

# Financial Assistance Section 17 (s17) Children Act 1989

---

## 1. Children in Need - the Legal Framework

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 (under this part of the Act); 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.

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)).

For the purposes of this Part (of the Act) a child is disabled if s/he is blind, deaf or dumb or suffers from a mental disorder of any kind or is substantially or permanently handicapped by illness, injury or congenital deformity or other such disability as may be prescribed.

The Act also makes it clear that any service provided by an authority (under this section) 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)).

Services may be given in kind or in exceptional circumstances, in cash (s17 (6)).

It is possible to attach conditions as to the repayment of the assistance or of its value (s17 (7)). However, 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 the Social Security Act 1986 (s17(9)).

## Who is a Child in Need?

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. Each referral will be assessed on the information presented and elicited at the point of referral to determine priority for assessment for services.



Assessment will identify the needs of the child and their family, the services required to meet those needs and a case plan, detailing which services should be provided by the local authority and which by other agencies.

Assessment will conclude whether the child's or family's needs fall within a 'high', 'medium' or 'lower' category.

Workers must bear in mind that children's needs change over time, that cultural differences should be acknowledged and that not only the needs of a child but also their right to be heard on matters of concern to them must be respected in making judgements about the help to offer.

## 2. Family Support Services - the Legal Framework

Section 17 of the Children Act 1989 states that it is the general duty of every local authority to safeguard and promote the welfare of children within their area who are in need; and so far as it is consistent with that duty, to promote the upbringing of such children by their families.

The local authority must do this by providing a range and level of services appropriate to those children's needs.

It is these services which broadly are termed Family Support Services.

Part 1 of Schedule 2 to the Act further details the steps that local authorities must take to help children in need to continue to live with their families and generally to prevent the breakdown of family relationships. Such arrangements should assist the parent and enhance, not undermine the parents' authority and control and should extend to work with families when a child is in care, provided it does not jeopardise their welfare.

These provisions can be summarised as:

- Identification of children in need and provision of information;
- Maintenance of a register of children with disabilities;
- Assessment of children's needs;
- Prevention of neglect and abuse;
- Provision of accommodation in order to protect children;
- Provision of services for children with a disability;
- Provision to reduce the need for care proceedings etc;
- Provision of services for children in need living with their families;
- Provision of family centres;
- Maintenance of child's links with family.



### 3. Provision of s17 Financial Assistance

Financial assistance in terms of goods or services, or in exceptional circumstances cash, can be provided to a child, parent or carer under [Section 17\(6\)](#) Children Act 1989 to address identified needs to safeguard and promote a child's welfare where there is no other legitimate source of financial assistance.

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

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

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 the child's parents.

No person shall be liable to make any repayment of assistance or of its value at any time 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.

In order to appropriately and efficiently apply these responsibilities, this guidance outlines the Local Authorities expectations regarding practice and requires all staff who may request financial support from the s17 budget, to be fully aware of these expectations and be able to justify any application for resources accordingly.

The management of the budget and compliance, as well as the Local Authority financial regulations, within which this guidance operates, rests with the budget holder.

Social work staff shall be mindful of issues of risk and liability when purchasing goods.

### 4. Criteria for s17 Financial Assistance

The Criteria for s17 financial assistance are:

- The payment must be to support and promote the welfare of the child;
- An allocated worker should be actively involved with the family at least for the duration of the payments and if the financial assistance is more than one off emergency assistance, this must be assessed as part of an assessment or through the review of a child's plan.

All alternatives should be explored with the family to assist in accessing and utilising their existing resources to the best effect and support the family in becoming self-sustaining, prior to any application for funding.

- Payments should be made directly to the supplier or provider of services.
- Where monies are given directly to the family or carers this should be for a specific and identified need with Team Manager or Service Manager approval (amount dependent). This should only be provided in circumstances where a provider or supplier cannot be paid directly.
- At point of request for financial support it should be confirmed that there are no alternate sources of finance from the Benefits Agency, Housing Benefit family or friend contributions, other agencies or charities.
- All monies and payments need to be requested and recorded on an Expenditure Approval form (EAF) on the child's electronic file.

It is Children's Social Care policy that financial support and assistance that is provided under the Children Act 1989 should be supplementary to the benefit system and not an alternative to it. CSC is not an income maintenance agency.

It is therefore vitally important that steps are taken to maximise benefit income and rectify administrative problems if these are giving rise to demand on CSC funds.

This would include use of, where appropriate:

- Crisis loans, budgeting grants and community care grants especially for families under stress;
- Income Support, JSA and Housing Benefit (on interim or statutory basis);
- Child Tax Credit and Working Tax Credit (including help with child care costs);
- Guardian's Allowance for people caring for bereaved children;
- Housing Benefit and/or discretionary housing payments;
- Council Tax benefit and discounts;
- National Insurance benefits (such as Incapacity Benefit and Maternity Allowance);
- Non-contributory benefits such as Child Benefit, Disability Living Allowance and Carers Allowance;
- Care to Learn funding;
- The appeal and review systems of all of the above.

Entitlement to all of the above can be established by contacting Welfare Rights who can also provide initial advice on matters related to debt (such as use of bailiffs, administration orders, bankruptcy etc) as can the Citizens Advice Bureau and Money Matters

Advice can also be sought as to possible solutions to administrative and procedural problems such as non-arrival of benefit payments, recovery of alleged overpayments, benefit suspensions due to fraud investigation etc. This may include supplying contact details for liaison staff in the relevant benefit-paying agencies.

Staff also need to be mindful as to whether the costs of the service required should rightly be met by the Health Authority or Educational Services.

Where the parent is receiving a service from Health or Education Services, CSC should only consider requests for funding for some services which are required due to the needs of the parent or family.

## 5. Types of s17 Financial Assistance

### 5.1 One off payments

These should be used to overcome a crisis, following the best assessment that can be achieved in the following circumstances:

#### Specific Guidance – Allowable expenditure

- Food - method of payment goods only, in exceptional circumstances cash;
- Gas - method of payment direct payment only, in exceptional circumstances cash;
- Electricity - method of payment direct payment only, in exceptional circumstances cash;
- Clothing - one off payment, method of payment goods only, in no circumstances cash;
- Toiletries - one off payment, method of payment goods only, in exceptional circumstances cash;
- Nappies and baby milk should be given in appropriate amounts, in exceptional circumstances cash.

### 5.2 Clothing and Equipment

The provision of clothing, furniture, bedding or safety equipment should be provided where an assessment determines items as essential to meet the needs of the child.

#### Specific Guidance

- The assessment should address where needs are identified what avenues the family have taken to address the issue themselves, including family members support, via benefits and how family resources are being utilised;
- Access to community resources should be considered. Liaison with the benefits agency, advice agencies and charitable organisations locally that can be accessed and specific grants should be sought.
- Submission for funding should include efforts undertaken to seek alternate sources of funding.

### 5.3 Travelling Expenses



This provision is available to support the transport of children, parents, carers or extended family member to attend assessments, activities, appointments and support groups which are essential to a child's plan or to comply with court direction.

- An assessment must ensure and agree that they could not reasonably be expected to travel using their own means due to medical, situational, financial or geographical reasons. This support is to be provided through bus tickets, train tickets or reimbursement of own, family or friend's petrol costs. The most up to date figures can be obtained from [HM Revenues and Customs Guidance](#).
- In certain exceptional circumstances, flights will be required for families.
- All rail, air and accommodation expenses must be authorised by an Approved Authoriser (Senior Manager) and must be arranged and booked through the NCC Travel Office

Taxis are not the first option to be explored and will not be approved unless all other avenues of travel have been exhausted and the cost of travel has been evaluated against the benefits to the child of the appointment.

### Specific Guidance

- GP confirmation of medical conditions reported to impact upon capacity to travel or use public transport are to be provided to the Local Authority by the parent, carer, adult family member;
- Reimbursement of petrol costs to be subject to driver and vehicle being appropriately licensed and insured. The rates of payment for fuel, has to be based upon average miles per gallon for the vehicle used for an agreed distance between home to meeting, the cost identified to be agreed prior to submission for approval. For guidance on the reimbursement rates for petrol costs, please refer to [HM Revenues and Customs Guidance](#);
- Only council approved Taxi companies can be used for transportation. These can be accessed through the Children's Social Care Transport Team.

## 5.4 Specialists Assessments and DNA/Hair Strand Testing

If special assessments or testing is required prior to care proceedings (pre proceedings public law outline PLO) to ascertain if a child is at risk of harm, then these need to be agreed by Legal Panel

### Specific Guidance

- Costs should be coded to Section 17;
- Any agreement for the above needs to be via attendance at Legal Panel

## 5.5 Interpreter and Translation Costs

Where English is not the first language for children and carers, workers need to ascertain if the child and/or carer is able to understand and speak English to the level that they can complete their intervention in a meaningful way.

If the child and/or carer is not able to understand or speak English to the required level, then an interpreter will be required.

If a professional interpreter is required, practitioners must utilise the contracted provider. An English-speaking operator will take details of what you need and arrange a translation or interpreting service. Bookings can also be made online (please see Interpreter guidance in local resource library). Key documents such as assessments, child protection case conference minutes, plans and court documents should always be translated.

CSC require that consideration is given to using the benefit system to provide financial support before expenditure under the Children Act is authorised.

## 5.6 Other Types of Payments not Covered by this Guidance

- When a service user requests financial assistance because of a failure of arrival of benefits or tax credits. (Please note if administrative or procedural failures are leading to Children Act expenditure and make sure your manager is notified);
- When the service user has been denied benefits because of her/his immigration status, particularly if Job Centre Plus staff are claiming that the person is not 'habitually resident' in the UK or the person has 'no recourse to public funds' as a condition of their stay in the UK;
- If a young person is being Accommodated under S20, in independent living or is being financially supported under S24. (The benefit position of young people and care leavers is often complex and the detailed advice should be sought in individual cases);
- If a service user is requesting assistance with a one-off item of expenditure and is in receipt of benefits
- Where a child with a disability is approaching her/his 16th birthday and, Looked After or not, advice is required in relation to benefits;
- Where a service user is requesting financial assistance in order to provide care for a child as an alternative to that child being looked after. Welfare Rights can advise as to the impact of payments being made under S17 Children Act or as a Child Arrangements Order Allowance or Special Guardianship Allowance.

CSC is not fundamentally a long-term income maintenance agency and whilst interim arrangements can be made, these need to be time limited.

A guide to benefits for people who foster or adopt, which also covers informal or family and friend carers is available on GOV.UK along with other benefit guides for families, children with disabilities, pregnant women, carers and young people and the current rates of benefit and tax credits.

## 5.7 Other Types of Payments not Covered by this Guidance

- Day care for pre-school and other children under section 18 Children Act 1989. Payments for the care of looked after children residing with Local Authority approved foster cares (including family and friends);
- Payments for those holding a Child Arrangements Order see Family and Friends Care Policy;
- Payments to adopters; those holding a Special Guardianship Order; Child Arrangements Order see Adoption Order, Special Guardianship Order and Child Arrangements Order Allowances;
- Payments to those in receipt of Direct Payments see Disabled Children and Young People Direct Payments.

## 6. Approval of s17 Financial Assistance

All requests for financial assistance should be made by the practitioner on an EAF with the supporting welfare issue that needs addressing and the alternatives that have been explored included.

In all cases the practitioner will make their request to their team manager who will review work undertaken and will confirm approval. Amounts exceeding £200.00 per family, per year, or seen as being required under exceptional circumstances will be referred to the service manager, who will identify any additional actions that may need to be undertaken before approving the request.

The schedule for authorisation applicable to this budget is as follows:

Financial Approval Limits (per family per year)	Approved to Authorise
£1 - £200	Team or Duty Manager
£200 - £3000	Service Manager
£3000 and above	Assistant Director or Delegated Service Manager

It is expected that all proposed expenditure is submitted for approval and agreement through the delegated power. Where the team manager is unavailable, delegation can be given to the duty managers or other team managers for the approval of single items within the prescribed financial limits.

Where the budget holding service manager is absent any financial assistance or a single item above approved limits, will require approval from an alternative service manager.



Where ongoing services have been identified as a need and require approval, for the provision of services over a period of time – Service Manager approval is required. The EAF must contain the weekly/monthly amount listed, the time this weekly/monthly payment should be made from to the end or review date. The total commitment should also be listed to ensure budget commitments are correctly monitored.

## 7. Monitoring Spend

S17 payments are time limited and subject to review. Please refer to the financial approval limits. Practitioners and Managers completing EAFs must refer to previous spend when considering a new payment. It is the responsibility of the Service Manager and Finance Partner to meet monthly to monitor the budget.

### Support to Intentionally Homeless Families

Where a young person or family is at risk of homelessness or encountering complex housing situations where multiple needs have been identified and high levels of support are required, a referral should be made to the Complex Housing Panel which is overseen by the Fairer Housing Unit.

Staff should refer to [Prevention of Homelessness and Provision of Accommodation for 16 and 17 Year Olds who may be Homeless and/or Require Accommodation; and Duty to Refer](#) policy for guidance.

This gives details of how all the Local Authority Housing Departments, CSC and Voluntary Organisations will work together in a co-ordinated manner to ensure that the needs of intentionally homeless families and young people are assessed and responded to appropriately.

### Children Services Acting as Rent Guarantor or Providing Financial Support to Secure or Maintain Tenancies

It can be increasingly difficult for low income families to secure rental properties. Children Services often work with families who have significant rent arrears or have been deemed intentionally homeless, and there are concerns that this may impact on the parenting they are able to provide for their children. Most recently, there are also concerns arising that the DWP is no longer providing crisis loans, and no applications are being processed as an emergency.

This has led to requests for Children Services to pay rents; to top up rents; to fund 1st month rent and deposit to secure a tenancy; and to act as rent guarantors for properties.

Under Section 17 of the Children Act, we are able to provide some level of financial assistance for families in relation to housing if this is assessed to be appropriate, but this cannot be reclaimed. There are certain categories where we may make payments e.g.:

- Rental payments for families with No Recourse to Public Funds (NRPF);

- Other exceptional circumstances, for example the payment of rent and deposit for intentionally homeless families; but these must be carefully assessed, both in social work and financial terms, and authorised by the relevant Service Manager before being progressed.

Rent top ups or acting as rent guarantors for individuals will not be agreed under any circumstances. If the family cannot afford the rent in the area of their choice, they may need to re-locate to an area of Newcastle or beyond that is within their means. Any issues with progressing tenancies for service users because of this veto should be brought to the attention of the relevant Service Manager, and other options considered.

If a member of staff feels that exceptional circumstances apply to a service user that they are working with, then this should also be brought to the attention of his or her Service Manager, and a way forward agreed.

