



Department  
for Education

# **Consultation on the revised statutory guidance for local authorities on family and friends care**

**Government consultation**

**Launch date 10 May 2018**

**Respond by 4 July 2018**

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## Introduction

The Family and Friends Care Statutory Guidance for local authorities was originally published in 2011, when numbers of children arriving unaccompanied in Europe to seek asylum were relatively low. Since then, the migration crisis in the Mediterranean has seen many more children arrive and consequently an increase in the number of children being brought to the UK to join family or relatives, primarily through the Dublin III Regulation<sup>1</sup>, but also during the clearance of the Calais Camp between November 2016 and July 2017.

While the guidance applies to these children and their families in the same way as any other children living with family or relatives, it does not explicitly address their specific circumstances or the role of local authorities in helping ensure they are appropriately safeguarded and that their welfare is promoted in the same way as any other child. The revisions proposed are intended to address this and provide clarity to local authorities, in fulfilment of the commitment in the Safeguarding Strategy for Unaccompanied Asylum Seeking and Refugee Children published in November 2017.

A Family Test to assess the potential impact this guidance may have on family relationships and functions has been carried out and the conclusion is that it will not have any negative impact. We have also considered the impact of this policy on different persons in accordance with the Public Sector Equality Duty and have concluded that there will be no particular impact on any persons who share one or more protected characteristics.

## Who this is for

- Lead members for children's services in local authorities
- Directors of Children's Services
- Managers of services for children in need and looked after children
- Social workers and other social care staff working with children in need and looked after children and local authorities' relevant partners
- Health and Education professionals
- Home Office staff
- Voluntary organisations

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<sup>1</sup> REGULATION (EU) No 604/2013 of 26 June 2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third country national or stateless person (recast).

## Issue date

The consultation was issued on 10 May 2018.

## Enquiries

If your enquiry is related to the policy content of the consultation, you can contact the team on:

[FamilyandFriendsCareSG.CONULTATION@education.gov.uk](mailto:FamilyandFriendsCareSG.CONULTATION@education.gov.uk)

If your enquiry is related to the DfE e-consultation website or the consultation process in general, you can contact the DfE Ministerial and Public Communications Division by email: [Consultations.Coordinator@education.gov.uk](mailto:Consultations.Coordinator@education.gov.uk) or by telephone: 0370 000 2288 or via the [DfE Contact us page](#).

## Additional copies

Additional copies are available electronically and can be downloaded from [GOV.UK DfE consultations](#).

## The response

The results of the consultation and the Department's response will be [published on GOV.UK](#) in summer 2018.

## About this consultation

Whether they have arrived unaccompanied or were brought to the UK to live with family or relatives or be looked after, asylum seeking children coming to live in the UK are some of the most vulnerable in the country.

The revisions to the guidance are intended to provide clarity and support to local authorities in fulfilling their role in circumstances where asylum seeking children are being brought to the UK under the Dublin III Regulation to live with family or relatives. The Department for Education has worked with local authorities and social workers with experience of working with children brought to the UK to join family or relatives, primarily through the Dublin III Regulation, but also during the clearance of the Calais Camp between November 2016 and July 2017 to inform the proposed revisions.

This consultation now seeks views as to whether the revised guidance provides sufficient advice to local authorities in England engaging in these cases. In particular, we would be grateful for responses to the questions below. Other comments or suggestions would also be welcomed. Where making comments in relation to the guidance, please refer to the relevant paragraph numbers and provide suggested alternative text where appropriate.

Revisions have also been made in relation to private fostering to provide further clarity to private foster carers and parents, local authorities and other agencies on their role and duties with respect to children who are privately fostered.

## Respond online

To help us analyse the responses please use the online system wherever possible. Visit [www.education.gov.uk/consultations](http://www.education.gov.uk/consultations) to submit your response.

## Other ways to respond

If for exceptional reasons, you are unable to use the online system, for example because you use specialist accessibility software that is not compatible with the system, you may download a word document version of the form and email it or post it.

### By email

[FamilyandFriendsCareSG.CONSULTATION@education.gov.uk](mailto:FamilyandFriendsCareSG.CONSULTATION@education.gov.uk)

## By post

Teresa Leitao  
Department for Education  
Sanctuary Buildings  
Great Smith Street  
London  
SW1P 3BT

## Deadline

The consultation closes on 4 July 2018.

## Background

The Dublin III Regulation is a long-standing mechanism between EU Member States, Iceland, Norway, Switzerland and Liechtenstein (“Dublin States”) to determine responsibility for examining asylum claims. In the case of unaccompanied asylum seeking children, Article 8 of the Dublin Regulation provides that the responsible State shall be that where a parent (or an adult responsible under the law or practice of the MS where the adult is present), sibling(s), adult aunt, uncle or grand-parent is legally present, provided that it is in the best interests of the child. In addition, an adult aunt, uncle or grandparent must also establish that they can take care of the child.

This Family and Friends statutory Guidance for local authorities was published in 2011 sets out a framework for the provision of support to family and friends carers. In particular it provides guidance on the implementation of the duties in the Children Act 1989 in respect of children and young people who, because they are unable to live with their parents, are being brought up by members of their extended families, friends or other people who are connected with them.

## Rationale for the changes

While this guidance applies in the same way to asylum seeking children as any other child, the guidance currently does not cover the specific circumstance of this cohort and the role of local authorities in the process for transferring children through the Dublin III Regulation. The proposed revisions are intended to address this and offer clarity to local authorities, including (but not limited to) the following:

- The legal status of the arrangement as an informal family care arrangement, unless local circumstances trigger a duty under the Children Act 1989;

- The role of local authorities in the transfer process to ensure that children are appropriately safeguarded and not being brought to the UK to live with family or relatives where they are not able to take on their care;
- The context in which these children are transferred to live with family and the different entitlements to support and services they will have.

We have also added reference to organisations working with asylum seeking and refugee children and families, and welcome any further additions to those.

Separately to the Dublin III Regulation, we also propose revisions to clarify:

- The duty on private foster carers and parents to inform the local authority of a private fostering arrangement and the duty on local authorities to satisfy themselves that children who are privately fostered are being appropriately safeguarded and having their welfare promoted.

## **Timescales**

We expect to publish the revised guidance by summer 2018.

## **Consultation questions**

1. Is there anything in the revised guidance that should be amended?
2. Is there anything further that should be added to the revised guidance?
3. Do you have any suggestions for further links or resources that could be included?



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