

Receiving Payments Under Section 17 Policy and Procedure

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INTRODUCTION

This procedural guidance should be read in conjunction with the Child in Need Procedures, it sets out the policy and procedure to be followed by all staff. The Children, Social Care budgets are not intended to provide financial support, but in exceptional cases they can provide financial assistance to families where children are assessed as being **"In Need"**. Payments are made to children and families under Section 17 of the Children Act 1989 broadly according to five categories:

1. Planned payments made in order to carry through a social work plan.
2. Small payments to cover subsistence in an emergency.
3. Payments for accommodation and subsistence for an unaccompanied minor over 16 whose age is disputed or who have elected not to be looked after.
4. Accommodation or subsistence for families without access to public funds.
5. Payment to homeless 16/17-year-olds.

Children in Need as defined s.17 (10) Children Act 1989, a child is deemed a Child in Need if:

He/she is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining a reasonable standard of health or development without the provision for him of services by a local authority.

His/her health or development is likely to be significantly impaired or further impaired without the provision of such services.

He/she is disabled.

LEGISLATIVE CONTEXT

Section 17 of the Children Act is very clear as to the roles and responsibilities of Local Authorities to children in need

“It shall be the general duty of every local authority, including Knowsley:

- To safeguard and promote the welfare of children within their area who are in need; and
- So far as is consistent with that duty, to promote the upbringing of such children by their families,

by providing a range and level of services appropriate to those children’s needs.”

Section 17 (3)

The service provided by an authority in the exercise of functions conferred on them by this section may be provided for the family of a particular child in need or for any member of his/her family if it is provided with a view to safeguarding or promoting the child’s welfare.

Section 17 (6)

The services provided by a local authority in the exercise of functions conferred on them by this section may include providing accommodation and giving assistance in kind or, in exceptional circumstances, in cash.

Section 17 (7)

Assistance may be unconditional or subject to conditions as to the repayment of the assistance or of its value (in whole or part)

Section 17 (8)

Before giving any assistance or imposing any conditions, a local authority shall have regard to the means of the child concerned and of each of his parents.

Section 17 (9)

No person shall be liable to make any repayment of assistance or of its value at any time when he is in receipt of the family element of either child tax or working tax credit.

Section 17 (10)

For the purposes of this part of the Act, a child shall be taken to be in need if –

- a) He/she is unlikely to achieve or maintain, or to have the opportunity of achieving or maintaining, a reasonable standard of health or development without the provision for him/her of services by a local authority under this part;
- b) His/her health or development is likely to be significantly impaired, or further impaired, without the provision for him/her of such services; or
- c) He/she is disabled.

and “family”, in relation to such a child, includes any person who has parental responsibility for the child and any other person with whom he/she has been living.

Section 17 (11)

For the purposes of this part, a child is disabled if he/she is blind, deaf, or dumb or suffers from mental disorder of any kind or is substantially and permanently handicapped by illness, injury or congenital deformity or such other disability as may be prescribed; and in this part;

“Development” means physical, intellectual, emotional, social, or behavioural development; and “health” means physical or mental health.

Assessment Guidance

The social worker and any person receiving a request for Section 17 monies, must ensure the family/young person has explored and exhausted all other forms of loans or alternative assistance as part of the request for assistance. The family/young person must first be supported to apply to funding available to them or through seeking assistance from Charitable Trusts or Organisations. They will also be asked if they could ask family or friends for assistance. The Local Authority should be the last resort after all other efforts to obtain financial assistance have failed.

Payments under Section 17 need to be made on the basis of an Assessment no matter how brief and must state clearly the need that is to be met and how the payment will meet that need and should be recorded on the child’s electronic record.

It is not possible to specify every situation in which the use of Section 17 (6) money might be appropriate. It must be remembered that Section 17 (6) is a limited budget and with the exceptions listed at the beginning is intended for emergency or serious situations in which there are no alternative or more appropriate sources of help.

There may be situations not mentioned where exceptional circumstances prevail and assistance is given. These guidelines are not aimed at preventing us assisting where appropriate but at ensuring that a similar standard is applied across Children's Social Care.

Listed below are the types of situations where Section 17 might be appropriate:

1. **Subsistence**

When appropriate food or vouchers to be given instead of cash.

2. **Utilities – Gas and Electricity** is only provided where exceptional circumstances prevail e.g. where there is a small baby or vulnerable child. The maximum amount should be £20 to cover immediate need. This may be split between gas and electricity.

3. **Nappies and baby milk**

4. **Returning children home to their parents**

Child must have been subject of Section 31 or Section 20, and where lack of provision would prevent the child returning home.

5. **Baby equipment**

6. **Child Care**

Day Care e.g. childminders or nursery. To facilitate temporary private care arrangements e.g. when parent may be hospitalised. Such Provision should only be agreed for a maximum of 4 weeks, there after the arrangement should be reviewed via a child's CIN/CP plan and formally agreed for continuation by a Team Manager.

7. **Travel**

Must be public transport. The only exception is when public transport is completely infeasible, or if it is cheaper by taxi. If a taxi is required, it will be procured in line with the council's transport policy.

8. **Child in Need/Child Protection Case Conference Costs**

To enable a parent or guardian to attend a child protection case conference. This may include transport costs or the cost of childcare. To enact recommendations within the child protection plan drawn up at the case conference.

9. **Clothing – only in exceptional circumstances, i.e. child has on emergency basis been placed with extended family.**

- New shoes and underclothes for children.
- New night clothing.
- Assistance with school uniform in order to get a child to school.
- Assistance with the purchase of second hand clothes in other instances.

10. **Furniture and household equipment**

Charities should be approached if possible and feasible.

NB, any equipment, i.e. beds purchased, when delivered to a family, the social worker must check the equipment is fit for purpose and is good quality.

11. **Bedding**

Bedding for the children only.

12. **Direct work with children**

Part of ongoing family support work e.g. Life story work materials.

13. **Educational expenses**

e.g. Books and school trips. Schools should be approached in the first instance.

14. **Deposits on accommodation**

Only if it can be clearly demonstrated that the deposit prevents a child being **Looked After**, or, where it is a component of a child protection plan.

17. **After school and holiday activities** If part of a child in need/child protection plan or preventing the need for accommodation.

18. **Children with a disability**

Specialist aid and educational equipment for a child. In exceptional circumstances.

Sign language courses for parents etc.

Services should be provided on the basis of an up-to-date needs assessment approved by the Team Manager.

19. **Escorts**

If necessary to enable a child to get to school or nursery when the parent has a temporary disability.

20. **To prevent the need to accommodate**

As the local authority has a duty to promote the upbringing of children by their families then if circumstances arise in which a Section 17 (6) payment would prevent the need for the child to live away from the family, then this would constitute grounds for making a payment. An example of this might be a payment to enable a child to participate in activities if this would be a means of providing support and reducing stress, thereby enabling the parents to continue to care for the child.

With agreement of a Head of Service, Extended Family Members can be provided with financial assistance to seek legal advice, to prevent a child being placed in foster/residential care

21. Habitual Residence Test Failures and Families without access to public funds

The Immigration and Asylum Act 1999 (Section 115) states that a person will have no recourse to public funds including welfare benefits and public housing if they are subject to immigration control.

However, a person may be eligible for section 17 Local Authority support and be provided with accommodation or subsistence where they have a child in need and have no access to public funds.

In such cases, all avenues to secure funding must be explored before Section 17 is used.

22. Unaccompanied Minors

Dependent on the scheme under which these young people enter the country, varying level of financial support is provided to the local authority via central government. This only covers a proportion of the cost and therefore Section 17 may need to be considered.

Loan or Grant

Section 17 (7) says assistance may be unconditional or subject to conditions as to the repayment of the assistance or of its value (in whole or part) - i.e. it can be a grant or a loan except where certain benefits are in payment.

No person shall be liable to make any repayment of assistance provided through Section 17 (6).

Ongoing Payments

Except in the case of Unaccompanied Minors regular weekly payments should be authorised for a limited period only and reviewed before this period expires by the social worker and a Team Manager. Regular weekly payments should be authorised for a limited period only as part of a CIN or CP plan. The review period should be identified at the outset. Many circumstances will have a natural review period e.g. processing of benefits claim expected to take 4 weeks. The maximum time

for which payments can be made without being reviewed is 3 months. However, in most circumstances it should be less.

If committed expenditure will ultimately exceed the initial authorising officer's delegated powers, approval of the senior manager must be sought at the outset.

PROCEDURE FOR ASSESSING A REQUEST FOR A PAYMENT UNDER S.17.

1. A social worker must complete a request providing details of the user, reason for financial assistance, amount requested and payment method. If the amount of financial assistance is within the permitted approval level, the team manager can authorise the payment. If not, the request is forwarded to the head of service for authorisation.
2. Each payment should have the agreement of an authorising officer (usually a Team Manager)

All of the following should be considered by the social worker when making a request for payment:

- Is the payment legal and within the Guidelines?
- Which payment method is the safest/ appropriate? (Cash, cheque, travel warrant, food vouchers, other options now include Fundamentals cards, CLIC & Paypoint).
- Is it the most economical option?
- Is the Section 17 budget the correct one to use?

Team Manager can approve up to £50 due to the nature and frequency of the requests that are made, all expenditure higher than this requires head of service approval.

Payments should not be made without the involvement of 2 officers e.g. social worker request agreed by a Social Work Team Manager.

Each Team responsible for making Section 17 payments must ensure that full financial records are kept to support Section 17 expenditure.

Where the Section 17 payment is made in cash, the social worker must ensure that the individual for whom the money is for, signs the receipt form, this form is to be returned to business support.

Business support on giving the money out to the social worker will complete Part 1 of the form which the social worker will sign as having received the money. The form signed by the family will then be attached to this on return by the social worker.

Safe Storage of Monies

Any monies kept on site should be stored in a safe, having regard to the manufacturer's recommended level.

The keys to the safe must be stored appropriately in a secure location away from the equipment with access limited to named key holders (minimum workable number).