

WORCESTERSHIRE COUNTY COUNCIL

CHILDREN'S SOCIAL CARE

PARENTAL CONTRIBUTIONS TOWARDS THE COST OF SOME SERVICES

1. The Policy

- 1.1 Parents and Carers are responsible for all aspects of the care, safety and wellbeing of their children, and these responsibilities continue throughout childhood (i.e. from 0 to 18) into adulthood. Parental Responsibility (PR) includes the legal rights and responsibilities parents and carers have for their child's care, safety, schooling, medical treatment, and financial support.
- 1.2 Worcestershire County Council fully supports the principle that a child's parents should be fully involved as possible in all aspects of the care and wellbeing of their child provided it is in the child's best interests to do so.
- 1.3 As part of their exercise of parental responsibility parents can be asked to contribute towards the costs of some services provided for their child, provided they have sufficient means to do so.
- 1.4. The criteria for providing Children's Social Care services are underpinned by The Children Act 1989.
- 1.5. Children's Social Care will meet the cost of any service that is provided as part of a statutory duty such as:
 - Services to keep children safe from significant harm. This is often known as Child Protection.
 - An Adoption Service for those children who need permanent alternate families.
 - A service for young people involved in offending or anti-social behaviour.

2. When can services be charged for?

- 2.1. Children's Social Care can seek contributions towards the costs of certain services. Two main categories can be charged for:

- Those supplied to the child or young person and/or family under Section 17 of the Children Act 1989.
- Those supplied to children and young people who are looked after either by being accommodated by the Local Authority or being in the Local Authority's care under an Order of the Court.

Slightly different procedures for charging will apply to each category

- 2.2. The *Framework for Assessment of Children in Need and their Families* requires that, as part of the Assessment, the financial resources of a family should be taken into account. For most service provision this would not necessitate an in-depth examination of a family's financial circumstances. Following this assessment and if an *eligible need* is identified that cannot be provided by the parents, carers, their wider family or another agency, services can (or should be) be provided.
- 2.3. Children's Social Care cannot charge for services:
 - Where the service is provided as a direct consequence of a statutory duty (e.g. child protection).
 - If a parent or carer is in receipt of certain benefits provided by the Department of Works and Pensions or who have a low income (i.e. their income is at the same level as state benefits).
 - The child or young person cannot be asked to make a contribution towards the cost of their own services if aged under 16.
- 2.4. Some parents and carers are in receipt of specific benefits, Direct Payments, have a Personal Budget or any other allowance paid to meet a child or young person's needs then this must be used to pay for any services identified to meet these needs. Children's Social Care will expect that this income is used for that purpose and will not provide these services free of charge.
- 2.5. There are other instances where parents and carers have the financial resources to be able to contribute towards the cost of services being provided.
- 2.6. Where parents or carers are assessed as being able to contribute to the cost of provision of certain services, and no exemptions apply, then they will be advised that they can either:

- Pay for the service themselves (as happens with personal budgets or Direct Payments), or
- Make a financial contribution to Children's Social Care towards the cost of providing that service.

2.7. Failure to cooperate may necessitate legal action by the Council.

3. Services Provided under Section 17 of the Children Act 1989

3.1. Children's Social Care has a statutory duty to provide services to keep children and young people within their own family and community (often known as Section 17).

3.2. Such services could include the involvement of a social worker, accommodation, advice and guidance, family support, family group conferences, activities outside of the home, etc. All these services may be supplied to the child, the whole family, or to certain members of the family to assist them in caring for the child.

4. The Legal Framework for seeking contributions for Section 17 services

4.1 *Section 29 of the Children Act 1989* makes provision for the recovery of contributions towards the cost of supplying services under Section 17. This is with the exception of offering advice, guidance and counselling for which a charge cannot be made.

4.2 Financial contributions towards Section 17 services will only be sought where, subject to the financial means of the person, it is reasonable to do so (*Section 29(2) of the Children Act 1989*).

4.3 No person shall be liable to pay any charge for Section 17 services at any time if they are in receipt of income support or Child tax Credit, Income-Based Jobseeker's Allowance or Income-Related Employment and Support Allowance (*Section 29(3) Children Act 1989*). Nor when they, or their partner, are in receipt of guarantee state pension credit (*Section 29(3B) Children Act 1989*).

4.4 If services are supplied to a person under Section 17 other than the parent or child then the person receiving that service can be charged

5. Looked After Children

- 5.1. Children's Social Care currently (as of January 2013) looks after approximately 640 children, mostly in foster or residential care placements.
- 5.2. These children become looked after:
 - Either at the request of their parents or those with parental responsibility; either having been lost or abandoned or the person caring is prevented from providing the child with suitable accommodation or care (for whatever reason). This is termed *voluntarily accommodation*. (Note a child may be voluntarily accommodated even if there is no person with *Parental Responsibility* for the child).
 - Or as a result of an order from a court (i.e. the child is *in care*).
- 5.3. In both instances parents retain their legal rights and responsibilities for their child (*Parental Responsibility*) and must be consulted about most aspects of their care though parents' PR will be subject to that of the County Council if the child is in care as a result of a court order.
- 5.4. Many parents already contribute towards the day-to-day costs of their child's care. Such costs could include a child's personal needs (such as toiletries), Birthday, Christmas and other Festival presents.
- 5.5. There is also provision within the Children Act 1989 for parents to contribute towards the actual costs of their child's placement. This guidance sets out the process to be followed for seeking contributions from parents towards the costs of their child's placement.
- 5.6. The Children Act 1989 also permits a charge to be made to the child if they are 16 or over.
- 5.7. Children's Social Care cannot seek financial contributions towards placement costs for children who are looked after during Care Proceedings (i.e. who are subject to an Emergency Protection Order or an Interim Care Order) or for young people remanded to the care of the local authority. However, even in these circumstances parents should be positively encouraged to make a voluntary financial contribution towards the placement costs of their child.

5.8. This guidance applies to all looked after children, save where there are statutory exemptions. Children's Social Care cannot require financial contributions to be made towards the placement costs of children who are:

- Looked after as a result of an Emergency Protection Order, Police Powers of Protection or Care Proceedings (i.e. who are subject to an, an Interim Care Order) or who are remanded.
- Placed with parents under Section 22(C) of the Children Act 1989.
- Services provided as After Care under Section 117 of the Mental Health Act.
- Where the child is placed in a residential non-maintained school subject to a Statement of Special Educational Need.

5.9. In some instances it may not be in the best interests of the looked after child or reasonable to seek a financial contribution from their parents.

5.10. In addition, and in exceptional circumstances, the Children's Social Care will consider requests not to apply or implement this process.

5.11. It will be particularly pertinent to consider whether a charge should be made when the child is 16 or over and would be liable for the cost of their own care. There will only be very limited cases when it would be considered appropriate to seek a contribution from a young person. Even where sufficient monies are available to the child the Local Authority will need to consider whether charging the child for services received would impact on the chances of future and sustained independence. Therefore, when a child is 16 or over, careful consideration should be given before initiating the procedures outlined below for seeking a contribution.

6. The Legal Framework for seeking contributions for Looked After Children

6.1. *Part III of Schedule 2 of the Children Act 1989* makes provision for the recovery of contributions towards the cost of maintaining a child who is looked after by a local authority. Such contributions may be recovered from the child's parents; or, where the child is over sixteen, the child himself or if a person is receiving a Section 17 service, that person. The person who is liable to pay the contribution is known as the 'Contributor'.

- 6.2. Such financial contributions towards the care of an accommodated child will be sought where it is reasonable to do so subject to their financial means and any exemptions (in accordance with *section 29(6) and Schedule 2 paragraph 21 of the Children Act 1989*).
- 6.3. No person shall be liable to pay any charge under paragraph 21 at any time if they are in receipt of income support or Child tax Credit, Income-Based Jobseeker's Allowance or Income-Related Employment and Support Allowance (*Part III of Schedule 2 of the Children Act 1989*).

7. The Procedure

- 7.1 Before a child becomes looked after the parent, or the child if over 16, must be advised that they may be required to make a financial contribution towards the maintenance of their child. (Note: the Council can seek contributions at any point after the child becomes accommodated).
- 7.2 The financial assessment should commence prior to a child becoming accommodated, or shortly afterwards if accommodated in an emergency.
- 7.3 The point at which a child becomes accommodated can be quite traumatic and it is recognised that this may be a difficult time to start a financial assessment. However it is essential that parents are made aware that they retain PR for their child and will be expected to contribute towards the costs of their care.
- 7.4 Any liability to make payments will be based on an assessment of the contributor's financial circumstances and the circumstances under which the child becomes looked after (see Exemptions).
- 7.5 The contributor must be given one of the combined explanatory leaflets '*Helping to Meet the Costs of Caring for your Child Whilst Looked After*' or '*Helping to Meet the Costs of Caring for your Child Whilst They are Receiving Services from the Local Authority*' along with '*Should You Pay Towards the Costs of your Child's Care?*' assessment form (see Appendices 3 and 4) by the child's social worker. The worker must record in the child's Frameworki record that this leaflet has been given.
- 7.6 These should also be sent to any parent who does not live with the child. It is recognised that there may be instances where it is not appropriate to seek a financial contribution from an absent parent, for

example women fleeing domestic violence. The worker must therefore establish whether there are any particular reasons why an absent parent should not be contacted. Great care must be taken and good communication between the responsible social work team and Finance is essential. The decision to waive the need to contact the non-resident parent must be agreed by the relevant senior manager and recorded as a management decision in Frameworki.

- 7.7 The worker is responsible for ensuring that the contributor completes the paperwork and sends this to Finance.
- 7.8 Where a contributor fails to complete the financial assessment *AND* no exemptions apply then the social worker (with the agreement of their Team Manager) must notify Finance. In these instances the parent will be charged the full cost of the equivalent of age-related fostering allowance. Failure to comply may result in legal action by Legal Services.
- 7.9 Only where there is strong reason to believe that a child over 16 could financially contribute towards their care, and it is reasonable for them to do so, will the Local Authority consider charging the child who does not complete a financial assessment.
- 7.10 If a non-resident parent is paying maintenance for a child (whether through the Child Support Agency or as a voluntary arrangement) they should be notified and assessed for a financial contribution. This may take the form of the maintenance payment being made direct to Children's Services.
- 7.11 The process for seeking a financial contribution is set out in section 8 (below).
- 7.12 Once completed the Financial Assessment should be returned by the contributor (via the social worker if the contributor is a child), to Finance.
- 7.13 Finance will calculate whether a parent or child is liable to contribute or not, and if so, what amount is to be paid. Finance will send a *Contribution Notice letter* to the contributor notifying them of the details of their financial contribution (see Appendix 3). A copy will be forwarded to the child's social worker.
- 7.14 It is recognised that there may be exceptional situations where, though a parent is liable to make a financial contribution, it is believed not to be

in the child's best interest to seek to do this or is unreasonable to do so. The relevant Service Manager for the child must make such decisions. The child's worker must use the *Contribution Waiver Request Form* (see Appendix 4), stating the reasons for wanting the financial contribution waived. The Service Manager must record their decision within the child's Frameworki record. The child's social worker is responsible for notifying the parent in writing of the decision reached.

- 7.15 A parent will continue to receive Child Benefit for up to 8 weeks following their child becoming looked after. It is the responsibility of the person in receipt of Child Benefit to notify the Department of Work and Pensions of the change in their circumstances. During this period the parent should be encouraged to use the child benefit to provide for their child's pocket money and clothing and to cover the costs of contact visits.
- 7.16 The parent's financial contributions will cease once a child ceases to be looked after or they reach their 16th Birthday. The contributions of a child over 16 will cease when they cease to be looked after.

8. Seeking a Financial Contribution

- 8.1. The procedure for seeking a financial contribution is set out in relation to a child looked after in *paragraphs 21, 22, 23 and 24 of Schedule 2, Part III of the Children Act 1989* (see Appendix 1 for the full text).

Section 29 of the Children Act 1989 (see Appendix 2 for the full text) grants the Local Authority the power to charge for Section 17 services. However, unlike where a child is looked after, there is no statutory procedure for seeking a financial contribution in relation to services supplied under Section 17.

For this reason when requesting a contribution for Section 17 services the Local Authority will use the same system of issuing a contribution notice for looked after children under Part III of Schedule 2.

The provisions relating to the financial assessment and the review of the Contributor in sections 8 and 9 of this policy will apply also where services are supplied under Section 17. The legal process of recovering unpaid contributions for Section 17 services is contained in section 11 of this policy.

8.2 Payments towards the cost of looking after a child cannot be recovered until a *Contribution Notice* has been served (see Appendix 5). This contribution notice must:

- Specify the weekly sum that has been assessed as liable to pay
- Detail the arrangements for payment
- Be in writing and dated

8.3 The arrangements for payment must include:

- The date from which payments are due (this cannot be earlier than the date of the actual *Contribution Notice*)
- The date on which the first payment must be made
- The date the payments will cease
- An agreement form (*attached to the Contribution Notice*) for the parent to sign and return

8.4 The actual weekly cost to the local authority of the child's placement will be recorded on the *Contribution Notice* so that parents are aware of the full cost of caring for their child.

8.5 The maximum weekly charge for looking after a child will be equivalent to the age related fostering allowance paid to a Worcestershire in-house foster carer.

8.6 Once agreement has been reached and the contributor has signed the *Agreement* part of the *Contribution Notice letter* (or agreed this in another written form) payments will commence.

8.7 A contribution notice can be withdrawn at any time and without prejudice. If appropriate another contribution notice can be substituted.

9. Reviewing the Financial Contribution

9.1 The statutory Looked After Child's Review is the proper forum for ensuring that there is an overview of these arrangements.

- 9.2 The financial contribution must be reviewed as a minimum annually or more regularly if there is a significant change in the circumstances of the contributor.
- 9.3 Finance will undertake the financial review.
- 9.4 At the annual review of the first payment a new financial assessment form must be sent to the contributor The *Review of Parental Contribution Letter* (see Appendix 7) must be sent with along with either the '*Helping to Meet the Costs of Caring for your Child Whilst They are Looked After*' or '*Helping to Meet the Costs of Caring for your Child Whilst They are Receiving Services from the Local Authority*' Leaflet and '*Should you pay towards the Costs of your Child's Care?*' Assessment Form (Appendices 3 & 4).
- 9.5 Based on any change in the contributor's financial circumstances, the financial assessment will determine the new amount to be paid.
- 9.6 Any recommendation to vary the payments (apart from any changes that result from the financial assessment) must be referred to the child's Service Manager. Such requests must be in writing and must justify why a variation may be necessary. Any decision made by the Service Manager must be recorded on the child's Frameworki record. The child's social worker is responsible for ensuring that the child's parent is informed of the decision made.

10 Possible Legal Action for a Child who is Looked After

- 10.1 Where a parent or, in exceptional circumstances, the child fails to complete the financial assessment then a *Notice of Intended Legal Action* (see Appendix 8) will be sent by Legal Services to warn that failure to complete the assessment may result in them being liable to pay the full cost of their child's care.
- 10.2 Where no response is received to the *Notice of Intended Legal Action* then Legal Services commence legal action.
- 10.3 If a parent or, in exceptional circumstances, the child over 16 fails to reach agreement about the amount to be paid within a month from the date that the *Contribution Notice* was served then legal action will be commenced. On application a court may make a *Contribution Order*, which will require a parent to make financial payments. Such Contribution Orders can be varied or revoked.

10.4 A contribution order can be sought where a contributor writes to withdraw their agreement to make payments.

10.5 If payments are overdue or remain unpaid then legal action will be taken to recover this debt.

11. Possible Legal Action for Section 17 Services

11.1 Where a parent or, in exceptional circumstances, the child over 16 fails to complete the financial assessment then a *Notice of Intended Legal Action* (see Appendix 8) will be sent by Legal Services to warn of failure to complete the assessment may result in them being liable to pay the full cost of services to be supplied.

11.2. Where a parent or, in exceptional circumstances, the child over 16 fails to respond to the *Notice of Intended Legal Action* then Legal Services commence legal action.

11.3. Either where a contributor fails to reach agreement about the amount to be paid under a *Contribution Notice* and services are already being supplied, or where a parent fails to pay an agreed contribution, then legal action will be commenced. The Local Authority will seek assistance from the Court by a standard debt recovery claim for outstanding contributions.

12. Appendices

Appendix 1: Paragraphs 21, 22, 23 and 24 of Schedule 2 of the Children Act 1989

Appendix 2: Section 29 of the Children Act 1989

Appendix 3: 'Helping to Meet the Costs of Caring for your Child Whilst Looked After' Leaflet and 'Should you pay towards the Costs of your Child's Care?' Assessment Form

Appendix 4: 'Helping to Meet the Costs of Caring for your Child Whilst They are Receiving Services from the Local Authority' Leaflet and 'Should you pay towards the Costs of your Child's Care?' Assessment Form

Appendix 5: Contribution Notice Letter

Appendix 6: Contribution Waiver Request Form

Appendix 7: Review of Parental Contribution Letter

Appendix 8: Notice of Intended Legal Action

Appendix 1: Paragraphs 21, 22, 23 and 24 of Part III, Schedule 2 of the Children Act 1989

Liability to contribute

- 21 (1) Where a local authority are looking after a child (other than in the cases mentioned in sub-paragraph (7)) they shall consider whether they should recover contributions towards the child's maintenance from any person liable to contribute ("a contributor").
- (2) An authority may only recover contributions from a contributor if they consider it reasonable to do so.
- (3) The persons liable to contribute are—
- (a) Where the child is under sixteen, each of his parents;
 - (b) Where he has reached the age of sixteen, the child himself.
- (4) A parent is not liable to contribute during any period when he is in receipt of income support Part VII of the Social Security Contributions and Benefits Act 1992, of any element of child tax credit other than the family element, of working tax credit, of an income-based jobseeker's allowance or of an income-related employment and support allowance.
- (5) A person is not liable to contribute towards the maintenance of a child in the care of a local authority in respect of any period during which the child is allowed by the authority (under section 23(5)) to live with a parent of his.
- (6) A contributor is not obliged to make any contribution towards a child's maintenance except as agreed or determined in accordance with this Part of this Schedule.
- (7) The cases are where the child is looked after by a local authority under—
- (a) Section 21;
 - (b) An interim care order;
 - (c) Section 92 of the Powers of Criminal Courts (Sentencing) Act 2000.

Agreed contributions

- 22 (1) Contributions towards a child's maintenance may only be recovered if the local authority have served a notice ("a contribution notice") on the contributor specifying—
- (a) The weekly sum which they consider that he should contribute; and
 - (b) Arrangements for payment.

- (2) The contribution notice must be in writing and dated.
- (3) Arrangements for payment shall, in particular, include—
 - (a) The date on which liability to contribute begins (which must not be earlier than the date of the notice);
 - (b) The date on which liability under the notice will end (if the child has not before that date ceased to be looked after by the authority); and
 - (c) The date on which the first payment is to be made.
- (4) The authority may specify in a contribution notice a weekly sum which is a standard contribution determined by them for all children looked after by them.
- (5) The authority may not specify in a contribution notice a weekly sum greater than that which they consider—
 - (a) They would normally be prepared to pay if they had placed a similar child with local authority foster parents; and
 - (b) It is reasonably practicable for the contributor to pay (having regard to his means).
- (6) An authority may at any time withdraw a contribution notice (without prejudice to their power to serve another).
- (7) Where the authority and the contributor agree—
 - (a) The sum which the contributor is to contribute; and
 - (b) Arrangements for payment,(Whether as specified in the contribution notice or otherwise) and the contributor notifies the authority in writing that he so agrees, the authority may recover summarily as a civil debt any contribution which is overdue and unpaid.
- (8) A contributor may, by serving a notice in writing on the authority, withdraw his agreement in relation to any period of liability falling after the date of service of the notice.
- (9) Sub-paragraph (7) is without prejudice to any other method of recovery.

Contribution orders

- 23 (1) Where a contributor has been served with a contribution notice and has—
 - (a) Failed to reach any agreement with the local authority as mentioned in paragraph 22(7) within the period of one month beginning with the day on which the contribution notice was served; or

- (b) Served a notice under paragraph 22(8) withdrawing his agreement,
The authority may apply to the court for an order under this paragraph.
- (2) On such an application the court (*) may make an order (“a contribution order”) requiring the contributor to contribute a weekly sum towards the child’s maintenance in accordance with arrangements for payment specified by the court.
- (3) A contribution order—
- (a) Shall not specify a weekly sum greater than that specified in the contribution notice; and
- (b) Shall be made with due regard to the contributor’s means.
- (4) A contribution order shall not—
- (a) Take effect before the date specified in the contribution notice; or
- (b) Have effect while the contributor is not liable to contribute (by virtue of paragraph 21); or
- (c) Remain in force after the child has ceased to be looked after by the authority who obtained the order.
- (5) An authority may not apply to the court under sub-paragraph (1) in relation to a contribution notice which they have withdrawn.
- (6) Where—
- (a) A contribution order is in force;
- (b) The authority serve another contribution notice; and
- (c) The contributor and the authority reach an agreement under paragraph 22(7) in respect of that other contribution notice,
- The effect of the agreement shall be to discharge the order from the date on which it is agreed that the agreement shall take effect.
- (7) Where an agreement is reached under sub-paragraph (6) the authority shall notify the court—
- (a) Of the agreement; and
- (b) Of the date on which it took effect.
- (8) A contribution order may be varied or revoked on the application of the contributor or the authority.
- (9) In proceedings for the variation of a contribution order, the authority shall specify—
- (a) The weekly sum which, having regard to paragraph 22, they propose that the contributor should contribute under the order as varied; and

- (b) The proposed arrangements for payment.
- (10) Where a contribution order is varied, the order—
 - (a) Shall not specify a weekly sum greater than that specified by the authority in the proceedings for variation; and
 - (b) Shall be made with due regard to the contributor's means.
- (11) An appeal shall lie in accordance with rules of court from any order made under this paragraph.

Enforcement of contribution orders etc.

- 24 (1) A contribution order made by a magistrates' court shall be enforceable as a magistrates' court maintenance order (within the meaning of section 150(1) of the Magistrates' Courts Act 1980).
- (2) Where a contributor has agreed, or has been ordered, to make contributions to a local authority, any other local authority within whose area the contributor is for the time being living may—
 - (a) At the request of the local authority who served the contribution notice; and
 - (b) Subject to agreement as to any sum to be deducted in respect of services rendered, collect from the contributor any contributions due on behalf of the authority who served the notice.
- (3) In sub-paragraph (2) the reference to any other local authority includes a reference to—
 - (a) A local authority within the meaning of section 1(2) of the Social Work (Scotland) Act 1968; and
 - (b) A Health and Social Services Board established under Article 16 of the Health and Personal Social Services (Northern Ireland) Order 1972.
- (4) The power to collect sums under sub-paragraph (2) includes the power to—
 - (a) Receive and give a discharge for any contributions due; and
 - (b) (If necessary) enforce payment of any contributions, even though those contributions may have fallen due at a time when the contributor was living elsewhere.
- (5) Any contribution collected under sub-paragraph (2) shall be paid (subject to any agreed deduction) to the local authority who served the contribution notice.
- (6) In any proceedings under this paragraph, a document which purports to be—

- (a) A copy of an order made by a court under or by virtue of paragraph 23; and
 - (b) Certified as a true copy by the designated officer for the court, shall be evidence of the order.
- (7) In any proceedings under this paragraph, a certificate which—
 - (a) Purports to be signed by the clerk or some other duly authorised officer of the local authority who obtained the contribution order; and
 - (b) States that any sum due to the authority under the order is overdue and unpaid, shall be evidence that the sum is overdue and unpaid.

- (*) Under Rule 5 (the Allocation and Transfer of Proceedings Order 2008 (enacted with the power of paragraph 1, Schedule 11 of the 1989 Act)), proceedings for a Contribution Order under paragraph 23, Schedule 2 of the 1989 Act must be started in the Magistrates Court.

Appendix 2: Section 29 of the Children Act 1989

- 29 Recoupment of cost of providing services etc.
- (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 subsection (1) for a service provided under section 17 or section 18(1) or (5) at any time when he is in receipt of income support under Part VII of the Social Security Contributions and Benefits Act 1992, of any element of child tax credit other than the family element, of working tax credit, of an income-based jobseeker's allowance or of an income-related employment and support allowance.
 - (a) No person shall be liable to pay any charge under subsection (1) for a service provided under section 18(2) or (6) at any time when he is in receipt of income support under Part VII of the Social Security Contributions and Benefits Act 1992, of an income-based jobseeker's allowance or of an income-related employment and support allowance.
 - (b) No person shall be liable to pay any charge under subsection (1) for a service provided under section 18(2) or (6) at any time when—
 - a) He is in receipt of guarantee state pension credit under section 1(3)(a) of the State Pension Credit Act 2002, or
 - b) He is a member of a couple (within the meaning of that Act) the other member of which is in receipt of guarantee state pension credit.
 - (4) The persons are—
 - (a) Where the service is provided for a child under the age of 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.

- (5) Any charge under subsection (1) may, without prejudice to any other method of recovery, be recovered summarily as a civil debt.
- (6) Part III of Schedule 2 makes provision in connection with contributions towards the maintenance of children who are being looked after by local authorities and consists of the re-enactment with modifications of provisions in Part V of the Child Care Act 1980.
- (7) Where a local authority provide any accommodation under section 20(1) for a child who was (immediately before they began to look after him) ordinarily resident within the area of another local authority, they may recover from that other authority any reasonable expenses incurred by them in providing the accommodation and maintaining him.
- (8) Where the local authority provide accommodation under section 21(1) or (2)(a) or (b) for a child who is ordinarily resident within the area of another local authority and they are not maintaining him in—
 - (a) A community home provided by them;
 - (b) A controlled community home; or
 - (c) A hospital vested in the Secretary of State, the Welsh Ministers or a Primary Care Trust or any other hospital made available pursuant to arrangements made by the Strategic Health Authority a Local Health Board or a Primary Care Trust'

They may recover from that other authority any reasonable expenses incurred by them providing the accommodation and maintaining him.

- (9) Except where subsection (10) applies, where a local authority comply with any request under section 27(2) in relation to a child or other person who is not ordinarily resident within their area, they may recover from the local authority in whose area the child or person is ordinarily resident any reasonable expenses incurred by them in respect of that person.
- (10) Where a local authority ("authority A") comply with any request under section 27(2) from another authority ("authority B") in relation to a child or other person—
 - (a) Whose responsible authority is authority B for the purpose of section 23B or 23C; or
 - (b) Whom authority B are advising or befriending or to whom they are giving assistance by virtue of section 24(5)(a),

Authority A may recover from authority B any reasonable expenses incurred by them in respect of that person.

Appendix 3: Leaflet: 'Helping to Meet the Costs of Caring for your Child Whilst They are Looked After'

CHILDREN'S SOCIAL CARE

**HELPING TO MEET THE COSTS OF CARING FOR YOUR CHILD
WHILST THEY ARE LOOKED AFTER**

You continue to have Parental Responsibility for your child even when they are looked after by Worcestershire County Council (WCC). This means that though WCC has day to day care of your child, you must still be consulted about any decisions about their care and wellbeing.

As part of your Parental Responsibility you remain financially responsible for your child and will be expected to continue to meet their day-to-day personal costs, such as toiletries and clothing. You will also be expected to provide suitable gifts for birthdays, Christmas and other Festivals.

You will continue to receive Child Benefit for up to 8 weeks following your child becoming looked after. During this period you should continue to use the child benefit to provide for your child's pocket money and clothing and to cover the cost of contact visits. After 8 weeks your Child Benefit should cease. You are responsible for notifying the Department of Works and Pensions of your changed circumstances.

You may also be liable to make a financial contribution towards the cost of your child's actual care. This financial contribution will be based on an assessment of your financial circumstances.

You will *not* be asked for a Financial Contribution if:

- You are in receipt of some state benefits (such as Income Support) or are on a low income.
- Your child is being provided with Short Breaks
- Your child is looked after as a result of Court Order (that is, an Emergency Protection Order, an Interim Care Order or a Care Order).

- Your child is over the age of 16

You can still make a voluntary financial contribution if you so wish.

You must complete the enclosed 'Should you pay Towards the Cost of your child's Care?' section. We will take proper account of your ability to pay when deciding what the actual weekly amount will be. *You must complete this even if you wish to claim exemption due to low income.* Please complete and return to the address provided as soon as possible.

If you believe there is some other reason why you, or the child's second parent if you live separately, should not be asked for a financial contribution towards the cost of caring for your child then you must discuss this with your social worker.

This form will also be sent to each parent of the child even if they do not live with you. You must let your social worker know if there is any reason why this form should not be sent to them.

If you are required to pay towards the cost of your child's care you will be sent a *Contribution Notice letter*, which will give details of how much you must pay. The maximum weekly charge for looking after a child will be equivalent to the age related fostering allowance we pay to our foster carers. The Contribution Notice will also show you the actual weekly cost of caring for your child.

Your financial contributions will stop once:

- 1) Your child ceases to be looked after
- 2) Your child reaches the age of 16, or
- 3) Your financial circumstances change which would mean it is no longer appropriate for a contribution to be sought

If it is not possible to reach agreement within a month from the date that the contribution notice letter was sent then legal action may be taken. A court can make a *Contribution Order*, which would require you to

make payments. If payments are overdue or remain unpaid then legal action can be taken to recover the debt.

Reviewing your Payments

Your payments will be reviewed annually or if there is a significant change in your circumstances. When the annual review is due you will be sent a new financial assessment form, which must be completed.

Please contact your social worker if you believe that there is a change in your circumstances which you believe may affect your ability to make regular payments.

How to complain

If you are unhappy about the way that this assessment has been handled then you should contact [DETAILS](#)

Appendix 4: Leaflet: 'Helping to Meet the Costs of Caring for your Child Whilst They are Receiving Services from the Local Authority'

CHILDREN'S SOCIAL CARE

**HELPING TO MEET THE COSTS OF CARING FOR YOUR CHILD
WHILST THEY ARE RECEIVING SERVICES FROM THE LOCAL
AUTHORITY**

As part of your Parental Responsibility you are financially responsible for your child. The Local Authority has a duty to determine if you should be liable to make a financial contribution towards the cost of the services received by your child. This financial contribution will be based on an assessment of your financial circumstances.

You will *not* be asked for Financial Contribution if:

- 1) You are in receipt of some state benefits (such as Income Support or a State Pension) or are on a low income, or
- 2) Your child is over the age of 16

You can still make a voluntary contribution if you so wish.

You must complete the enclosed 'Should you pay Towards the Cost of your child's Care?' section. We will take proper account of your ability to pay when deciding what the actual weekly amount will be. *You must complete this even if you wish to claim exception due to low income.* Please complete and return to the address provided as soon as possible.

If you believe there is some other reason why you, or the child's second parent if you live separately, should not be asked for a financial contribution towards the cost of supplying your child with services then you must discuss this with your social worker.

This form will also be sent to each parent of the child even if they do not live with you. You must let your social worker know if there is any reason why this form should not be sent to them.

If you are required to pay towards the cost of your child's care you will be sent a *Contribution Notice Letter*, which will give details of how much you must pay. The maximum weekly charge for looking after a child will be equivalent to the age related fostering allowance we pay to our foster carers. The Contribution Notice will also show you the actual weekly cost of caring for your child.

Your financial contributions will stop once:

- 1) Your child reaches the age of 16, or
- 2) Your financial circumstances change which would mean it is no longer appropriate for a contribution to be sought

If it is not possible to reach agreement within a month from the date that the contribution notice letter was sent then legal action may be taken. If payments are overdue or remain unpaid then legal action can be taken to recover the debt.

Reviewing you Payments

Your payments will be reviewed annually or if there is significant change in your circumstances. When the annual review is due you will be sent a new financial assessment form, which must be completed.

Please contact your social worker if you believe that there is a change in your circumstances which you believe may affect your ability to make regular payments.

How to complain

If you are unhappy about the way that this assessment has been handled then you should contact [DETAILS](#)

SHOULD YOU PAY TOWARDS THE COST OF YOUR CHILD'S CARE?

We need to know whether you should pay towards the cost of caring for your child. Please complete the following and return to XXXXX

Name of Looked After Child/Young Person	
Date of Birth	
Date became Looked After	
Father's Name	
Current Employer's Name and Address	
Employment income	
Other income	
Savings	
Mother's Name	
Current Employer's Name and Address	
Employment income	
Other income	
Savings	

**THIS FINANCIAL ASSESSMENT FORM WILL BE USED TO CALCULATE
THE LEVEL OF YOUR CONTRIBUTION – PROOF OF INCOME MAY BE
REQUIRED FROM YOUR EMPLOYER**

Appendix 5: Contribution Notice letter

Name
Address
Postcode

Reference Number: XXXXXXXX

DATE

Dear

CONTRIBUTION NOTICE

**PAYMENT TOWARDS COST OF YOUR CHILD BEING LOOKED AFTER
BY WORCESTERSHIRE COUNTY COUNCIL**

From the information you have provided we have assessed that you are able to make a contribution towards the costs of your child's care. The details are contained within the enclosed Contribution Notice.

There are two copies of this Contribution Notice. You need to sign and return one copy of this notice to the address given below. The second copy is for you to keep. Also enclosed is a leaflet that explains the reasons for these contributions. The leaflet also tells you what to do if you do not agree with the contribution notice.

Please make payment on the due date. Payment can be made by sending a cheque or postal order payable to WORCESTERSHIRE COUNTY COUNCIL to:

Children's Services Finance
Worcestershire County Council
Social Services
PO Box 372
Worcester
WR5 2XE

PLEASE ATTACH INVOICE COUNTERFOIL WITH PAYMENT

Please note that we may have to take legal action if you fail to make a financial contribution towards the care of your child.

You are entitled to continue claiming Child Benefit for your child for the first eight weeks after they become looked after. However if they are looked after for more than eight weeks you are no longer entitled to Child Benefit and you must notify the Department of Works and Pensions immediately. Failure to do so might result in legal action or you having to repay any overpayment.

Your contribution towards your child's care be reviewed in 12 months. In the meantime please let us know if there is any changes in your circumstances that you believe might affect your ability to make this contribution.

If you have any questions regarding payment, please telephone your Social Worker.

Yours Sincerely

On behalf of Worcestershire County Council

CONTRIBUTION NOTICE

Reference Number: XXXXXXXX

Date:

This Notice applies to: *(Name of adult/s)*

NAME OF YOUR CHILD: YY

ACTUAL WEEKLY COST OF PLACEMENT £XXXX

YOUR WEEKLY CONTRIBUTION: £XXXX

The first payment should be made on: DATE

Contributions will cease on: DATE OF CHILD'S 16TH BIRTHDAY (payments will no longer be payable before this date if your child ceases to be looked after)

Schedule 2 of the Children Act 1989 allows Worcestershire County Council to recover payment from parents of those with Parental Responsibility for children looked after by the local authority.

Your child is being looked after by Worcestershire County Council and it has been decided, after considering information provided by you about your financial circumstances, that you should pay a weekly amount towards the cost of your child's care.

These payments are payable with effect from the above date, and will continue to be payable until either your child's 16th birthday or the date they cease to be looked after by the County Council. The amount payable will be subject to a 12 monthly review.

If payment is not agreed within one month from the date of this Notice Worcestershire County Council may apply to the Courts for a Contribution Order, and some of the costs associated with this may have to be recovered through an increase in your contribution.

You are able to withdraw your consent to the Contribution Notice at any time. However, where consent is withdrawn the County Council may seek to

recover any unpaid contributions and any future contributions through the Court.

I/We agree to pay Worcestershire County Council the above weekly sum towards the maintenance of our child from the date specified in this notice.

Signed: _____

Print name: _____

Date: _____

Signed: _____

Print name: _____

Date: _____

Appendix 6: Contribution Waiver Request

REQUEST TO WAIVE FINANCIAL CONTRIBUTIONS FOR A LOOKED AFTER CHILD

1. Basic Details	
Name of Looked After Child	
Framework Ref No:	
Date became Looked After	
Mother's Name	
Mother's Address	
Asked to make Financial Contribution?	Yes/No
Father's Name	
Father's Address	
Do they hold PR?	Yes/No
In contact with child?	Yes/No
Asked to make Financial Contribution?	Yes/No
2. Give reasons why a financial contribution should not be sought. <i>What will be the impact on the child? What are the risks?</i>	

3. Social Worker's Recommendations:
Name of Worker:
Date:
4. Team Manager's Comments
Name of Manager:
Date:
5. Service Manager's Decision:
I agree / do not agree to waive the financial contributions in respect of this child.
Reasons for Decision:
Date:

IT IS THE SOCIAL WORKER'S RESPONSIBILITY TO NOTIFY THE RELEVANT PARENT OF THE OUTCOME OF THIS REQUEST

This pro forma must be uploaded on to the child's Frameworki Record.

Appendix 7: Review of Parental Contribution

Name
Address
Postcode

DATE

Dear

REVIEW OF PARENTAL CONTRIBUTION TOWARDS COST OF YOUR CHILD BEING LOOKED AFTER BY WORCESTERSHIRE COUNTY COUNCIL

NAME OF CHILD: YY

CURRENT WEEKLY CONTRIBUTION: £XX

The review of your contribution towards the cost of your child being looked after is now due. This review is being undertaken to take into account any changes in your circumstances.

Please find enclosed an explanatory leaflet and Finance Form that must be completed and returned by no later than 2 weeks from receipt of this letter to:

Children's Services Finance
Worcestershire County Council
Children's Services
PO Box 372
Worcester
WR5 2XE

Once this review has taken place a new Contribution Notice will be issued. This will supersede the current notice.

If you have any questions regarding the payment methods, please telephone your Social Worker.

Yours Sincerely

On behalf of Worcestershire County Council

Enquiries to: 01905 XXXXXX

CHILDREN'S SOCIAL CARE

HELPING TO MEET THE COSTS OF CARING FOR YOUR CHILD

You continue to have Parental Responsibility for your child even when they are looked after by Worcestershire County Council (WCC). This means that though WCC has day to day care of your child, you must still be consulted about any decisions about their care and wellbeing.

As part of your Parental Responsibility you remain financially responsible for your child and will be expected to continue to meet their day-to-day personal costs, such as toiletries and clothing. You will also be expected to provide suitable gifts for birthdays, Christmas and other Festivals.

You will continue to receive Child Benefit for up to 8 weeks following your child becoming looked after. During this period you should continue to use the child benefit to provide for your child's pocket money and clothing and to cover the cost of contact visits. After 8 weeks your Child Benefit should cease. You are responsible for notifying the Department of Works and Pensions of your changed circumstances.

You may also be liable to make a financial contribution towards the cost of your child's actual care. This financial contribution will be based on an assessment of your financial circumstances.

You will *not* be asked for a Financial Contribution if:

- You are in receipt of some state benefits (such as Income Support) or are on a low income.
- Your child is being provided with Short Breaks
- Your child is looked after as a result of Court Order (that is, an Emergency Protection Order, an Interim Care Order or a Care Order).
- Your child is over the age of 16

You can still make a voluntary financial contribution if you so wish.

You must complete the enclosed 'Should you pay Towards the Cost of your child's Care?' section. We will take proper account of your ability to pay when deciding what the actual weekly amount will be. *You must complete this even if you wish to claim exemption due to low income.* Please complete and return to the address provided as soon as possible.

If you believe there is some other reason why you, or anyone else with parental responsibility, should not be asked for a financial contribution towards the cost of caring for your child then you must discuss this with your social worker

This form will also be sent to anyone else who has parental responsibility for your child even if they do not live with you. You must let your social worker know if there is any reason why this form should not be sent to them.

If you are required to pay towards the cost of your child's care you will be sent a *Contribution Notice letter*, which will give details of how much you must pay. The maximum weekly charge for looking after a child will be equivalent to the age related fostering allowance we pay to our foster carers. The Contribution Notice will also show you the actual weekly cost of caring for your child.

Your financial contributions will stop once your child ceases to be looked after.

If it is not possible to reach agreement within a month from the date that the contribution notice letter was sent then legal action may be taken. A court can make a *Contribution Order*, which would require you to make payments. If payments are overdue or remain unpaid then legal action can be taken to recover the debt.

Reviewing your Payments

Your payments will be reviewed annually or if there is a significant change in your circumstances. When the annual review is due you will be sent a new financial assessment form, which must be completed.

Please contact your social worker if you believe that there is a change in your circumstances which you believe may affect your ability to make regular payments.

How to complain

If you are unhappy about the way that this assessment has been handled then you should contact DETAILS

SHOULD YOU PAY TOWARDS THE COST OF YOUR CHILD'S CARE?

We need to know whether you should pay towards the cost of caring for your child. Please complete the following and return to XXXXX

Name of Looked After Child/Young Person	
Date of Birth	
Date became Looked After	
Father's Name	
Current Employer's Name and Address	
Mother's Name	
Current Employer's Name and Address	

THIS FINANCIAL ASSESSMENT FORM WILL BE USED TO CALCULATE THE LEVEL OF YOUR CONTRIBUTION – PROOF OF INCOME MAY BE REQUIRED FROM YOUR EMPLOYER

Appendix 8: Notice of Intended Legal Action

My ref DT/<033>

Contact Mrs D Tredinnick

<105>

<091>

NOTICE OF INTENDED PROCEEDINGS

Dear <264>

Total Amount Outstanding: £<059>;

Customer number: <034>; <067>

I am advised by the Director of Financial Services that the above amount remains outstanding. This amount represents the contribution you have been assessed to pay towards services supplied to your child. I enclose a copy of details/invoice(s) for your information.

Please note that unless I receive your remittance in the sum of **£<059>** within **FOURTEEN** days of the date of this letter a Claim will be issued in the County Court. If legal action is necessary you will be responsible for extra charges such as Court fees, interest and judicial expenses; **by paying this debt now you can avoid these additional costs.**

The procedure of raising a Claim, obtaining Judgment and subsequent enforcement of that Judgment can happen in a matter of weeks. **Do not make the serious mistake of ignoring this urgent problem.** Payments can be made by credit or debit card– please telephone **01905 765765** or go online at www.worcestershire.gov.uk/epayments. **You will need to quote the invoice number(s) as the reference for payment and not my reference if making payment by credit/debit card.** If you send payment by cheque/postal order you must ensure your envelope is marked for my attention. Payments can also be made in person at any of the Worcestershire Hub Customer Service Centres – **please quote the invoice number and/or customer number when making payment.**

If you are having financial difficulties please note the County Council **will** accept installments payments. If you would like to pay in this way you should contact me **in writing** with your proposals, including income and expenditure details, **within the fourteen day time limit.** If you require a payment

book/standing order forms to pay by installments you must make the request at the same time.

If you simply ignore this letter the County Council will have no option but to take legal action. Should the County Council obtain Judgment against you, your name will automatically be placed on the list of County Court Judgment Debtors. This will immediately affect your credit reputation making it difficult to obtain credit facilities such as mortgages, loans, credit and charge cards etc. Please note that free independent advice and assistance can be obtained from various organisations such as the CAB and National Debtline.

When writing to this office please ensure all correspondence is marked clearly for my attention and the above reference is quoted.

Yours sincerely

**D M Tredinnick
Legal and Democratic Services**