex set of circumstances. Finding a biological relation to place a child with is not enough to ensure that a child grows up in the context of love and kindness. These families are often managing the impact and pain of the biological parent not being able to care for their children.<sup>6</sup>
14. Following the publication of the Care Review, The Promise Scotland was set up by Scottish Ministers as an independent organisation to drive change using the review conclusions. Its overarching goal is to ensure that by 2030, care experienced children and young people have the same chances to grow up loved, safe and respected as all children in Scotland. The Promise Scotland told us, in written evidence, that—  
  
” The promise made clear that Kinship Care must be considered as part of holistic family support, whether the arrangement is informal or not. Kinship Carers must have access to whole family support. That means that the principles of whole family support developed by the Independent Care Review attach to them as much as they attach to any family.<sup>7</sup>
15. The Kinship Care Collaborative was set up by the Scottish Government following a commitment in the 2020-21 Programme for Government to better support kinship carers and resolve the variation in support received across the country. The group is co-chaired by the Scottish Government and Social Work Scotland. Among the aims of the group is to develop a network to deliver improvements at a local and national level for kinship families. The Kinship Care Collaborative is not involved in the ongoing work on a Scottish Recommended Allowance (SRA) for kinship carers. The SRA was recommended in 2018 by the National Review of Care Allowances.



# Support for carers

16. Support for kinship carers is provided by local authorities, third sector organisations and, through the social security system, the Department of Work and Pensions and Social Security Scotland.
17. We heard about the very significant financial and emotional impact that becoming a kinship carer can have on people. In written evidence, CELCIS told us that—
  - ” Invariably, kinship carers assume caring responsibilities for children out of love and commitment to family. This can be rewarding, but also deeply challenging, at times involving difficult and sensitive family dynamics and decisions, as well as considerable personal sacrifices.<sup>8</sup>
18. As well as support to help them with their role as kinship carers and the emotional and practical challenges this can bring, kinship carers also need support to help them meet the needs of the children they are caring for. CELCIS state that—
  - ” Caring for children who have experienced adversity in their early life can be challenging, and carers may require ongoing support to provide the care that children need to thrive.<sup>9</sup>
19. The support kinship carers receive is not always adequate. CELCIS noted a recent survey that found “one in four of the kinship carers surveyed in Scotland had received no help of any kind from Children's Services.”<sup>10</sup> This lack of support was also raised in a private session the committee held with a group of kinship carers. One carer reported that she had received no support for a whole year and that when she did manage to access support it was only because she found it by chance.<sup>11</sup>
20. The support that kinship carers receive also depends on how they came to be kinship carers. If a child is a ‘looked after’ child placed in kinship care by the local authority then the local authority has a wide range of duties to provide support to both the child and the kinship carer. If the kinship carer has a kinship care order under the Children and Young People (Scotland) Act 2014, then this does not, of itself, create a duty on the local authority to provide support. However, if such an order is in place and the child was either formerly looked after or is at risk of being looked after then the local authority must provide support, including financial assistance.
21. Vivien Thomson, Social Work Scotland, explained—
  - ” That is probably the part of the legislative framework within which we operate in relation to kinship carers that causes the most confusion. Of two carers with section 11 kinship care orders, one might get an allowance but one will not. It depends on whether the child was at risk of being accommodated by the local authority or were placed originally with the kinship carers through the involvement of the local authority. There is a difference in the support that is provided financially to kinship carers.<sup>12</sup>
22. We have heard that there is a lack of consistency from local authorities in

interpreting what 'at risk' of becoming looked after means and therefore whether there is an entitlement to local authority support. Evidence from the Kinship Care Advice Service Scotland (KCASS) states that—

” There is also disparity in the way that Local Authorities interpret the statutory definition of an ‘eligible child’ and our Kinship Carers tell us that this determines whether they are regarded as a Kinship Carer or not. Similarly, Local Authorities have been concerned for some time that the lack of clarity in terms of regulation and national guidance, makes the task of providing support that is consistent across areas exceptionally challenging. The definition of the child being ‘at risk of being looked after’ is often interpreted differently by Local Authorities leading to Kinship Carers being denied kinship care allowance and formal Kinship Carer status. <sup>13</sup>

23. Even if the local authority doesn't have a duty to provide financial assistance, they do have discretion under various Acts to provide a wide range of support, including financial assistance. More broadly, Getting it right for every child (GIRFEC) provides a framework for considering the needs of all children. Written evidence from Social Work Scotland states that—

” Regardless of the legal position, all children have a right to the same level of care and security, and to have their needs met in line with GIRFEC - receiving the right support at the right level and at the right time. <sup>14</sup>

24. Social Work Scotland's evidence goes on to note that "the confusion that exists around kinship care status can often make it difficult for a carer to access the right support for themselves and the child they care for".

25. This supports evidence we heard from kinship carers that the principle of being able to access the right support at the right time does not match the real-life experience of kinship carers. Speaking to the committee, kinship carers shared experiences of having to fight or beg for support. Micheleine Kane, Scottish Kinship Care Alliance explained—

” We do not get counselling; we do not get training; we do not get anything. We get kids and there is human emotion involved in taking every single one of these kids. They need to take that into account. It isnae jist aboot money; it is aboot getting it right for every single kinship child in every single family. They aw deserve tae be treated the same, but that aspect of the Promise is not being kept just now. We are still fighting. <sup>15</sup>

26. Some local authorities are taking a more holistic approach to providing support. Linda Richards, Perth and Kinross Council, explained their approach to offering, rather than dictating support. In terms of the different support available to informal kinship carers she told us that—

” The financial support is different, but our experience is that what informal kinship carers are really looking for is practical and emotional support. We have supported a number of them to gain kinship care orders, which allow people to gain parental rights and responsibilities in relation to the child whom they are looking after. Several informal kinship carers have sought that financial support, and we have given it to them. <sup>16</sup>

27. The Minister for Children and Young People reaffirmed the Government's commitment to the Promise—  
  
” As we outlined [...] in launching the Keeping the Promise implementation Plan, we need to provide person-centred support and services that fit around the individual and the family, and that is what the Scottish Government is doing. <sup>17</sup>
  28. We also heard that there are specific needs for new and prospective kinship carers. Gill Westwood pointed out that people often have to make a decision about whether to take on care of a kinship care child at very short notice and that dealing with becoming a kinship carer makes it particularly difficult to navigate the complexities of the system at the same time. She argued that—  
  
” The information that needs to be given to kinship carers about the Promise and about all their entitlements, their rights and responsibilities should be written down; it should be clear; and it should be delivered in the same way to everybody so that everybody gets the same information. <sup>18</sup>
  29. Evidence from KCASS highlighted the approach taken by some local authorities of identifying potential kinship cares as early as possible. The evidence goes on to state—  
  
” Approaches such as family group decision making, lifelong links and signs of safety model all aim to ensure that the family are central to decision making about the care of the child. This can prepare Kinship Carers for the possibly that they may become a full-time carer for the child, consider contingency planning and provide more time for a carer to seek financial support. Currently, these approaches are not consistently available across Scotland. <sup>19</sup>
  30. Micheleine Kane also highlighted the lack of sensitivity kinship carers can sometimes face, particularly with reference to bereaved carers—  
  
” We should think about aw the bereaved carers who are termed as voluntary kinship carers. As you can hear in my voice, that is my biggest pain—I hate going to meet up with a kinship carer. In the evidence that I submitted, I talked about helping a kinship carer whose daughter died. Why should she have tae go to MPs and beg for help? She is a kinship carer. She took those kids on oot ae love and lost her own kid in the process. She doesnae get tae grieve—the normal human emotion. No mother or parent wants tae bury their child and then be penalised for taking their children and told that going and getting them was voluntary. That is ridiculous. <sup>20</sup>
31. The Promise and Getting It Right For Every Child (GIRFEC) both set out a vision of children and young people being able to access the right support to enable them to thrive. It is clear that many kinship carers do not believe that this vision matches the reality for their families and that they experience significant difficulties in accessing the support they need.
  32. Kinship carers take on a vital role in providing nurturing and secure homes for children. The circumstances in which people become kinship carers can be deeply personal and often emotionally difficult. This includes circumstances

where a kinship carer who has lost their own child has become the carer for their grandchild or grandchildren. It is unacceptable that where traumatic circumstances have necessitated a kinship care arrangement, the trauma is exacerbated by a lack of sensitivity from bodies that should be providing support. We urge the Scottish Government to work with the UK Government to review and enhance the training provided to DWP and Social Security Scotland staff to ensure that all kinship carers are treated with sensitivity and respect.

33. As part of their work, the Kinship Care Collaborative should review how information is provided to kinship carers and identify best practice for ensuring that new kinship carers receive information about where they can access support and advice, and their rights, in a clear and accessible format. This information should include a clear, accurate explanation of the range of legal arrangements that can underpin kinship care arrangements and the impact that different legal arrangements have on the support available to kinship carers.
34. We were disappointed to hear that some local authorities may be using a narrow interpretation of what 'at risk' of being looked after means when deciding if a kinship carer is entitled to local authority support, essentially requiring a family to be in crisis rather than taking a preventative approach. The Kinship Care Collaborative should work as a matter of urgency to clarify guidance on this matter so that the interpretation of the provisions aligns with the Scottish Government's stated policy aim of getting it right for every child. The Government's response to this report should either provide a substantive update on this matter or a timeline for providing a substantive update to us.

## Financial support for kinship carers

35. Evidence from CELCIS suggests that—

” Children living in kinship care are disproportionately living in the poorest households in Scotland. For many, their housing is not suitable and children do not have enough space to play. Some kinship carers described to the Independent Care Review living in 'abject poverty' in overcrowded housing; and evidence from a recent survey found over 80% of the kinship carers surveyed reported that becoming a kinship carer had caused them financial hardship, and nearly half rated the process of obtaining financial support as very difficult.<sup>21</sup>

36. Kirsty Doull expanded on this point in evidence, explaining—

” One of the risks of becoming a kinship carer is that it can cause financial difficulties, as was described earlier, because of the additional costs of raising a child, especially if extra support is needed. For example, as a result of children’s complex life experiences, there might be a need for therapeutic and trauma informed support. We also know that grandparents are the most frequent kinship carers, and they might already be living within limited means. From a recent survey, we also know that 44 per cent of kinship carers feel that they have to give up their employment when they become a kinship carer. There is therefore a real need to address the financial aspect of becoming a kinship carer. <sup>22</sup>

37. Local authorities have a duty to provide financial assistance to kinship carers of looked after children and to kinship carers with a kinship care order where the child was previously looked after or is at risk of being looked after. In these situations, the Scottish Government and COSLA have agreed that the financial assistance will match that paid to foster carers. One complicating factor is that foster carers are not entitled to claim child related benefits for the children they foster but some kinship carers are. If the kinship carer does get any child related social security benefits, they will receive a lower allowance from the local authority. The aim is that the overall amount of a kinship care allowance together with child related benefits should match the local authority foster care allowance. Some foster carers will also get paid a fee. This isn’t included when making the comparison with kinship care allowances.

38. In other kinship care situations, the local authority has discretion to provide financial assistance. The agreement on matching foster care allowances doesn’t apply to this discretionary support. As so often in kinship care policy this is a complex situation. When this agreement was made in 2015, the [Scottish Government said](#) –

” In the interests of transparency, each local authority should publish a revised Kinship and Fostering Allowances Policy which should include key details of entitlement, eligibility criteria, how it will be assessed, where more information can be found, where complaints can be made and any other relevant information.

39. Even where there is a duty to pay an allowance there is no nationally agreed allowance rate for foster or kinship carers in Scotland so variations can exist between local authorities. CELCIS highlighted a survey by the Fostering Network that found there could be a wide range in the value of payments made by local authorities –

- £77.96 to £200 per week for children aged 0-4
- £96.40 to £200 per week for children aged 5-10
- £120.00 to £240.40 per week for children aged 11 to 15
- £125.86 to £266.75 per week for children aged 16+ <sup>23</sup>

40. Micheleine Kane highlighted the practical difference this can make to carers living in neighbouring areas. She told us that –

” I am in West Dunbartonshire and it ends and Argyll and Bute begins at Cardross. If you live at the end of Cardross Road, you are still in West Dunbartonshire; a carer two doors along the road is getting nearly double what you get <sup>24</sup>

41. In 2018, the National Review of Care Allowances recommended that there should be a Scottish Recommended Allowance, however work on this is still ongoing. The majority of those we heard from were strongly in favour of a national allowance being introduced and felt this was needed as a matter of urgency. Vivien Thomson advised—

” The national allowance work was about bringing us into line with the other three nations of the United Kingdom and providing greater equity for foster carers and eligible kinship carers, so that the same rate would be paid, regardless of whether they lived in the north of Scotland, in one of the cities or in the central belt. Social Work Scotland is very supportive of that. <sup>25</sup>

42. Micheleine Kane paid tribute to kinship carers who had campaigned for better support for many years and also highlighted the long running campaigning work kinship carers had been required to do—

” There has to be a universal approach. We have dealt wi this status and that status and the postcode lottery and so on for 20 years. We are just regurgitating what we have said for 20 years. Wi aw due respect tae everyone who did all those briefings, there is nothing different in any of them fae 20 years ago. We are still here, 20 years doon the line. We have lost absolutely amazing kinship carers who will not see the legacy of what they started. We are continuing the fight. That is what the Scottish Kinship Care Alliance does. We are fighting for justice for kinship carers, but the 32 local authorities are not doing the same thing. As youse heard, there is a disparity in the money, which can range fae £77 tae £200. How can that be? <sup>26</sup>

43. Laura Caven, COSLA, explained that some key issues needed to be resolved before the introduction of a national recommended rate including funding implications, ensuring a recommended allowance did not result in any existing payments being reduced, and comparing both core payments and additional payments across local authorities to get a clearer picture of rates. Laura Caven explained—

” There is variation for a range of reasons, one of which is the fact that, as well as the core allowances that are paid, local authorities have a range of payments and benefits in place for kinship carers and foster carers. For example, local authorities have different payments for birthday celebrations, clothing, transport and so on. Looking at the core allowances in isolation does not give a clear picture of the overall financial support that is available. <sup>27</sup>

44. Written evidence from COSLA notes that these issues were raised during the work of the National Review of Care Allowances Group and that—



” COSLA was clear that setting out a figure for a “national allowance” would not be possible within the current level of overall funding, and that funding for foster and kinship carers – including level of allowances paid and additional benefits provided in-kind - is a matter for local discretion, based on local needs (such as cost of living, rurality, and demographic challenges).<sup>28</sup>

45. COSLA also noted that work on a national recommended allowance had started prior to the Covid-19 pandemic, but had been paused to focus on the Covid response.
46. The Minister for Children and Young People, giving evidence on 31 March, provided a progress update—

” The “Keeping the promise to our children, young people and families” implementation plan, which was published yesterday, sets out the actions that we will take to keep the Promise by 2030. In the plan, we reaffirm our intention to introduce a Scottish recommended allowance for kinship and foster carers in order to end the postcode lottery and ensure consistency across all 32 local authorities. We have resumed our discussions with the Convention of Scottish Local Authorities following the pandemic, and I hope to be in a position to say more about the funding for the allowance and when it will be available soon.<sup>29</sup>

47. In a [letter to the Committee](#) on 22 June, the Minister notes that "discussions are still ongoing with COSLA to find a way forward on the introduction of the Scottish Recommended Allowance for kinship and foster care." The Minister was not able to provide any further information but did commit to provide an update once she was able to say more.

48. We share the widespread support for the introduction of a Scottish Recommended Allowance for kinship and foster care. We agree with the approach set out by COSLA of ensuring that no kinship carer currently receiving a payment is disadvantaged by the introduction of a Scottish Recommended Allowance. We also acknowledge the frustration we heard from kinship carers and support organisations over the fact a Scottish Recommended Allowance has still not been set. While we recognise the impact that the pandemic had on both central and local government, and the necessary diversion of resources to focus on pandemic response, the National Review on Care Allowances reported in 2018 which is a significant delay.
49. In the meantime, there should be renewed effort to ensure full transparency about what kinship carers are entitled to in each local area. Local authorities should make greater efforts to ensure this information is easily available to the public. This should be clear about if and how entitlements differ between different types of kinship arrangement. We will review progress on making this information available in six months.
50. We are disappointed that at this point in 2022, there is still no clarity over when the Scottish Recommended Allowance will be introduced. The Government and COSLA must redouble their efforts to resolve any outstanding issues, including resourcing, and introduce the Allowance as soon as possible. In responding to

this report the Scottish Government should provide further details of the planned work and timescales for achieving this. We will continue to monitor progress in this area and will review what progress has been made within the next twelve months.

## Benefits

51. The previous section set out how complex arrangements can be for local authority allowances. Unfortunately that complexity continues into the social security system. Whether a child is 'looked after' and whether a kinship carer gets an allowance from the local authority both affect entitlement to social security. Social Work Scotland, told us that in their view benefits are where the "financial support to kinship carers of all non-looked after children is best provided to ensure equity or financial support, allowing local authorities to focus on looked after or formerly looked after children, and other areas of support." <sup>30</sup>
52. Vivien Thomson, giving evidence on behalf of Social Work Scotland, expanded on this—

” there is a role for benefits. If there is a way of providing a benefit to all kinship carers, that will reduce the inequity that currently exists—there will still be inequity even with the introduction of a national allowance, because many informal kinship carers will not be able to access the allowance. <sup>31</sup>
53. Although Social Work Scotland highlight the potential for benefits to make a positive contribution to kinship families, particularly in light of the financial challenges discussed earlier in the report, a number of witnesses highlighted issues with the complexity of entitlements.
54. The Child Poverty Action Group (CPAG) have published [guidance](#) on how different kinship care arrangements affect benefit entitlements. They have also outlined some of the main issues that may face kinship carers of both looked after and non-looked after children.
55. For kinship families caring for non-looked after children there are no special rules. CPAG have identified the following issues that may arise:
  - priority between claimants if someone else is claiming benefits for the child
  - delays in getting benefits sorted out
  - the 'two-child limit'
  - whether local authority payments (where any are made) affect benefits.
56. Alison Gillies told us more about issues with the two-child limit for kinship families –



” That is an issue for kinship carers of non-looked-after children, who get the child element in their universal credit. There are special rules that certain people are exempt from the two-child limit, and one of those groups are certain kinship carers. That is great but, if someone has a bigger family of maybe four children, they are likely to be caught by the benefit cap. There is no specific exemption in the benefit cap rules for kinship carers. <sup>32</sup>

57. For kinship families caring for looked after children the main issue is likely to be identifying what type of payment a local authority is making and what it covers in order to get accurate advice on benefit entitlement. Kinship carers of looked after children are not entitled to the child element of universal credit, which also means they will not be entitled to any other element that is based on receiving the child element - for example the childcare costs element or work allowance. Alison Gillies explained that kinship carers of looked after children are not eligible for the child element of universal credit because –

” The assumption is that the local authority is supporting the kinship carer and the child. Those rules are the same across the UK. There are differences as a result of the legal differences in relation to kinship care situations or placements. However, by and large, what I have said applies across the board. That creates issues, difficulties and confusion, and the Department for Work and Pensions does not always get it right, as I said in my written submission. <sup>33</sup>

58. Because kinship carers of looked after children are not able to claim the child element of Universal Credit, they will stop receiving Universal Credit at a lower level of earnings. This means that kinship carers in low paid work are less likely to be able to qualify for Scottish Child Payment. The current [consultation on changes to Scottish Social Security](#) asks for comment on whether Scottish Child Payment (SCP) should continue to be a ‘top-up’ benefit or be made on a different legal basis. The Committee notes that establishing SCP as a ‘stand-alone’ benefit would open up possibilities to allow kinship carers on low incomes to get SCP even if they were earning ‘too much’ to get Universal Credit.

59. Alison Gillies, giving evidence on behalf of CPAG shared some of the problems that can arise due to the complexity of the interaction between different types of kinship care arrangement and the benefits system—

” The questions that DWP staff ask do not elicit the correct information in all situations. Quite often, a kinship carer of a looked-after child is paid the child element in error and, at some point further down the line, the DWP realises that it is an error and the money is recouped from the kinship carer. All overpayments of universal credit are legally recoverable, regardless of whose fault the overpayment is. That causes a significant problem and, associated with that, is what the local authority is doing in the meantime. If it is deducting the child element from the kinship care allowance—it might well be, because that is the authority’s normal policy—the kinship carer has not benefited at all by having it and they have been overpaid universal credit, which will be recovered from them. <sup>34</sup>

60. Alison Gillies further highlighted—

” One issue that I feel quite strongly about is that local authorities really need updated guidance, because the existing guidance from 2016, which covers lots of things including the kinship care allowance, has not been updated to include anything meaningful about universal credit. The issues that I am raising are difficult—there is no doubt about it—and local authorities are having to try to work out what to do. Some are doing it really well and others are struggling and perhaps not even aware of some of the issues that exist. Kinship carers might inadvertently end up being supported far more poorly as a result of those interactions than the local authority thinks they are. <sup>35</sup>

61. Gill Westwood also emphasised the lack of awareness of kinship care among both DWP and local authority staff as an issue, saying—

” It would also be really useful if local authorities and, in particular, the DWP had a bit more awareness of kinship care. One of the major problems that we have come up against is suggesting to the DWP that someone is entitled to money and having the DWP saying, “No, actually, they’re not,” and then having to have an on-going discussion about it. <sup>36</sup>

62. The Minister for Children and Young People argued that for kinship carers of non-looked after children the social security system is the appropriate route for financial support, saying—

” We firmly believe that kinship carers of non looked-after children should be supported, as any parent would be, through the welfare system. They should be able to claim benefits such as child benefit and the child element of universal credit. <sup>37</sup>

63. We are concerned to hear that the reported lack of awareness of kinship care among local authority, DWP and Social Security Scotland staff may be leading to kinship carers receiving incorrect advice or payments. We urge the Scottish Government to work with the UK Government and COSLA to ensure that all central and local government staff advising kinship carers on benefits or allowances are aware of the range of different kinship care arrangements and have access to clear, easy to follow guidance.

## Non-financial support for kinship carers

64. It is not just financial support that is important to ensure kinship carers have what they need to support and nurture the children they care for. One of the key messages from the written evidence submitted by CELCIS is—

” Information, advice, and support are critically important for kinship carers, in a wide range of areas, from attachment, trauma and child development to therapeutic family support, to legal and financial advice. Caring for children who have experienced adversity in their early life can be challenging, and carers may require ongoing support to provide the care that children need to thrive. <sup>38</sup>

65. Kinship carers can also experience significant challenges themselves when taking on kinship care responsibilities. The 2011 Census showed that kinship carers are often grandparents and that a third of children in kinship care families were living in a household headed by someone with ill-health or a disability.
66. We also heard about the significant impact kinship care can have on carers' other family relationships and the impact this had on them. One carer told us that "you lose family members as you look like you are being bad keeping children away from the parents when you are trying to safeguard them" while another carer told us she had "lost contact with her other grandsons as her daughter can't understand why her granddaughters receive different treatment at times now they are her parental responsibility" <sup>39</sup>
67. Vivien Thomson told us that—
- ” We hear from kinship carers across the country that money is important, but equally important is the other support, such as support to access suitable housing, support to adjust housing that carers are in just now, and support to understand how to care for a child who has perhaps been traumatised or has had difficult experiences. Kinship carers want to be able to go to somebody and ask, "How do I get extra support at school? My young person is struggling and they are having difficulties, and I do not understand what that is about." There are all those different aspects of family support, and if that was universally available, it would make such a difference to every kinship carer, regardless of whether they are someone who is looking after a looked-after child, an informal carer who is just using an allowance, or an informal carer who has not had any contact with social work at all. That would be my wish for tomorrow, if I had a magic wand. <sup>40</sup>
68. Witnesses also spoke of the culture of fear around seeking support. We heard from a group of kinship carers that there was a fear among carers that contacting authorities for help or support could result in children being removed from their care.
69. Linda Richards, Perth and Kinross Council, told us that "many kinship carers look after family members in private family arrangements and do not want the state to intervene". She highlighted the approach of Perth and Kinross Council in publicising support and making it when offering support on a voluntary basis "it is an offer rather than a 'must do'". She went on to say—
- ” We use our local third sector partners in Perth and Kinross to offer support. Sometimes, people do not want support from a social work department; we have to be clear that many families that make informal arrangements do not want formal social work support. Therefore, we direct them to third sector partners for support. <sup>41</sup>
70. We heard about the vital work of local kinship care groups to give kinship carers space to access peer support and share their experiences. Micheleine Kane explained—

” Kinship groups put in a lot of work. They are not funded by every local authority and that is where there is more disparity [...] There is guidance on that, but it is up to the local authority, depending on what resources it has. Kinship groups take a lot of strain off the social work departments to free them up for other things. Carers can come to the groups and be signposted to help. They also come to the group for peer support, which is crucial, because they need somebody to talk to.<sup>42</sup>

71. At a national level, KCASS provides advice and support to kinship carers across Scotland. The service is funded by the Scottish Government and from September 2020 has been co-hosted by Adoption UK Scotland and Adoption and Fostering Alliance Scotland (AFA Scotland) in collaboration with the Child Poverty Action Group. Written evidence from KCASS highlighted how kinship carers are involved in shaping services—

” In March 2021 the service established an Advisory Group, attended by Kinship Carers from across Scotland. The purpose of the group is to assist KCASS in the development of the national service providing insight into lived experience and the strengths and challenges of raising children in Kinship Care in Scotland. The group have informed the development of the KCASS Strategic Plan and are represented on the KCASS Steering Group and the Kinship Care Collaborative with Scottish Government. The Advisory Group provide important evidence of what needs to improve to help better support kinship families.<sup>43</sup>

72. Speaking to the committee Micheleine Kane suggested there was unhappiness among kinship carers about KCASS and emphasised the importance of centring the needs of kinship carers in any support service—

” The modelling needs to be right, and it needs to be based not on data, not on statistics and not on analysis, but on evidence from the grassroots, foot soldiers of kinship care—the carers. Everyday life in kinship care should be front and centre for any modelling. Without us, it is certainly not about us, but about data and analysis.<sup>44</sup>

73. We note the evidence we heard about some kinship carers being worried about seeking support due to fears about children being removed from the kinship care arrangement. This culture of fear, along with other barriers that prevent kinship carers seeking help must be addressed by those supporting kinship carers.

74. We recognise the valuable role local kinship groups play in providing peer to peer advice and support.

75. There should be clear guidance for local authorities on the holistic support that should be available to all kinship care families, recognising the challenging and complex circumstances that may have led to a kinship care arrangement. This guidance should recognise that as well as support for children, carers themselves may need support in dealing with the impact on their own wellbeing of their kinship care role.

# The work of the Kinship Care Collaborative and next steps

76. It is clear that kinship carers want to see progress after many years of raising the same issues. As Micheleine Kane, speaking on behalf of the Scottish Kinship Care Alliance, told us "We want change, and we want it now." <sup>45</sup>
77. The Kinship Care Collaborative was set up by the Scottish Government following a commitment in the 2020-21 Programme for Government to better support kinship carers and resolve the variation in support received across the country.
78. When we took evidence in February 2021, several witnesses expressed concern about the pace of progress and also the transparency and communication of the work of the Kinship Care Collaborative. Alison Gillies, Child Poverty Action Group in Scotland, told us that -
- ” Although I am really interested in the kinship care collaborative, I have not been able to get to grips with exactly what it is doing or looking at and whether, for example, our area of expertise—the money side of things—might be useful as an input to that process. <sup>46</sup>
79. Following an oral evidence session, the Minister for Children and Young People [wrote to us in June 2022](#). She provided assurances that the work of the Collaborative was continuing at pace but was unable to commit to a timescale for delivery. The Minister did outline the three priority groups for the Kinship Care Collaborative's work. These are:

## Priority Group 1

- Review of kinship care legislation and guidance
- Establish clear and universal understanding and definitions within legislation

## Priority Group 2

- Identification of resources and gaps with a view to eliminate any gaps
- Identification of good practice

## Priority Group 3

- Improving consistency of service provision across Scotland
- Ensuring kinship care is visible within communities and promoting this

80. The work of the Kinship Care Collaborative and continuing work on the introduction of a Scottish Recommended Allowance provide a significant opportunity to make a real, positive difference to the lives of kinship carers. National and local government must make sure that they use this opportunity to

deliver real improvements for kinship carers.

81. We thank the Minister for her update on the work of the Kinship Care Collaborative. It is clear, hearing from kinship carers, that they do not always have confidence that initiatives such as the Kinship Care Collaborative or support services such as the Kinship Care Advisory Service Scotland are listening to their concerns. In order to build confidence and ensure real progress is made it is vital that the work of the Kinship Care Collaborative is transparent and clearly communicated and that there are realistic timescales attached. In the response to this report the Government should provide information about how the work of the Kinship Care Collaborative will be communicated and what the timescales for delivery are. We will review progress in this area within the next twelve months.

- 1 Haley Centre for Adoption and Foster Care Studies, University of Bristol, The prevalence and characteristics of children growing up with relatives in the UK: Characteristics of children living with relatives in Scotland
- 2 Children's social work statistics: 2019 to 2020
- 3 Official Report 24 February 2022, col 3
- 4 Official Report 24 February 2022, col 22
- 5 Official Report 31 March 2022, col 24
- 6 Independent Care Review, The Promise, pg 21
- 7 The Promise Scotland written evidence
- 8 CELCIS written evidence
- 9 CELCIS written evidence
- 10 CELCIS written evidence
- 11 Note of meeting with kinship carers
- 12 Official Report 24 February 2022, col 8
- 13 Kinship Care Advice Service Scotland written evidence
- 14 Social Work Scotland written evidence
- 15 Official Report 24 February 2022, col 30
- 16 Official Report 24 February 2022, col 8
- 17 Official Report 31 March 2022, col 26
- 18 Official Report 24 February 2022, col 30
- 19 Kinship Care Advice Service Scotland written evidence
- 20 Official Report 24 February 2022, col 32
- 21 CELCIS written evidence
- 22 Official Report 24 February 2022, col 10
- 23 CELCIS written evidence
- 24 Official Report 24 February 2022, col 29
- 25 Official Report 24 February 2022, col 4
- 26 Official Report 24 February 2022, col 29
- 27 Official Report 24 February 2022, col 3
- 28 COSLA written evidence

- 29 [Official Report 31 March 2022, col 25](#)
- 30 [Social Work Scotland written evidence](#)
- 31 [Official Report 24 February 2022, col 16](#)
- 32 [Official Report 24 February 2022, col 26](#)
- 33 [Official Report 24 February 2022, col 23](#)
- 34 [Official Report 24 February 2022, col 26](#)
- 35 [Official Report 24 February 2022, col 27](#)
- 36 [Official Report 24 February 2022, col 30](#)
- 37 [Official Report 31 March 2022, col 30](#)
- 38 [CELCIS written evidence](#)
- 39 [Note of meeting with kinship carers](#)
- 40 [Official Report 24 February 2022, col 12](#)
- 41 [Official Report 24 February 2022, col 7](#)
- 42 [Official Report 24 February 2022, col 39](#)
- 43 [Kinship Care Advice Service Scotland written evidence](#)
- 44 [Official Report 24 February 2022, col 32](#)
- 45 [Official Report 24 February 2022, col 33](#)
- 46 [Official Report 24 February 2022, col 31](#)



