

Section 17 Payments

Procedure for social work staff in Children and Families

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1. Introduction

- 1.1 This procedure covers services to children in need and should be read in conjunction with the document '[Delegated Decision Making](#)'. The procedure sets out to ensure that all social workers and staff working within Children and Families Teams offer a consistent response to those children 'in need' who are being supported and may need short-term financial provision. Staff are actively encouraged to ensure that all forms of financial support have been explored before accessing Section 17 financial support.
- 1.2 Section 17 (6) of the Children Act 1989 states that the local authority may exercise its duty to safeguard and promote the welfare of children in need by providing 'assistance in kind to be given or in exceptional circumstances in cash'.
- 1.3 A budget, known as the Section 17 budget has been established to enable help of this kind to be given and is available to each of the Children's Social Care social work teams.
- 1.4 The management of Section 17 payments was approved by the Strategic Leadership Team Children's Social Care and Safeguarding on 24 September 2015 and will be kept under review and updated in line with changes in legislation.
- 1.5 The following test should be applied when considering whether the criteria is met for Section 17 payment:-
 - Is the child a child in need?
 - Can any other agency assist?
 - Is this request an appropriate use of Section 17?

2. Legal context

- 2.1 [Section 17\(1\) of the Children Act 1989](#) defines what is meant by children in need. A child is defined as being in need if:
 - S/he 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 her/him of services by a local authority; or
 - Her/his health or development is likely to be significantly impaired or further impaired, without the provision of such services; or
 - S/he is disabled.

- 2.2 The "family" in relation to such a child includes any person who has parental responsibility for the child and any other person with whom s/he has been living (s17 (10)).
- 2.3 The Act also makes it clear that any service provided by an authority may be provided for the family of a particular child in need or for any family member, if it is provided with a view to safeguarding or promoting the child's welfare (s17 (3)).
- 2.4 Assistance may be unconditional or subject to conditions as to the repayment of the assistance or of its value (in whole or in part) (s17 (7)).
- 2.5 Before giving any assistance or imposing any conditions as to the repayment of the assistance, a Local Authority shall have regard to the means of the child concerned and each of his/her parents (s17 (8)).
- 2.6 No person shall be liable to make any repayment of assistance or its value at any time when s/he is in receipt of Income Support or Family Credit under Part V11 of the Social Security and Contributions Act 1992 s17 (9), of any element of Child Tax Credit other than the family element, of Working Tax Credit, of an income-based Jobseekers Allowance, or of an income related employment and support allowance.
- 2.7 Families should be provided with appropriate support or directed to alternative support agencies, see below.

3. Who is a child in need?

- 3.1 Children and families will be assessed under Section 17 of the Children Act 1989 after it has been determined that they cannot receive services to meet their needs by other agencies such as the Benefit Agency, through charity applications or social funds.
- 3.2 [Warwickshire Local Welfare Scheme](#) can assist with immediate need for food or heating and provides debt management advice and support. Their website has information around debt and money management and support. All options for support should be explored before any payment is made e.g. check with Job Centre Plus that applications for benefits have been made.
- 3.3 On receipt of a request for s17 assistance the responsible social worker must establish that there are children of the family whose needs would be

met by such a payment, and that the family cannot obtain the help they require from the [Department for Work and Pensions](#). Advice and assistance can be sought from those sources identified above or from the [Family Information Service](#) who have useful information leaflets:

[Financial Support for low pay and unemployed](#)
[Financial help for lone and prospective parents](#)

- 3.4 Payments under s17 will only be made where a single assessment, however brief, indicates that specific financial assistance is the most appropriate means of safeguarding or promoting a child's welfare. All other options should have been exhausted including social funds.
- 3.5 If there are three separate requests within a 12 month period further assessment will be required as to the family's continuing care needs. The circumstances of the family will determine the nature of the assistance given within the parameters of these procedures. Where it is indicated that there is a likelihood of a cash payment being misused by the adult in the family to the detriment of the child, for example where there are concerns that cash may be spent on alcohol or drugs, alternatives must be sought.
- 3.6 Staff should consider the option of purchasing specific and necessary items, such as nappies or fuel payments, the provision of shopping vouchers specifying the goods for which they may be exchanged. Local 'food-banks' are a source of support that should be considered in preference to a payment.

4. Section 17 payments

- 4.1 Before assistance is offered under s17 (6) it is expected that families will have maximized their income from other sources. This will include benefit maximization as well as assistance from charitable agencies and child support payments if applicable where they have an application pending or being processed.
- 4.2 Payments made from the s17 budget must conform to the department's procedures of financial and administrative arrangements.
- 4.3 The Social Worker must then complete a s17 form for authorisation and discuss the payment with the Team Manager or Operations Manager (Service Manager). See [Delegated Decision Making - A Reference Guide for CSCS](#).

- 4.4 All payments will be recorded appropriately within MOSAIC and must be seen as part of the agreement with service users and as part of the plan of support i.e. Child in Need Plan or Child Protection Plan. Where ongoing payments are made, there must be an agreed mechanism for review by a manager and this will be linked to the review of the plan; for children in need this will be 4-6 weekly. There should be an agreed objective to the payments being made and these should not be seen in isolation from the overall plan i.e. there should be an agreed set of objectives.

5. Other Specific Provisions

5.1 Assessing and managing the needs of homeless young people

- 5.1.1 Agencies should have regard to:-

- [Children Act 1989](#)
- [Housing Act 1996 \(as amended by the Homelessness Act 2002\)](#)
- [Children \(Leaving Care\) Act 2000](#)
- [Care Act 2014](#)
- [Children and Families Act 2014](#)
- [Working Together to Safeguard Children Statutory Guidance 2015](#)

- 5.1.2 Section 17(6) permits local authorities to provide assistance in kind, accommodation or, in exceptional circumstances, cash.

- 5.1.3 However recent judgements have established case law that children provided with accommodation under the revised s17 of the Children Act 1989 are looked after. Staff must therefore be mindful when providing assistance under s17 that the provision of accommodation for example by paying for an adolescent to stay in emergency accommodation may have the effect of making the child looked after and therefore entitled to services as a looked after child. It is therefore imperative that the guidance is read and understood prior to decisions being made and they should be underpinned by a key decision which clearly shows the principle and intent in service provision:

[LA Responsibilities to Provide Accommodation Guidance,](#)

[Warwickshire Protocol for Assessing and Managing the Housing Needs of Homeless Young People,](#)

[Appendices to Warwickshire's Protocol Assessing and Managing the Housing Needs of Homeless Young People](#)

5.2 Kinship Care Procedures and Special Guardianship Support Plan

5.2.1 Payments to support family members looking after a child/children are explained within the [Kinship Procedures](#) and these should be followed. Payments made to carers where agreement has been reached to do so falls within Section 20 procedures.

5.2.2 Where a family's circumstances have changed to the extent that they may no longer be entitled to benefits, the onus falls on the social worker to ensure that the notification is made to Department for Work and Pensions having first afforded the parent or carer the opportunity:

[Family and Friends \(Kinship Care\) Strategy](#) and [Special Guardianship Support Plan](#).

[Children looked-after by a local authority or Care Trust for eight weeks or more - CH193](#).

5.3 Travel to support contact

5.3.1 Payment to support a parent travelling to contact and/or for assessment should only be considered following a financial assessment. This may be done by way of a form, and helps understand a family's situation. Where there is a clearly identified need this should be considered under the s20 budget. Social Workers are reminded of the need to facilitate contact; however that does not mean by way of direct payment in all cases.

5.4 Parent and Baby Placement

5.4.1 When the decision is made to place a parent in a parent and baby placement, the child is usually looked after and in receipt of 'looked after' allowances, as is the foster carer. Confusion has arisen, as well as miscoding, in terms of the parent who may, in the usual course of events be in receipt of benefits. Please see [Foster Care Finance Handbook](#) for further information.

5.4.2 Where payments are made to support the placement happening these should be from s20 not s17. In the event of a delay in a parent accessing benefits then reference should be made to [Welfare rights/benefits-guides/Social-Fund](#) in the first instance. If this is not possible, any housing benefit made payable to the parent which has been backdated to the start of placement can be repaid to the department. If the parent is not a care leaver, entitlement will be

based on their individual circumstances. A lone parent would therefore claim Income Support, Child Tax Credit, Child Benefit and Housing Benefit. The amount of Housing Benefit is likely to be capped by the various rent limits which apply. It is possible to have Housing Benefit on two homes but there would need to be a specific and additional reason e.g. domestic violence, which might not apply where the parent is required to move into parent and baby placement. However an application should always be made where the parent is required to move into a parent and baby placement

- 5.4.3 It is possible for a parent to be away from home and still get Housing Benefit for up to 13 weeks provided they do not intend to be away for longer than 13 weeks. Where the parent meets the criteria to retain their eligibility to receive Housing Benefit on her/his actual home whilst away, the parent would need to inform the LA that they are going to be away, that it is only temporary and that they will return within 13 weeks. If at any time the LA believes that the parent does not intend to return at all, Housing Benefit will stop immediately. In this scenario liability for rent may continue without the Housing Benefit to pay for it.'
- 5.4.4. There may a delay in receiving benefits as a result of the change in circumstances. However, the parent and baby placement needs to commence immediately for assessment purposes. In these exceptional circumstances s17 can be used but agreement reached about the method and means of returning funds to the department as well as the mechanism for doing so. Team administrators will assist in ensuring that correct codes are used in these circumstances.
- 5.4.5 Other sources of support and information can be found from [Warwickshire's Family Information Service \(FIS\)](#). In relation to Housing Benefit and Council Tax staff and parents can contact the local borough councils who will be able to offer advice and assistance. Where any payments have been made and returned to the social work office they should be coded to an 'income code' and the team's finance officer will record where the original expenditure was made from. The social work team's finance officer will offer advice and support in relation to this.
- 5.4.6 There will be specific circumstances where the parent is 'looked after' and the baby is not. If this is the case, a further assessment of the circumstances is necessary in order to establish if the baby is a 'child in need' and what resources are required in order to facilitate the parent and baby placement. Such assessment is best facilitated by a

referral to the Multi Agency Safeguarding Hub (MASH), allocation to the locality team and a single assessment. In these circumstances the children's locality team will allocate a social worker to monitor the plan and meets any costs arising from the child in need plan.

5.5 No recourse to public funds

- 5.5.1 An area of inconsistency in relation to the use of Section 17 payments has been in respect of those families with 'no recourse to public funds' and there is a useful link to the website for further information [Public Funds](#). However procedures should be followed in all cases and staff must refer to [Delegated Decision Making](#) both in terms of the level of payments but also to ensure service manager agreement.