

KENT COUNTY COUNCIL – RECORD OF DECISION

DECISION TAKEN BY:

Peter Oakford,
Cabinet Member for Specialist Children's Services

DECISION NO:

16/00087

For publication

Key decision

Affects more than 2 Electoral Divisions

Subject: Review of Means Testing for Special Guardianship Order Allowances, Adoption Allowances and other related Allowances

Decision: As Cabinet Member for Specialist Children's Services I agree to:

- a) **CONSIDER** the findings of the recent review of the means testing arrangements for Special Guardianship Allowances, Adoption Allowances and other related Allowances;
- b) **APPROVE** the amendments as set out in paragraphs 5.1.9, 5.2.3, 5.3.3, 5.4.4, 5.5.3, 5.6.4, 5.7.4, 5.8.4, 5.9.6, 5.10.3 and 5.11.6 of the associated executive decision report; and
- c) **DELEGATE** authority to the Corporate Director of Social Care, Health and Wellbeing, or other nominated officer, to undertake the necessary actions to implement the decision.

Reason(s) for decision: The current method of completing the financial means testing of claimants needs reviewing to ensure a more equitable process is applied. By introducing a fairer system, not focused on individual lifestyle choices, it is predicted that KCC will reduce its expenditure on allowances as such choices will be self-funded by the claimants and not by the Local Authority.

Financial Implications: Whilst difficult to quantify, the Review will deliver some element of savings.

Legal Implications: Regulation 13 of the *Special Guardianship Guidance* published in February 2016 states that local authorities must take into account all available income streams to the special guardian and must take into account reasonable outgoings and commitments. They must have regard to the maximum fostering maintenance element (which would have been payable if the child were fostered) when calculating how much allowance will be paid. These changes do not seek to challenge this and seek only to be clearer regarding allowed income and outgoings for households. Advice from Coram Chambers is that Kent County Council can interpret the guidance and it is considered that the proposed changes do not have any legal implications for the council.

Equality Implications: An equality impact assessment has been completed.

Cabinet Committee recommendations and other consultation:

The proposed decision was discussed at the Children's Social Care and Health Cabinet Committee on 10 November 2016, including discussion of the outcome of the wider consultation.

The Committee resolved that the decision proposed to be taken by the Cabinet Member for Specialist Children's Services to review the means testing for Special Guardianship Order Allowances, Adoption Allowances and other related Allowances, and to delegate authority to the Corporate Director of Social Care, Health and Wellbeing, or other nominated officer to undertake the necessary actions to implement the decision, be endorsed.

As an inaccuracy has subsequently been identified in the published minutes of the 10 November 2016 Cabinet Committee meeting, I have reviewed the webcast of the committee's discussion (available at https://kent.public-i.tv/core/portal/webcast_interactive/247659) to refresh my memory of that discussion and of the committee's endorsement of the proposed decision.

Any alternatives considered:

None

Any interest declared when the decision was taken and any dispensation granted by the Proper Officer: None

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signed

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date

2 May 2017