



CHILDREN AND FAMILIES

Carer(s) Swift Number (must be included).

CARER AGREEMENT

(Kinship Care)

This agreement is between the City of Edinburgh Council (*'the Council'*) Communities and Families Department (*'the Department'*) and

(Full names of carer/s)

who reside at

(Carer's Address)

in respect of

insert child(ren) names

It sets out the main terms on which the kinship carer/carers will

- (i) provide care for the specified child(ren) looked after and placed by the Council
- (ii) be supported and remunerated by the Children and Families Department.

1. **Responsibilities of the Communities and Families Department**

1.1. **Preparation, Training, Support and Reviews**

1.1.1. To provide kinship carers with opportunities for training for special tasks or circumstances where needed.

1.1.2. To provide professional support, consultation and guidance by:

- a) regular visits by the social worker for the child or children placed
- b) where available kinship carer mutual support and training groups
- c) an out-of-hours service by the Emergency Social Work Services Team
- d) facilitating access to specialist and psychological services if required.

1.1.3. To provide carers with information about Departmental policies and procedures with which the carers are required to comply.

1.1.4. **Representations, Complaints and Allegations**

1.1.5. To receive representations from kinship carers either individually or collectively about general matters of practice, procedure or policy and to take them into account when planning services.

1.1.6. To involve kinship carers wherever practicable when significant issues relating to kinship care are being considered.

1.1.7. To provide kinship carers with information about the Department's Child Protection Procedures and about the manner in which concerns about the abuse of children and young people will be dealt with.

1.1.8. To safeguard the welfare of each child or young person placed; and to respond promptly to **complaints or allegations** that relate to their care, safety and welfare. Complaints will be investigated in line with Departmental Procedures. Allegations of abuse will be investigated in line with Edinburgh & Lothians Child Protection Procedure. Kinship carers

may access these Procedures through Children and Families Practice Teams or through the social worker for the child or children placed.

1.2. Placements of Children and Young People

1.2.1. To ensure that in respect of the specified child(ren) placed, kinship carers are provided with full written information, reports and documentation about the child(ren), wherever appropriate and practicable before or at time of placement or as soon as possible after, and that these are kept up to date. This information shall include:

- a) essential personal details and background information;
- b) parental agreement to the placement or a copy of any court or children's hearing order that authorises the placement;
- c) a description of the child or young person's stage of development, behaviour and other issues;
- d) an assessment of the child's circumstances;
- e) a child's plan [or where the child is accommodated in an emergency, involvement in the development of such a plan];
- f) parental consent to medical treatment;
- g) parental consent to school outings;
- h) background medical information;
- i) any other relevant information.

1.2.2. To ensure that before or at time of placement wherever practicable, or as soon as possible after, a placement agreement is completed and signed in respect the child(ren) placed.

1.2.3. To arrange for completion of a full medical assessment at the start of the period of being looked after and ensure ongoing supervision and review of the child(ren)'s health.

1.2.4. To liaise with the child(ren)'s school and the education staff in order to monitor school progress and resolve any difficulties as they arise.

1.2.5. To ensure that the child(ren) is/are visited by a social worker at least once during the first week of placement and at intervals of no more than three months thereafter. Social workers will normally aim to visit (or have other contact) more frequently as agreed in the placement agreement.

1.2.6. To facilitate contact arrangements between the child(ren) and his/ her parent(s) and other significant people by a variety of means as described in the child's plan and placement agreement as in the interests of the child(ren).

1.2.7. To ensure that kinship carers are kept fully informed of anything which affects the child(ren) care needs and that they are actively consulted about, and provided with full opportunities to participate in, decisions about the child(ren) in their care.

1.2.8. To ensure that the arrangements for the care of the child(ren) are reviewed regularly and in accordance with Departmental procedures and legal requirements.

1.2.9. To work towards achieving a permanent arrangement for the child(ren)'s future care as soon as possible.

1.3. Financial and Material Provision

1.3.1. To pay the kinship carers a maintenance allowance for each child unless the kinship carer chooses not to receive such an allowance.

1.3.2. To ensure that kinship carers have appropriate equipment for the care of the child(ren).

1.3.3. At the Council's sole discretion, to consider payments to the kinship carers in respect of exceptional, excessive or malicious damage or loss to the kinship carers' own property that results from looking after a child(ren) for the Council. Payment will only be

considered if no other person or corporate body has a prior responsibility and a claim to them has been refused, for example through the carers' own insurance arrangements.

1.4. Insurance

1.4.1. To indemnify kinship carers in respect of sums which the kinship carers may become legally liable to pay as compensation when this relates to claims by third parties in respect of bodily injury or accidental damage to property arising out of the Council's activities.

2. Responsibilities of the kinship carers

2.1. Notifications about changes in the kinship carers' circumstances

2.1.1. To notify the Children and Families Department promptly and in writing of any of the following

- a) any intended change of address by the kinship carer/s,
- b) any change in the composition of the kinship carer household,
- c) any other change in the kinship carers personal circumstances
- d) any event affecting either
 - (i) her/his/their capacity to care for any child or young person placed or
 - (ii) the suitability of the carer household (including health issues)
- e) any criminal proceedings or convictions or proceedings by the Reporter to the Children's Hearings in respect of any members of the household
- f) any further request or application s/he/they or any member of the kinship carer household intend/s to make to provide foster care, to adopt children or for registration as a childminder.

2.1.2. To notify and consult with the Children and Families Department before acquiring any type of pet that may present a danger or require special arrangements for care and/or containment. This requirement includes looking after such pets for short periods on behalf of others.

2.2. Confidentiality and Records

2.2.1. To ensure that any information which is given to the kinship carers in confidence relating to the placed child(ren), to her/his family or to any other person will be kept confidential and not disclosed to any person without the consent of the Department

2.2.2. To maintain records concerning their care for the child(ren) and of events involving or affecting the child or young person.

2.2.3. The parties to this agreement require to comply with the General Data Protection Regulation. The Council will collect and process information relating to you in accordance with the GDPR Privacy Notice which is located at the end of this agreement and you will comply with relevant privacy standard(s) on the Policy Register section of our public website, www.edinburgh.gov.uk when handling personal data.

2.3. Good Parenting

2.3.1. To protect any placed child(ren) from avoidable harm or abuse and report any concerns to the Department immediately.

2.3.2. To abide by guidance or instructions from the Department about managing behaviour.

2.3.3. To agree and ensure that corporal punishment or other demeaning punishments are not used in respect of any child or young person placed

2.3.4. Having regard to the child's/children's plan(s) and placement agreement(s), and in the manner of a good parent, to care for the child(ren) in a safe and appropriate manner and to promote the child(ren)s welfare by: -

- a) giving attention and affection and building self-esteem

- b) developing any interests and talents the child or young person may have, and encouraging participation in community activities
- c) supporting and encouraging the child or young person to develop and maintain a positive approach to their own health and wellbeing including their personal hygiene, healthy eating and age appropriate personal relationships and lifestyle.
- d) setting consistent limits to manage behaviour and helping the child or young person to develop controls over their own behaviour
- e) respecting the child or young person's need for privacy when appropriate
- f) providing clean, comfortable and appropriately heated accommodation
- g) maintaining an adequate supply of clothing in good and clean condition
- h) making arrangements for the child or young person's safety in the home or when travelling (through the provision and use of correct safety seats, harnesses or belts).

2.4. Personal Identity, Contact, Health and Education

2.4.1. To be sensitive and have regard to the child or young person's cultural, ethnic and linguistic background, sexual identity and orientation and to encourage the child or young person's pride in her/his identity; and to recognise and actively support the child or young person's religious persuasion.

2.4.2. To promote contact and good relationships between the child and his/her own parent(s) and significant others, except where contact has been restricted by a court, a children's hearing or the Council.

2.4.3. To permit any person authorised by the Department to see the child or young person [upon showing their personal ID].

2.4.4. To discuss with the social worker beforehand, insofar as they affect the child or young person

- a) any outings, trips or periods away that are extended in either time or distance
- b) any regular or extended baby sitting and other care arrangements and any changes in these.

2.4.5. To ensure that the child or young person's medical and dental care needs are met, having regard to the medical information supplied and, whenever practicable, in consultation with the child's or young person's parents or guardians and the child's or young person's social worker:

- a) by consulting medical and dental practitioners when necessary, following their advice and following up on prescribed treatment or referrals for specialist opinion
- b) by keeping to any arrangements for reviewing the child or young person's health if advised by the medical practitioner or required by the Department
- c) keeping a record of significant illnesses, consultations or treatments, and advising the child or young person's parents or guardians and the child or young person's social worker of any events.

2.4.6. To support the child or young person's education and educational opportunities, ensuring attendance at school, assisting with schoolwork and maintaining regular contact with the school staff regarding progress.

2.5. Care Planning and Reviews

2.5.1. To participate with others in planning the programme of care by

- a) discussing with the social worker at the time any changes or developments that may affect the placement or the planning for the child or young person
- b) attending placement agreement and other meetings that may be arranged related the child or young person's care as required by the Department
- c) attending and providing written reports to Looked After and Accommodated Children Reviews.
- d) attending Children's Hearings where appropriate.

2.6. Notification of major events and changes in the child or young person's circumstances

2.6.1. To notify the Department immediately, in respect of a child or young person placed, of

- a) death or any serious illness
- b) any other serious occurrence affecting the child or young person
- c) any instance of running away or unauthorised or unexplained absence
- d) any instance of being taken away from the home without authorisation or agreement.

2.7. Monitoring and Inspection

2.7.1. The kinship carers will receive visits from the child(ren) social worker and will accept that their child(ren) social worker will visit from time to time without prior arrangement.

2.7.2. The kinship carer will co-operate with any activities connected with their continued approval by the Council as kinship carers and any activities that are required by legislation, regulations or good practice.

2.8. Ending of Placements

2.8.1. Where the placement is terminated, to allow the Department to remove the child or young person in a manner consistent with the child or young person's needs and welfare.

2.9. Insurance

2.9.1. To hold household insurance, including third party liability and, where a vehicle is used to carry children and young people looked after by the Council, motor insurance including legal liability to passengers and, in effecting either such insurance, to declare to the insurers that they are acting as kinship carers for the Council.

2.10. Other specific responsibilities

2.10.1. To abide by the Department's procedures, guidance and instructions and, in particular, its requirements and guidance on:

- a) smoking
- b) the keeping of dangerous, or potentially dangerous, animals as pets
- c) outdoor activities, details of all of which will be provided separately

3. Agreement and signatures

Kinship Carer(s)

I have read and understood this Agreement and in particular the responsibilities of kinship carers and agree to meet them.

Signature

Signature

Name

Name

Date

Date

Children and Families Department Representative

I have read and understood the responsibilities of the Children and Families Department and agree on behalf of the Department that they will be met.

Signature

Name

Date

Office Address

GDPR Privacy Notice for Employees, Workers and Contractors

The following statement explains how data is managed for the purposes of managing the employment or contractual relationship between The City of Edinburgh Council and an employee, worker or contractor.

Who we are

The City of Edinburgh Council is a local authority established under the Local Government etc. (Scotland) Act 1994 and having its administrative office at Waverley Court, 4 East Market Street, Edinburgh EH8 8BG.

You can contact our data protection officer by email at: information.compliance@edinburgh.gov.uk, or by telephone – 0131 200 2340.

Why do we need your personal information and what do we do with it?

You are giving us your personal information to allow us to effectively manage your relationship with The City of Edinburgh Council and for us to meet our obligations to you as an employee, worker or contractor.

Throughout the lifetime of your relationship with The City of Edinburgh Council the information you provide will be used for the following purposes:

- your name, national insurance number and contact details, including your home address, telephone numbers and email addresses will be used to identify you and communicate with you as necessary;
- during the recruitment process or at times during your relationship with us information may be gathered to assess your suitability to perform specific roles such as PVG and disclosure checks. In addition, information will be gathered to check eligibility to work in the United Kingdom;
- information in relation to employment history, qualifications, training certification and licenses (such as a driving license) may be required in order to validate that you are appropriately qualified to undertake the activities of your role and to ensure calculation of allowances or statutory payments for which you are entitled;
- personal banking details are required in order to process all payments due to you in respect of your relationship with The City of Edinburgh Council;
- qualification for particular categories of leave and/ or absence, including maternity, adoption, shared parental and paternity support leave and sickness may require you to provide additional information such dates of confinement and / or absence, to ensure that you meet the appropriate qualifying criteria and receive appropriate leave and payments;
- information in respect of your health may be gathered at different times via statutory health surveillance programmes, statutory health assessments or as a result of our recruitment or attendance management arrangements. This information is captured to ensure that we comply with our statutory responsibilities, support employee's health and wellbeing and manage attendance across the organisation;

- during your relationship with us, you may be invited to disclose protected characteristic information as defined in the Equality Act 2010 and other equalities related information. This information is used for statistical monitoring of the composition of The City of Edinburgh Council's workforce;
- in some circumstances you may be required to engage in "case management" processes, such as attendance management, whistleblowing, discipline and appeals, grievance or bullying and harassment complaints. In such circumstances, personal information is often disclosed by individuals and recorded in case notes. Such information will be considered as evidence in the case management decision making process. The outcome of such processes may be communicated to you and recorded on file;
- during the course of your relationship with us, use of council equipment and premises may result in the collection of other data and this includes:-
 - dialled telephone numbers and the date, time and duration of incoming and outgoing calls;
 - websites visited, including date, times of visit;
 - emails sent and received, including dates, times, subject, recipient and sender;
 - details of any media files stored on our network;
 - the use of USB devices;
 - clock in / out times when using time recording equipment;
 - system login times;
 - door entry system recordings;
 - CCTV footage.

This information may be used for surveillance purposes, investigating and managing conduct and for data matching exercises;

- some posts require Disclosure Scotland / PVG and other checks to be made against them. In these cases The City of Edinburgh Council will process information regarding criminal convictions (and any police intelligence regarding suspected criminality included in a PVG check) to assess your suitability for the duties in question.

Some members of staff may also be service users. We process information on service users (including service users who are members of staff) in accordance with the privacy statements published for the various services we provide and staff should consult those service delivery privacy statements for details of this processing.

Legal basis for using your information

These services are provided in terms of the council's statutory functions as a local authority.

Processing your personal information is necessary for the performance of a contract with you. If you do not provide us with the information we have asked for then we will not be able to manage our relationship with you.

Some information needs to be processed because the council is under a legal obligation to do so and some information needs to be shared with external bodies, also because the council is under a legal obligation to do so.

Who do we share your information with?

We are legally obliged to safeguard public funds so details will be checked internally for fraud prevention and verification purposes and may be shared with other public bodies for the same purpose.

We are legally obliged to share certain data with other public bodies such as HMRC, Scottish Social Services Council (SSSC), General Teaching Council for Scotland (GTCS) and we will do so where the law requires this; we will also generally comply with requests for specific information from other regulatory, law enforcement bodies and any external provider of confidential whistleblowing services where this is necessary and proportionate.

Information is also analysed internally in order to provide management information, inform service delivery reform and similar purposes. This is in accordance with the council's information security arrangements.

In some circumstances there will be a requirement to share some information with those external to The City of Edinburgh Council:

- depending upon the nature of your role, relevant information may be shared with relevant registered employment bodies such as SSSC or GTCS;
- information gathered in respect of accidents at work may be gathered and may be shared with the Health and Safety Executive (HSE) as required;
- where workplace assessment for qualifications is undertaken, personal data may be shared with the appropriate qualifications authority such as the Scottish Qualifications Authority and City and Guilds, for the processing of results and issuing of qualifications;
- your personal details may be shared with the council's insurance provider for the purposes of insurance policies held by The City of Edinburgh Council in respect of Employers Liability Insurance, indemnification of employees and other insurance purposes as necessary;
- if at any time before, during or after your relationship with us you exercise your rights to enter into a dispute via the courts system, including the Employment Tribunal, Employment Appeal Tribunal or Ordinary Courts, we may be required to share information in relation to any such relationship with the courts or legal representatives as required;
- where an employee or worker is a member of the local government pension scheme, there is a requirement to share information to ensure appropriate contributions are made and benefit calculations can be made;
- in certain circumstances relevant personal data may be shared with third parties in respect of processing payroll deduction made in respect of salary sacrifice contributions, charitable giving arrangements, payments made to satisfy court orders, additional voluntary contribution scheme arrangements, trade union subscriptions and credit union contributions;
- if you have ever had an appointment with The City of Edinburgh Council's current or previous occupational health provider, you may have an occupational health record. The contents of your medical records are confidential and are not disclosed to The City of Edinburgh Council without your permission, but in the event that The City of Edinburgh Council are in receipt of such information, it shall be used in accordance with relevant policies and procedures to inform us in respect of our processes;

- in the event that The City of Edinburgh Council change occupational health provider, it is likely that these medical records will transfer directly to the new provider and will not pass to The City of Edinburgh Council;
- The City of Edinburgh Council is obliged to participate in the National Fraud Initiative in Scotland and in terms of this passes information on staff (primarily payroll data) to Audit Scotland for data matching to detect fraud or possible fraud;
- The City of Edinburgh Council is subject to freedom of information (“FOI”) legislation. Often we receive requests which seek disclosure of information about members of staff. Such requests are assessed carefully and we will only release staff information in response to FOI requests if doing so is compatible with our obligations under data protection law. We will not voluntarily release non-work related information about members of staff such as home address, nor will we voluntarily release information where this relates to the member of staff being a service user rather than in their capacity as an employee. We will seek the views of current members of staff as to any such release;
- The City of Edinburgh Council is subject to general data protection (“GDPR”) legislation. Often we receive requests which seek disclosure of information. Such requests are assessed carefully and we will only release information in response to subject access requests if doing so is compatible with our obligations under data protection law;
- in circumstance where you agree to engage with our employee assistance provider as a result of a management initiated referral, relevant personal information will be shared with the provider to allow the counselling service to be delivered;
- some officers may be required, as part of their duties, to attend or speak at council committees or subcommittees. If these meetings are webcast then images of the meeting (including the attendance or contribution of officers attending) will be published on the council’s website;
- if you are the author of a committee report or named as the contact point in that report, your name, service, work email address and work telephone number will be published on the committee report on the council website.

International transfers:

Information published on the council’s website (including video footage of webcast meetings and committee reports) can be accessed from anywhere in the world.

How long do we keep your information for?

The council maintains a Records Retention Schedule which sets out how long we hold different types of information for and this is available on the council’s website at http://www.edinburgh.gov.uk/info/20032/access_to_information/ or you can request a hard copy via the contact telephone number previously stated above.

Your rights under data protection law:

- **Access to your information** – you have the right to request a copy of the personal information about you that we hold;

- **Correcting your information** – we want to make sure that your personal information is accurate, complete and up to date and you may ask us to correct any personal information about you that you believe does not meet these standards;
- **Deletion of your information** – you have the right to ask us to delete personal information about you where:
 - I. you consider that we no longer require the information for the purposes for which it was obtained;
 - II. you have validly objected to our use of your personal information – see Objecting to how we may use your information, below;
 - III. our use of your personal information is contrary to law or our other legal obligations.

Objecting to how we may use your information – you have the right at any time to require us to stop using your personal information for direct marketing purposes.

Restricting how we may use your information – in some cases, you may ask us to restrict how we use your personal information. This right might apply, for example, where we are checking the accuracy of personal information about you that we hold or assessing the validity of any objection you have made to our use of your information. The right might also apply if we no longer have a basis for using your personal information but you don't want us to delete the data. Where this right is validly exercised, we may only use the relevant personal information with your consent, for legal claims or where there are other public interest grounds to do so.

Please contact us in any of the ways set out above if you wish to exercise any of these rights.

Complaints:

If you do not have access to the internet you can contact us on the above telephone number to request hard copies of any of the above documents.

We seek to resolve directly all complaints about how we handle personal information.

If your complaint is about how we have handled your personal information, you can contact the Council's Data Protection Officer by email at information.compliance@edinburgh.gov.uk, or by telephone – 0131 200 2340.

However you also have the right to lodge a complaint about data protection matters with the Scottish Information Commissioner's Office, whose contact details are on the following website: <http://www.itspublicknowledge.info/home/ScottishInformationCommissioner.aspx>

Complaints of unfair treatment during your relationship with us will be dealt with in line with the relevant policies and / or procedures, details of which are made available on the intranet.

**The City of Edinburgh Council
25 May 2018**