



Cabinet Member (Children and Young People)

Time and Date

1.00 pm on Monday, 17th February, 2020

Place

Committee Room 3 - Council House

Public Business**1. Apologies****2. Declarations of Interests****3. Minutes** (Pages 3 - 6)

- (a) To agree the minutes of the meeting held on 16 January, 2020
- (b) Matters Arising

4. Pathways to Care Capital Funding Approval Policy (Pages 7 - 26)

Report of the Deputy Chief Executive (People)

5. Outstanding Issues Report

There are no outstanding issues

6. Any Other Business

To consider any other items of business which the Cabinet Member decides to take as a matter of urgency because of the special circumstances involved.

Private Business

Nil

Martin Yardley, Deputy Chief Executive (Place), Council House Coventry

Friday, 7 February 2020

Note: The person to contact about the agenda and documents for this meeting is Usha Patel, Governance Services Tel: 024 7697 2301

Membership: Councillor: B Gittins (Deputy Cabinet Member) and P Seaman (Cabinet Member)

By invitation: Councillor J Lepoidevin

Please note: a hearing loop is available in the committee rooms

If you require a British Sign Language interpreter for this meeting
OR if you would like this information in another format or
language please contact us.

Usha Patel

Tel: 024 7697 2301

Email: usha.patel@coventry.gov.uk

Coventry City Council
Minutes of the Meeting of Cabinet Member for Children and Young People held at
1.00 pm on Thursday, 16 January 2020

Present:

Members: Councillor P Seaman (Cabinet Member)
 Councillor J Lepoidevin (Shadow Cabinet Member)

Employees (by Directorate):

People: J Gregg, P Smith

Place: U Patel

Apologies: Councillor B Gittins

Public Business

24. Declarations of Interests

There were no declarations of interest.

25. Minutes

The minutes of the meeting held on 2 December 2019 were signed as a true record. There were no matters arising.

26. Coventry Fostering Service Annual Report 2018-19

The Cabinet Member considered a report of the Deputy Chief Executive (People) that provided information on the work undertaken by the Fostering Service between April 2018 and March 2019.

The performance of Coventry Fostering Service is critical to the delivery of high quality local placements that can meet the diverse needs of Coventry's looked after children.

The report summarised the activity of the service over the past 12 months. It highlighted the challenge of adequately recruiting and retaining the number and type of carers who could meet vulnerable children's needs. It also emphasised the challenge of developing, supervising and supporting approved foster carers to meet the often complex range of needs that looked after children have. The report identified the growth in the number of children placed in the internal foster care estate resulting in a decrease in external placements. Furthermore, the report outlined an increase in connected persons fostering arrangements and detailed the ongoing work of the Fostering Transformation Project.

The aim of the Fostering Transformation Project is both to enable more looked after children to be placed within or close to Coventry and to decrease the reliance on more expensive, externally commissioned, placements.

At the end of 2018/19, 232 of Coventry's looked after children were placed with mainstream foster carers approved by Coventry City Council. This was a growth in the provision of these placements through the year with the total at the end of the previous year having been 189. The proportion of Coventry children placed with externally commissioned carers also fell during the year from 219 to 178.

It was reported that whilst the number of looked after children remained stable, there was a marked increase in the number who were looked after within Coventry. Added to this, Coventry was now bucking the trend of recruiting carers which was a huge boost for the City. However, it had to be acknowledged that there was still a comprehensive list of further work to develop and consolidate the service further.

The Cabinet Member and Deputy Cabinet Member commended the improvements made and acknowledged the work undertaken by the current management to bring about the improvements.

RESOLVED that the Cabinet Member for Children and Young accepts the Fostering Service Annual report for 2018/19.

27. Corporate Parenting Strategy 2020-22

The Cabinet Member considered a report of the Deputy Chief Executive (People) which presented the Corporate Parenting Strategy 2020-2022.

Coventry City Council and all its partners always put children at the very heart of practice, this was especially so regarding our looked after children where corporate parenting was a strong feature of all organisations. The Coventry Corporate Parenting Strategy is a key document that outlines the way in which all partners would work together to make sure our looked after children and care leavers had the best outcomes. This was reflected in the One Coventry approach to delivering services to children across the city. The Corporate Parenting Strategy has been reviewed and updated and was now ready for publication.

The Cabinet Member and Deputy Cabinet Member welcomed the report and thanked officers for the work undertaken and acknowledged the work of the Corporate Parenting Board.

RESOLVED that, the Cabinet Member for Children and Young People:

- 1. Considered and endorsed the refreshed Corporate Parenting Strategy.**
- 2. Requested that the Corporate Parenting Strategy be shared with everyone across the Council as a reminder that we are all Corporate Parents.**

28. Outstanding Issues Report

There were no outstanding issues.

29. **Any Other Business**

There were no other items of business.

(Meeting closed at 1.30 pm)

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Cabinet Member for Children & Young People

17 February 2020

Name of Cabinet Member:

Cabinet Member for Children & Young People, Councillor P Seaman

Director Approving Submission of the report:

Deputy Chief Executive (People)

Ward(s) affected:

None

Title:

Pathways to Care Capital Funding Approval Policy

Is this a key decision?

No - although the proposals affect more than two electoral wards, the impact is not expected to be significant.

Executive Summary:

Coventry City Council identifies a given amount of capital budget each year to facilitate permanence for children and, where appropriate, to increase internal fostering capacity. This policy identifies the criteria for these monies to be allocated and the processes that will be followed to ensure robust management oversight.

Recommendations:

The Cabinet Member is requested to:

- 1) Approve the Pathways to Care Capital Funding Approval Policy.

List of Appendices included:

- Pathways to Care Capital Funding Approval Policy.

Background papers:

None.

Other useful documents

None.

Has it been or will it be considered by Scrutiny?

No.

Has it been or will it be considered by any other Council Committee, Advisory Panel or other body?

No.

Will this report go to Council?

No.

Report title: Pathways to Care Capital Funding Approval Policy

1. Context (or background)

- 1.1 Pathways to Care is the name given to an amount of capital budget set aside by Coventry City Council on an annual basis to support permanence of looked after children cared for by Coventry City Council, facilitate increases to capacity within existing internal fostering provision or to purchase a larger vehicle where specific criteria are met. The policy outlines the criteria used for the allocation of funds, the processes that need to be followed when making payments and the criteria that will be used to recoup and funds if circumstances change.

2. Options considered and recommended proposal

- 2.1 No other options were considered. This policy brings together existing practise to make sure all relevant professionals understand it and the criteria are applied in a fair and transparent way.

3. Results of consultation undertaken

- 3.1 There has been no consultation regarding this policy, as it consolidates current practise into one document.

4. Timetable for implementing this decision

- 4.1 Once agreed, this policy will be applied with immediate effect. It will be circulated throughout the service so that all workers are aware of the policy when in discussion with carers.
- 4.2 An annual report on the spend will be produced so that the Cabinet Member can be assured of how this has made a difference to the children of Coventry.

5. Comments from Director of Finance and Corporate Services

5.1 Financial implications

The existing budget earmarked from capital resources to fund Pathways to Care applications approved by the Exceptional Allowances Finance panel is up to £200k per annum. This is a finite budget and the panel review the quantity and progress of approvals throughout the year to remain within budget. Approvals made from this budget are discretionary, based on the details of each case and the criteria within the policy, and not an entitlement.

Allocations made during the last 2 financial years, and the first 3 quarters of this year, are shown in the table below:

Year	Number of applications supported	Total amount approved
2017/18	6	£173,170
2018/19	5	£106,550
2019/20 (Q1-Q3)	11	£84,533

5.2 Legal implications

Section 22(3) and (3A) of the Children Act 1989 set out a general duty that an local authority has in relation to any looked after child. It shall be the duty of a local authority looking after any child— (a) to safeguard and promote his welfare; and (b) to make such use of services available for children cared for by their own parents as appears to the authority reasonable in his case.

6. Other implications

None.

6.1 How will this contribute to the Council Plan (www.coventry.gov.uk/councilplan/)?

The policy will contribute to the Council Plan in the following ways.

Locally committed- the policy will contribute to improving the health and wellbeing of looked after children and their carers as they will have the opportunity to live in a home which is better suitable for their needs. It will contribute to keeping our children safe from harm and will contribute to looked after children getting the best start in life.

6.2 How is risk being managed?

The key risk with regard to this policy is financial. However, this is mitigated through extensive financial and legal management through the Exceptional Allowances Finance Panel. This is chaired by a senior officer from Children's Services with support from financial and legal colleagues. This makes sure all decisions are robust and within budget.

6.3 What is the impact on the organisation?

This contributes to the Council's corporate parenting responsibilities by making sure that carers have an opportunity to make their accommodation fit to care for our looked after children.

6.4 Equality and Consultation Analysis (ECA)

This policy has been produced to consolidate existing practise within the Council. It makes sure that looked after children have their opportunities promoted and have the best start in life that can be provided. The Council works in partnership with foster carers to make this happen.

6.5 Implications for (or impact on) climate change and the environment

There are no implications for, or impact on climate change and the environment.

6.6 Implications for partner organisations?

There are no implications for partner organisations as a result of this policy.

Report author(s):

Name and job title: Paul Smith Strategic Lead- looked after children

Directorate: People

Tel and email contact: 02476 976744 paul.smith2@coventry.gov.uk

Enquiries should be directed to the above person.

Contributor/approver name	Title	Directorate or organisation	Date doc sent out	Date response received or approved
Contributors:				
Usha Patel	Governance Services Officer	Place		5 February 2020
Tina Pinks	Lead Accountant	Place		18 December 2019
Rob Parkes	Team Leader	Place		18 December 2019
Katherine Robinson	Operational Lead- fostering	People		18 December 2019
Paul Smith	Strategic lead- looked after children	People		18 December 2019
Names of approvers for submission: (officers and members)				
Finance: Ethan Dewar	Finance Manager	Place		4 February 2020
Legal: Julie Newman	City Solicitor and Monitoring Officer	Place		3 February 2020
Director: John Gregg	Director of Children's Services	People		4 February 2020
Member:				
Councillor P Seaman	Cabinet Member for Children & Young People			

This report is published on the council's website:
www.coventry.gov.uk/councilmeetings

Appendices



Pathways to Care Capital Funding Approval Policy October 2019

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1 Introduction

- 1.1 Pathways to Care is the name given to an amount of capital budget set aside by Coventry City Council on an annual basis to support and facilitate:
 - (a) permanence for looked after children cared for by Coventry City Council,
 - (b) increases to capacity within our existing internal fostering provision or
 - (c) the purchase of a larger vehicle where specific criteria is met.
- 1.2 The capital budget for providing this assistance is a fixed budget. Payments made by the Council are discretionary and not an entitlement.
- 1.3 Applications for this capital funding are made via the Exceptional Allowances Finance Panel which is held monthly and attended by senior managers from Children's Services along with Financial Management and supported by Legal Services.
- 1.4 Panel decisions are communicated to Cabinet Member (Children's Services) and Leadership Team within an annual report.
- 1.5 Financial awards made by the panel may result in the Council placing a legal charge on the carers' property. Carers should be made aware of this at the outset of any discussions with Council officer's and should always be advised to seek their own independent legal advice.
- 1.6 No financial assistance will be provided retrospectively and carers seeking financial assistance from the Council should not proceed before explicit, written confirmation has been provided by the Council confirming the level, form and conditions of the financial assistance.

2 Purpose

- 2.1 This document sets out Coventry City Council Children's Service's policy on applications and approvals of Pathways to Care funding.
- 2.2 This policy sets out the framework for approval of Pathways to Care funding providing detail around the circumstances and eligibility criteria for applications to be submitted to the above-mentioned panel.

3 Scope

3.1 (a) Facilitating Permanence for Looked after Children

- 3.1.1 This section of the policy applies to Coventry looked after children within;
 - Internal Foster Carers,
 - Connected Person Carers,
 - Special Guardianship carers and those applying for a Special Guardianship Order,
 - Adopters and those applying for Adoption orders.
- 3.1.2 This section excludes;
 - Independent foster carers (IFA)
 - Parents caring for their own children who remain looked after via a care order or interim care order

- Child Arrangements Orders carers.

3.2 (b) Increase to Capacity for Internal Foster Carers

- 3.2.1 This section of the policy applies to all Internal foster carers who meet the following criteria:
- Have been registered as internal foster carers for Coventry City Council for a minimum of 3 years
 - Have been assessed through foster carers annual review as capable of increasing capacity, both logistically and in terms of recognised skill level (excluding accommodation restraints).

3.3 (c) Purchase of Larger Motor Vehicle

- 3.3.1 This section of the policy applies to carers of Coventry City Council looked after children: -
- Where there are more than 3 children present in the home (including birth children) or
 - Where the needs of the children result in them not being able to be transported safely in a 5-seater car.
- 3.3.2 This section excludes: -
- Independent foster carers
 - Parents caring for their own children who remain looked after
 - Child Arrangements Orders carers.

4 Key Principles, Eligibility and Conditions of Funding

4.1 (a) Facilitating Permanence for Looked after Children

- 4.1.1 The key principle of this strand of Pathways to Care funding is to support and facilitate permanence for Coventry City Council looked after children.
- 4.1.2 This can be done via:
- House adaptations
 - Supporting the costs of moving house
 - Supporting the purchase of a property with appropriate bedroom capacity.
- 4.1.3 We will only seek to fund like for like elements and not the carers choice of betterment. All other options for securing suitable accommodation must be considered before an application is made to panel.
- 4.1.4 Subject to a carer meeting the scope defined within 3.1 of this document, then an application will be considered by panel along with the following eligibility criteria and conditions of funding.
- 4.1.5 Funding will only be considered where all of the following criteria is met:
- There is an agreed permanence plan for the looked after child, endorsed by a statutory review

- There is an up to date assessment of the looked after child’s needs and current care plan
- The carer is only able to accommodate the looked after child(ren) permanently with an increase in bedroom capacity.

4.1.6 The carer(s) must provide 3 detailed quotes from reputable companies for any works being considered along with the application for funding to panel. Coventry City Council will have the final determination as to the amount payable. The panel will only consider costs and works attributable to providing additional bedroom space. Any additional works to modify other areas of the property will be wholly paid for by the carer.

4.1.7 If an application to facilitate permanence is approved at panel under criteria (b) it will be subject to the following thresholds and criteria and a contractual agreement will be drawn between Coventry City Council and the carers before funding can be released.

- Up to £20k, Pathways to Care funding to facilitate permanence will be awarded by way of a grant with conditions
- Above £20k, Pathways to Care funding to facilitate permanence, will be awarded as a loan secured against the carer’s property by way of a legal charge which will include appreciation provisions.

4.1.8 If the carer ceases to care for the child(ren) within 6 years and has been awarded a grant with conditions, then the conditions of the grant will determine that a repayment of funds is due on a reducing balance scale of 20% per annum as demonstrated in table 3 below:

TABLE 1

Length of arrangement prior to break down	Amount of grant repayable
1 year	100%
2 years	80%
3 years	60%
4 years	40%
5 years	20%
6 years	0%

For example: if a Carer is awarded a grant for £16k and they cease to care for the child after 4 1/2 years, then they will owe 40% (16k x 40% = £6,400).

4.1.9 The repayment will be due within 6 months of the arrangement break down, on the basis that it is adequate time to have secured funds from another source or release equity from the property. If payment is not made within 6 months, then the Council may charge interest in line with the Bank of England base rate.

4.1.10 Loans awarded and secured as a legal charge plus appreciation, will be repayable at the earliest of:

- Sale of the property
- Any other disposition of the property
- 5 years after 21st birthday of the youngest child

- The looked after child ceases to live at home post 18
- Cease to care for the children before they are 18 (see 4.1.11).

4.1.11 If the carer ceases to care for the child(ren) and the carer has been awarded a Pathways to Care Loan, with legal charge & appreciation clause applied to their property, then they will be liable for a minimum fixed % of the total repayment value within 6 months, as set out in Table 2 below. On the basis that it is adequate time to have secured funds from another source or release equity from the property. If payment is not made within 6 months, then the Council may charge interest in line with the Bank of England base rate.

Table 2

% of principle amount, due within 6 months of arrangement break down	Length of arrangement prior to break down
100%	<1 year
90%	1 year
80%	2 years
70%	3 years
60%	4 years
50%	5 years
40%	6 years
30%	7 years
20%	8 years
10%	9 years
0%	10 years

4.1.12 The remainder on the legal charge will be repayable in line with criteria set out in 4.1.10 above.

4.2 (b) Increase to Capacity for Internal Foster Carers

- 4.2.1 The key principle of making Pathways to Care funding available to internal foster carers is to increase the number of internal foster care placements available within a home by providing additional bedroom space.
- 4.2.2 It is recognised that this approach supports the existing transformation placement strategy as well as providing opportunities to enable sibling groups to be placed together where they may otherwise have been separated.
- 4.2.3 Subject to the internal foster carer meeting the scope defined within 3.2 of this document, then an application will be considered by panel along with the following eligibility criteria and conditions of funding.
- 4.2.4 It is expected that a foster carer will provide at least a 50% contribution to the works required to increase the bedroom capacity. This is in recognition that not only are we increasing capacity for the placement of Coventry City Council looked after children, but also increasing the foster carer's fixed assets and level of earnings potential.

- 4.2.5 The foster carer(s) must provide 3 detailed quotes from reputable companies along with the application for funding. Coventry City Council will have the final determination as to the amount payable. The panel will only consider works attributable to providing additional bedroom space. Any additional works to modify other areas of the property will be wholly paid for by the foster carer.
- 4.2.6 If an application for capacity building is approved at panel under criteria (a) it will be subject to the following thresholds and criteria and a contractual agreement will be drawn between Coventry City Council and the Carers before funding can be released.
- iii. Up to £20k, Pathways to Care funding to increase capacity will be awarded by way of a Grant with conditions.
 - iv. Above £20k, Pathways to Care funding to increase capacity, will be awarded as a loan secured against the carer's property by way of a legal charge which will include appreciation provisions.
- 4.2.7 If the foster carer(s) is awarded Pathways to care funds as a grant with conditions, the carer(s) is expected to continue to actively foster for Coventry City Council Internal Fostering Services for a minimum period of 6 years.
- 4.2.8 If a carer ceases to Foster for Coventry before the 6 years specified active service is completed, due to resignation or is deregistered on the grounds of unsuitability, then conditions of the grant will determine that a repayment of funds is due on a reducing balance scale of 20% per annum as demonstrated in table 3 below:

TABLE 3

Length of Active service for Coventry Internal Fostering Service	Amount of grant repayable
1 year	100%
2 years	80%
3 years	60%
4 years	40%
5 years	20%
6 years	0%

For example: if a Carer is awarded a grant for £16k and they cease to foster after 4 1/2 years, then they will owe 40% (16k x 40% = £6,400).

- 4.2.9 The repayment will be due within 6 months of the resignation or deregistration, on the basis that it is adequate time to have secured funds from another source or release equity from the property. If payment is not made within 6 months, then the Council may charge interest in line with the Bank of England base rate.
- 4.2.10 Under the following extenuating circumstances, the Council has discretion to remove the active service conditions which determine a repayment of the grant:
- Serious ill health of a carer which means they CAN no longer foster
 - Death of a carer
 - If a foster carer ceases to actively foster due to Staying Put arrangements of a Coventry City Council looked after child, in these circumstances and for the purposes of this policy only, this will be acknowledged as 'active' service

- If a foster carer takes legal permanence for children in their care via adoption, special guardianship or child arrangements order.
- 4.2.11 Loans awarded and secured as a legal charge plus appreciation, will be repayable at the earliest of
- Sale of the property
 - Any other disposition of the property
 - 5 years after they cease to foster for Coventry Council Internal Fostering Service
 - Cease to foster for Coventry City Council Internal Fostering Service (see section 4.2.12 below).
- 4.2.12 If the carer ceases to foster for Coventry City Council internal fostering service before the minimum specified active service of 10 years, due to resignation or is deregistered on the grounds of unsuitability, and has been awarded a Pathways to Care Loan, with legal charge & appreciation clause applied to their property, then they will be liable for a minimum fixed % of the total repayment value within 6 months, as set out in Table 4 below. On the basis that it is adequate time to have secured funds from another source or release equity from the property. If payment is not made within 6 months, then the Council may charge interest in line with the Bank of England base rate.

Table 4

% of principle amount, due within 6 months of resignation or deregistration	Length of active service (from first additional placement date)
100%	<1 year
90%	1 year
80%	2 years
70%	3 years
60%	4 years
50%	5 years
40%	6 years
30%	7 years
20%	8 years
10%	9 years
0%	10 years

- 4.2.13 The remainder of the legal charge will be repayable in line with criteria set out in 4.2.11 above.

4.3 (c) Purchase of Larger Motor Vehicle

- 4.3.1 The key principle of this strand of Pathways to Care funding is to support the cost of increasing the size of the family vehicle, to provide safe transport for all children present within the home, where the placement of a Coventry looked after child affects this.
- 4.3.2 Subject to the carer meeting the scope defined within 3.3 of this document, then an application will be considered by panel along with the following eligibility criteria and conditions of funding.

- 4.3.3 The carer(s) must provide 3 detailed quotes from reputable companies along with the application for funding. Coventry City Council will have the final determination as to the amount payable. The panel will only consider costs attributable to increasing the size of the vehicle and will not seek to support betterment or reliability. Any additional costs related to upgrading the vehicle will be paid for by the carer.
- 4.3.4 If an application for motor vehicles is approved at panel under this criteria (c) it will be awarded as a grant with conditions. A contractual agreement will be drawn between Coventry City Council and the carers before funding can be released.
- 4.3.5 This grant is capped at £5,000 per household.
- 4.3.6 A report from the supervising or adoption social worker is required to explain the circumstance surrounding the application.
- 4.3.7 Carers are expected to contribute towards the costs of changing vehicles with the grant being used to pay the difference between a normal family vehicle and the larger (people carrier type) needed to transport the children safely.
- 4.3.8 Funds will be released upon receipt of evidence that the car has been purchased or intended purchase of vehicle.
- 4.3.9 Carers will be required to give signed agreement prior to release of the funds confirming that if the placement breaks down or they cease to foster within 3 years of the grant being made, then the department has discretion to clawback a proportion of the grant.

5 Procedures for application and approval of Pathways to Care Funding

- 5.1 The application will be supported by the Operational Lead for Looked after Children and Permanence or the Operational Lead for Fostering in principle before progressing to exceptional allowances panel. The Operational Leads must be satisfied the care plan for the children is feasible and proposed works are in line with the policy.
- 5.2 The supervising or adoption social worker must have held an initial discussion with the carer and collated relevant information to accompany the application. (Discussion to include alternative options for finance, the need for legal contracts and charges, including claw back arrangements and the ability of the carers to contribute financially towards some of the costs).
- 5.3 To avoid unrealistic expectations, it is essential that supervising or adoption social workers do not make any commitment to carers that funding will be forthcoming. The annual budget is limited and awards are discretionary and not an entitlement.
- 5.4 Before submitting applications to panel, the supervising social worker will ensure:
- Application meets the scope and eligibility criteria as set out in sections 3 and 4 of this policy
 - There are no outstanding issues such as allegations or complaints against the carer
 - Carer has obtained and provided three formal written quotes

- An understanding of the carer's ability to financially contribute to any works is detailed in the application
 - In applications relating to the adaption of property, the social worker must establish that the carer is the legal owner of the property before applications can proceed.
- 5.5 If various options are provided for consideration, the least expensive scheme will be assessed in the first instance, unless a case can be provided to show this would have a detrimental effect to both carer and child.
- 5.6 Panel will require details of whether other options for raising finance have been considered and followed [e.g. bank loan or extending mortgage] and whether other grants have been considered and rejected, supplying any documentation relevant to the application.
- 5.7 Where the Panel agree an application for funding, details of the approval will be clearly set out in the record of the meeting and will be fed back in writing to the carer by the Panel Chair.
- 5.8 Where the Panel is unable to approve funding, reasons will be clearly set out in the record of the meeting and will be fed back in writing to the carer by the Panel Chair.
- 5.9 All applications for funding require approval of the Director of Children's Services or a nominee, having already been considered and recommended by the Exceptional Allowances Finance Panel.
- 5.10 Quarterly briefing of Panel decisions should be presented by the Panel Chair to Children's Services Leadership Team and Children Services Cabinet Member Briefing.
- 5.11 For Panel to approve a Pathways to Care grant or loan the quorum members shall be present: Panel Chair (Children's Services Strategic Lead or relevant Children's Services Operational Lead), Financial Management Business Partner and Legal Services representative.
- 5.12 Panel reserves the right to defer consideration of application, as is reasonably required to gather and review appropriate information.
- 5.13 NOTE: No financial assistance will be provided retrospectively.**
- 5.14 NOTE: Carers should always take independent legal advice as Coventry City Council legal officers cannot provide advice.**

6 Legal Charges and Appreciation Clause

- 6.1 Financial contributions for property extensions/alterations or purchases, may result in the Council placing a legal charge¹ on a carer's property and the supervising and adoption social worker must ensure that all carers are made aware of this condition at the outset of any discussions.

¹ Security over an asset which gives the lender the right to have the particular asset and its proceeds of sale appropriated to the discharge of the debt in question. A charge does not transfer ownership; it is an encumbrance on the asset.

- 6.2 For awards over £20,000 carers are required to enter a legal charge with the Council. The Council will make an application to the land registry for the charge to be registered against the carer's property. This is like a mortgage in favour of the Council and is intended to protect the Council's investment should there be a need for the funding that has been awarded to be repaid under the terms of the agreement. The charge will rank behind any existing mortgage or charge registered against the property.
- 6.3 In the event that the carers have existing mortgage(s) secured against the property then it may be required that those mortgagee(s) prior consent is sought to the creation of Coventry City Council's charge. Any consent required will need to be secured ahead of the Coventry City Council Charge being put in place.
- 6.4 The carers must provide panel with evidence of the house they are purchasing for the legal documentation to be drawn up and the appreciation ratio to be calculated.
- 6.5 The appreciation ratio will be equal to the principle sum over the purchase price of the property:
 e.g. Loan of £40k
 Purchase price of £200k
 Coventry City Council ratio of 20% (£40k divided by £200k) (The Ratio)
 Carer ratio of 80%
- 6.6 Upon the Property being sold at market value the proceeds of sale shall be divided on a pro rata basis in accordance with The Ratio.
- 6.7 A representative from the Council's Legal Services department will:
- Update the title and equity position as necessary
 - Prepare and complete the Legal Charge documentation
 - Obtain written authority from the carer for direct payment to the builder or solicitor
 - Advise Panel of any existing mortgages and charges secured against the property which may have a bearing on the Panel's consideration of the application
 - Send a copy of the completed document to:
 - the carer
 - Supervising Social Worker
 - Operational Lead for Fostering or Adoption as appropriate
 - Corporate Capital Finance Team
 - and attend to any necessary Land Registry registrations thereby protecting the Council's security.
- 6.8 It will be the carer's responsibility to ensure that insurance cover is sufficiently increased to cover the building as extended/altered, and that such cover is maintained, according to the covenant in the Legal Charge. The Council has the power to insure on default and debit the carer accordingly.
- 6.9 The carers' supervising social worker and/or Team Manager will monitor the cost and progress of all adaptation/extension activity reporting to Exceptional Allowances Finance Panel should activity of costs deviate from the original agreement.
- 6.10 Carers are advised to seek independent legal advice regarding the legal charge and appreciation clause as Coventry City Council officers cannot provide this.

7 Legal Framework

7.1 The policy has been drafted with consideration of the following principal legislative framework:

- Children Act 1989
- Adoption and Children Act 2002
- Children and Families Act 2014
- Care Planning, Planning and Case Review (England) Regulations 2010, SI 2010 No.959
- The Children (Private Arrangements for Fostering) Regulations 2005, SI 2005 No. 1533
- The Special Guardianship Regulations 2005, SI 2005 No. 1109
- The Special Guardianship (Amendment) Regulations 2016, SI 2016 No. 111
- The Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005, SI 2005 No. 2720c

8 Definitions

Looked after children: children who are looked after by virtue of the Children Act 1989 including those children subject to an order of the court or accommodated under s20.

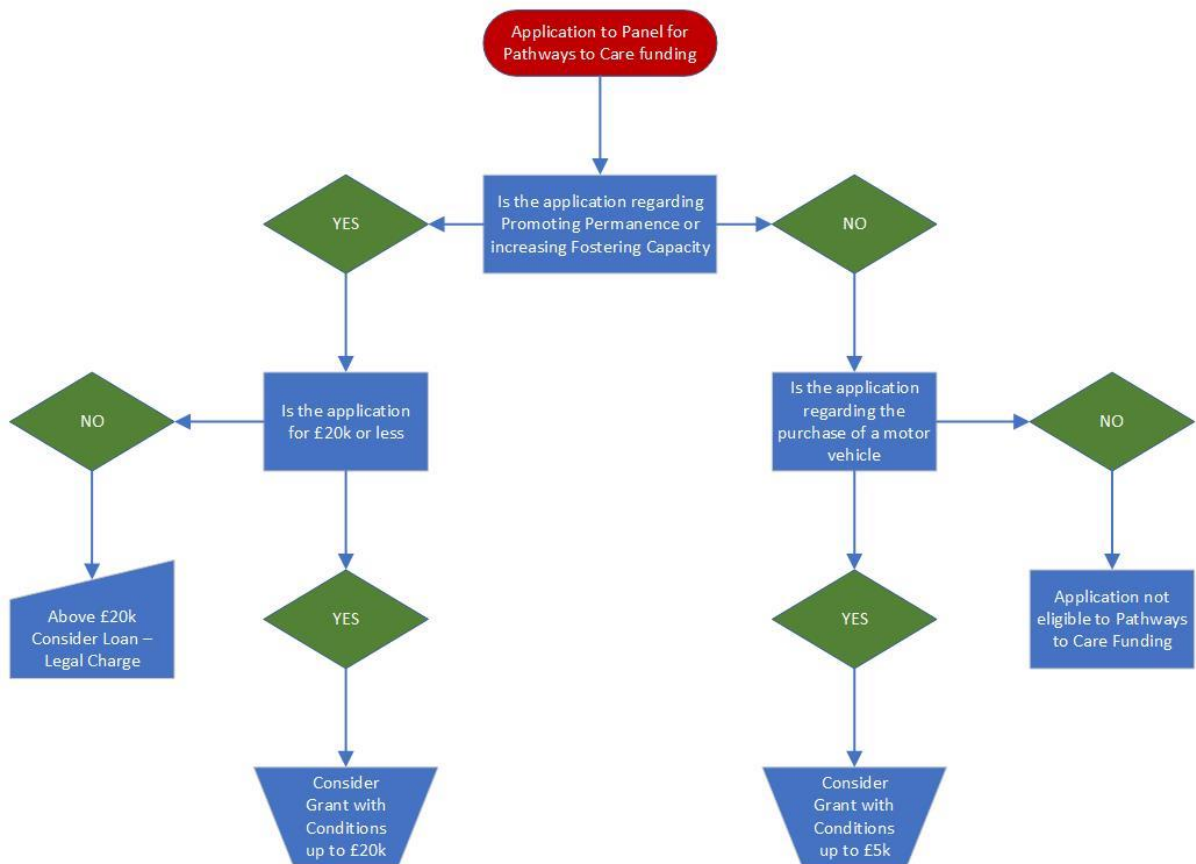
Internal foster carer: foster carers recruited, assessed and supervised by Coventry City Council as a local authority fostering service within the meaning of section 43(3)(b) of the Care Standards Act 2000.

Connected persons carer: a 'relative, friend or other person connected with the child' as defined by s24 of the Care Planning, Placements and Case Review (England) Regulations 2010.

Independent Fostering Agency (IFA): as defined under section 4(4)(a) of the Care Standards Act 2000.

Policy Author(s) Name and Job Title:		
Tina Pinks	Lead Accountant - Business Partner	July 2019
Policy Contributor(s) Name and Job Title:		
Paul Smith	Strategic Lead – Looked after Children	July 2019
Katherine Robinson	Operational Lead – Internal Fostering	July 2019
Rob Parkes	Place Team Leader – Legal Services	July 2019
Safda Mahmood	Advocacy Team Leader – Legal Services	July 2019
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POLICY OWNER	Paul Smith - Strategic Lead – Looked after Children	

Appendix 1: Flowchart for applications for pathways To care capital funding



N.B. Eligibility criteria, conditions of grant and loan repayment terms are detailed within the body of the Pathways to Care Capital Funding Approval Policy, under sections 3 and 4.

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