

# Frequently asked questions

## Frequently asked questions regarding Ukrainian children and young people living in kinship arrangements in England

### Introduction

Kinship care involves a child, temporarily or permanently being raised by a relative or a friend of the family or connected person who is not their parent.

There are increasing numbers of children in the UK who have fled the war in Ukraine and who are being raised by kinship carers, although precise numbers are not known. Such arrangements may have arisen in a number of different ways, including situations where the child left Ukraine with their relative, or travelled alone and arrived in the UK to live in safety with a relative resident in this country. The child may have arrived in the UK with their parent who has subsequently returned to Ukraine. The carer may be a sponsor under the Homes for Ukraine scheme who was known to the child's family and who is now caring for the child.

This guide is designed for social workers, advocates and other practitioners working with children and families. Families may also find it useful. It summarises relevant information about visa schemes and immigration, it addresses who can make decisions about a child, it summarises the legal and practice framework including local authorities' duties and how to access specialist support. It also explores specific scenarios that may arise involving Ukrainian children and young people living in kinship arrangements and provides guidance on how to approach each situation.

The guide has been produced collaboratively by CoramBAAF, Family Rights Group, Children and Families Across Borders, and Coram Children's Legal Centre. The work has kindly been supported by Save the Children UK.

### **These FAQs cover information on the following areas:**

[Key immigration information](#)

[Parental responsibility and decision making](#)

[Legal and practice framework](#)

[Specialist support for children and families](#)

[Scenarios](#)

## Contents

<b>Introduction</b> .....	<b>1</b>
<b>Key immigration information</b> .....	<b>3</b>
What are the relevant visa schemes? .....	3
What is the Ukraine Family Scheme and who may apply? .....	3
What is the Homes for Ukraine scheme and who may apply? .....	4
What is the Ukraine Extension Scheme and who may apply? .....	4
Can a child or young person travel to the UK without a parent under the Ukraine Family Scheme or the Homes for Ukraine scheme?.....	5
What steps must sponsors, parents/legal guardians and local authorities take for children travelling alone under the Homes for Ukraine scheme? .....	5
<b>Parental responsibility and decision making</b> .....	<b>6</b>
Who has parental responsibility for a child or young person living in England without a parent? .....	6
Are Ukrainian Court Orders recognised in England?.....	7
How should children's views be taken into account and competence assessed? .....	7
How can a carer obtain parental responsibility for a child? .....	8
Should parents be involved in decisions about their child, even if the parents are outside of England? .....	8
Who can make decisions about the child's health and education? .....	8
<b>Legal and practice framework</b> .....	<b>9</b>
What is the Family and Friends Care statutory guidance for local authorities? .....	9
Does the child in need framework apply to Ukrainian children?.....	10
What is private fostering? .....	11
Does the private fostering framework apply to Ukrainian children living in the UK without a parent or legal guardian? .....	11
What is kinship foster care and how does it apply to Ukrainian children?.....	14
What duties apply if a Ukrainian child leaves the care system? .....	15
What about Ukrainian children cared for under a special guardianship order or child arrangements order? .....	15
Does the Human Rights Act apply?.....	16
What duties do local authorities have if safeguarding concerns arise?.....	16
What duties do local authorities have if a kinship or sponsor arrangement breaks down?.....	17
<b>Specialist support for children and families</b> .....	<b>17</b>
Where can families access specialist advice and information on immigration?.....	17
Where can families access specialist information and advice on children and family law? .....	18
What Government advice is available for Ukrainian children and young people living in kinship arrangements and their families?.....	18
What other advice is available? .....	18
Who can apply for benefits for a child living in England without a parent? .....	18
What other financial support is available? .....	19
What emotional support might be available for children living in England without a parent?.....	19
<b>Scenarios</b> .....	<b>20</b>
Young person living with a sibling carer.....	20
Young person living with sponsors with parents living elsewhere in the UK .....	21
Children travelling to the UK with a relative and parents deceased.....	22
Children travelling to the UK without a parent or legal guardian.....	23
Children living with relative where safeguarding concerns arise.....	25
Care proceedings concerning Ukrainian children.....	27
<b>References</b> .....	<b>28</b>

## Key immigration information

### What are the relevant visa schemes?

The UK government have put into place three different visa routes for Ukrainians who wish to come or remain in the UK since the war in Ukraine started. They are:

- Ukraine Family Scheme
- Homes for Ukraine
- Ukraine Extension Scheme

The Ukraine Family Scheme and the Ukraine Extension Scheme can both be applied for within the UK. A person applying for the Home for Ukraine scheme must be outside of the UK at the time of applying.

### What is the Ukraine Family Scheme and who may apply?

The Ukraine Family Scheme allows Ukrainian nationals to join family members, or extend their stay, in the UK. Some non-Ukrainian nationals can apply for a visa under this scheme, if they are the family member of a Ukrainian national who is applying under the scheme.

Visas granted under this scheme give the right to live, work and study in the UK and access public funds.

To apply to the Ukraine Family Scheme, a person must:

- Be applying to join a UK-based family member
- Be Ukrainian, or the family member of a Ukrainian national
- Have been living in Ukraine on or immediately before 1 January 2022
- Be applying to join a 'UK-based family member.' That family member must have a particular visa or nationality to meet the requirements of this scheme
- They must be an 'immediate family member or an 'extended family member' (see table below) of the UK- based family member.

A person may apply from within the UK for a visa under this scheme if they meet the requirements above.

#### Immediate family member under the Ukraine Family Scheme includes:

- Spouse or civil partner
- Unmarried partner (you must have been living together in a relationship for at least 2 years)
- Child who is under 18
- Parent (if you are under 18)
- Fiancé(e) or proposed civil partner.

#### Meaning of extended family member under the Ukraine Family Scheme:

- Parent (if you are over 18)
- Child who is over 18
- Grandparent
- Grandchild or your partner's grandchild
- Brother or sister
- Aunt or uncle
- Niece or nephew
- Cousin
- Mother-in-law or father-in-law
- Grandparent-in-law

- Brother-in-law or sister-in-law.
- The UK based-family member can also be the spouse or civil partner, parent or fiancé or proposed civil partner of the extended family member.

More information can be found on the Government's website [here](#).

## What is the Homes for Ukraine scheme and who may apply?

The [Homes for Ukraine](#) scheme enables UK households to sponsor Ukrainian adults or families to live with them.

In order to apply for the Homes for Ukraine scheme, a person must:

- Be Ukrainian, or the immediate family member of a Ukrainian national
- Have been residing in Ukraine on or immediately before 1 January 2022
- Be outside of the UK at the time of applying
- Have an eligible UK-based sponsor. An eligible UK-based sponsor can include a named sponsor who can provide accommodation for a minimum of 6 months.

If applying as an immediate family member of a Ukrainian national, the Ukrainian national to whom the applicant is related, must have been granted permission, or be applying to the Homes for Ukraine scheme. See [here](#) for who is considered an immediate family member.

Children under the age of 18 years old must either:

- Apply with their parent or legal guardian, or
- Apply to join their parent or legal guardian if they're already in the UK, or
- Apply with the consent of their parent or legal guardian to travel to the UK to join an approved sponsor.

More information about the Homes for Ukraine scheme can be found on the Government's website [here](#), including the following guides:

- [Homes for Ukraine: sponsor guides](#)
- [Homes for Ukraine: guidance for guests](#)

## What is the Ukraine Extension Scheme and who may apply?

The Ukraine Extension scheme enables a Ukrainian, or [immediate family member](#) of a Ukrainian, to remain in the UK. Visas granted under this scheme give the right to live, work and study in the UK and access public funds for up to three years.

To apply for a visa under the Ukraine Extension Scheme, the applicant must:

- Have held permission to be in the UK on or between 18 March and 16 May 2023 (the permission does not need to cover this whole period) **OR**

- Have previously held permission to be in the UK and that permission expired on or after January 2022.

More information can be found on the Government's website [here](#).

## Can a child or young person travel to the UK without a parent under the Ukraine Family Scheme or the Homes for Ukraine scheme?

Yes, it is possible for a child or young person to travel to the UK without a parent under both schemes.

### Under the Ukraine Family Scheme:

Yes, if the child travels with a legal guardian. The UK Government define a legal guardian as someone who is *"appointed by a court"* and who has *"the same rights and responsibilities as parents in protecting the child's assets and rights."*

The child's visa is not dependent on their parent or legal guardian remaining in the UK. If the parent or legal guardian who travelled with the child subsequently had to leave the country, the child's visa remains valid.

If a child travelled to the UK under a different visa route and wished to apply for the Ukraine Family Scheme within the UK and live with a UK based family member, they may be able to do so without a parent or legal guardian.

### Under Homes for Ukraine:

Yes, a child is able to travel to the UK without a parent, and without a plan to join a parent in the UK.

Unlike the Ukraine Family Scheme, a child is able to travel to the UK without a legal guardian and without a plan to join a legal guardian.

In these cases, the Homes for Ukraine sponsor should be personally known to the parent or guardian. Local authorities need to see evidence of a pre-existing relationship as part of their pre-arrival assessment.

In exceptional circumstances, local authorities can use their discretion and allow a child to join an unknown sponsor. This can happen if there is evidence of an adult relative living at the sponsor's address who has been given the responsibility by the parent or legal guardian for caring for the child or young person. For example, a child joining an older sibling who is already living with the Homes for Ukraine sponsor.

## What steps must sponsors, parents/legal guardians and local authorities take for children travelling alone under the Homes for Ukraine scheme?

Sponsors must agree to:

- Sponsor the child or young person for 3 years or until they turn 18
- Provide support with transitioning to adulthood and potential independent living if turning 18 within the 3 years.

The parent or legal guardian for the child must:

- Provide notarised consent stating that they agree for the child or young person to leave Ukraine and travel without them, and to live with the sponsor

- Complete a [UK sponsorship arrangement consent form](#). This confirms they agree it is in the child's best interests to come to the UK and that they have shared information regarding the child or young person with the sponsor and/or adult relative who will be caring for them. It also contains essential contact and next of kin information.

Both forms of consent are required for the application to be processed. The consent does not delegate any form of parental responsibility to the host, or to anyone else living in the sponsor's home.

Local authorities must complete:

- A Disclosure and Barring Service check
- A check of the host's accommodation
- A sponsor suitability assessment; which needs to follow the procedures and arrangements used for private fostering, [see below](#).

The full guidance on children travelling unaccompanied under the Homes for Ukraine scheme can be found [here](#).

## **Parental responsibility and decision making**

### **Who has parental responsibility for a child or young person living in England without a parent?**

In many cases this may not be immediately clear as Ukrainian law operates differently to English law. It might not be clear whether a father has parental responsibility for example. A legal guardian may have been appointed according to the local laws applicable in the country where the order was made.

Parental responsibility is not affected when a parent or legal guardian consents to a child or young person travelling to the UK without them under the Homes for Ukraine scheme.

- A host or adult relative does not acquire parental responsibility as a result of the parent or legal guardian's consent
- The parent, or any legal guardian, remains responsible for the child and the arrangements for their care
- By consenting to the arrangement, the parent or legal guardian is informally agreeing for the sponsor or relative to make day to day decisions regarding the child's safety and well-being. But there is no formal delegation of parental responsibility.

In informal kinship arrangements, where the carer has no legal order for the child, there may be no one in England who has parental responsibility for the child. Practitioners will need to support families in this situation as they may face difficulties in making important decisions for the children. See [below](#) for more information about making decisions about children's health and education.

For more information about parental responsibility, including who may have it and how it operates for a child depending on their care arrangements, see Family Rights Group website [here](#). The page includes access to a [parental responsibility quick facts guide](#).

## Are Ukrainian court orders recognised in England?

Some Ukrainian children may travel, or live with, someone who was appointed by the Ukrainian court as:

- A foster carer with parental responsibility for them or
- A guardian with parental responsibility.

Usually such orders, and the parental responsibility they afford their carers, would be recognised in the UK by operation of law. This simply means the order is recognised without having to take further steps. This is possible because of Article 23 of the 1996 Hague Convention.

If the recognition of the order is disputed or challenged, carers can also apply to court in the England for recognition of Ukrainian orders under Article 24 of the 1996 Hague Convention. Recognition may only be refused for one of the reasons set out in Article 23 of the 1996 Hague Convention. For more information see:

- [European e-Justice Portal - Children from Ukraine – civil judicial cooperation \(europa.eu\)](https://e-justice.europa.eu) and
- Department for Education guidance on the 1996 Hague Convention pages 28-29 [Advice template \(publishing.service.gov.uk\)](https://www.gov.uk/guidance/1996-hague-convention-guidance)

Practitioners may need to clarify that a legal guardian will have been appointed by a Ukrainian court order which is capable of recognition in the UK. Local Authority practitioners should seek legal advice from their legal department and may also wish to speak to [Children and Families across Borders](#) who may be able to assist. The [Central Authority](#) designated under the 1996 Hague Convention for Ukraine and the relevant part of the UK in which recognition is sought may be able to support this process, subject in particular to the capacity of the Ukrainian Central Authority.

The guidance for local authorities on making a request to the Central Authority can be found [here](#).

The Department of Levelling Up, Housing and Communities can also verify any documents or orders to provide a view on whether an adult can exercise parental responsibility for a child using this email address: [HFUUnaccompaniedMinors@levellingup.gov.uk](mailto:HFUUnaccompaniedMinors@levellingup.gov.uk)

## How should children's views be taken into account and competence assessed?

Some older children or young people traveling may be legally competent to make decisions of their own. This is often referred to as a child being 'Gillick competent.' More information about Gillick competency can be found on the NSPCC website [here](#).

Assessing competence is not straightforward. Many of the older children and young people from Ukraine will have experienced displacement, loss and trauma. Their situation needs to be considered very carefully and in cases where it is unclear whether an older child or young person is competent to make decisions about themselves, practitioners should seek further legal advice.

The law is clear that local authorities should ascertain, and give due consideration to a child's wishes and feelings (having regard to the child's age and understanding). Local authorities should also work in partnership with families.

## How can a carer obtain parental responsibility for a child?

Whoever has parental responsibility for the child at the time they enter the country will continue to hold it unless the person with parental responsibility dies or a court order says otherwise.

If a person who is not a parent or legal guardian wishes to acquire parental responsibility for a child, they can apply to court for an order. This could happen, for example, where the child's parents have died and the person caring for the child wishes to acquire an order in England. Or a child's parent may wish for a child to remain in England cared for by someone else in the long term. Where the parent(s) are alive, the carer should be strongly encouraged to discuss this with the child's parent(s), and the child (as appropriate having regard to their age and understanding).

In these types of situations, the person caring for the child or young person can apply for a:

- Special guardianship order
- 'Lives with' child arrangements order

Practitioners should encourage carers to seek independent legal advice before applying for any order to ensure the carer is clear they are making the best decision for them and the child. They can refer carers to the Law Society's [find a solicitor service](#).

More information about the different ways a carer who is not a child's parent can care for a child can be found on Family Rights Group's website [here](#). This includes information about how parental responsibility operates within each different type of kinship arrangement and information on how to apply for the different orders.

## Should parents be involved in decisions about their child, even if the parents are outside of England?

Wherever possible, a parent should be involved in decisions about their child. It is recommended that multiple means of contacting a parent are recorded, such as phone, email and social media. The war may affect the parent's ability to remain contactable. Having multiple means of contact will reduce the risk of them becoming uncontactable.

### Partnership working

Local authorities should always work in partnership with children and families. This includes working with the child's parent or guardian, regardless of their location. Day to day, partnership working includes:

- Listening to what families think may help them
- Involving children and families in assessments
- Listening to the views of the child before making decisions and plans
- Making decisions with children and families wherever possible

## Who can make decisions about the child's health and education?

This will depend on the visa scheme under which the child is living and whether the carer for the child has parental responsibility.



### **Child living with a kinship carer who has been made a legal guardian in Ukraine:**

As set out [above](#) the UK should recognise the legal guardianship order and the parental responsibility it gives the carer. In this situation, the carer will be able to make decisions about the child's health or education.

### **Child is living with a kinship carer who is not a host, and who has no type of legal order which gives them parental responsibility:**

Carers in this situation may face difficulties in making decisions about the child's health and education. The child's parents may have to make those decisions from abroad. Practitioners should try to assist kinship families who face any difficulties, including liaising with the school or the child's GP, or assisting in trying to get parents to make decisions from abroad. Practitioners may wish to discuss the possibility of the carer acquiring parental responsibility through a court order (see [here](#) for more information on how a person may acquire parental responsibility).

### **Child is living with a sponsor under the Homes for Ukraine scheme:**

The sponsor, or an adult relative if one is also residing in the sponsor's home, can make some decisions about the child's health and education. If an adult relative is living in the sponsor's home, the [UK sponsorship arrangement consent form](#) (which must be completed by parents when a child is travelling without a parent or legal guardian under the Homes for Ukraine scheme- see [here](#)) must specify whether it is the sponsor or adult relative who will have day to day responsibility for the care of the child. This includes who will make decisions about the child's education and medical treatment. A sponsor, or adult relative, can apply for a school place. Most local authorities have published information on their websites regarding the school admissions process. Sponsors or adult relatives will need to be prepared to share the notarised consent and/or sponsorship consent form if requested.

A sponsor or relative can register a child or young person with a GP. Sponsors or adult relatives will need to be prepared to share the notarised consent and/or sponsorship consent form if requested.

## **Legal practice framework**

### **What is the Family and Friends Care statutory guidance for local authorities?**

This statutory guidance sets out a "framework for the provision of support" for family and friends carers – also known as kinship carers. It provides guidance on local authorities' duties towards children and young people who are living with family members, friends or "other people who are connected with them," without their parents.

The statutory guidance requires all local authorities in England to have a published family and friends care policy. It also requires each authority to identify a senior manager with responsibility for overseeing this area of child welfare.

This guidance applies to all Ukrainian children and young people living in kinship arrangements in England.

The statutory guidance includes a lot of other important information that practitioners should consider when supporting kinship families. It is recommended that the guidance is read in detail by practitioners

supporting Ukrainian children and young people living in kinship arrangements. The guidance can be found [here](#).

## Does the child in need framework apply to Ukrainian children?

[Section 17 of the Children Act 1989](#) places a general legal duty on local authority's children's services departments in England to work to keep children who are in need:

- Safe
- Well cared for
- At home unless this would place them at risk.

To help achieve this, local authorities must provide a range and level of services in their local area to help children in need and their families.

The duties under section 17 of the Children Act 1989 apply to any child living within a local authority's area in England, regardless of the child's immigration status or family arrangement.

### Practitioners should have regard to the following when completing an assessment of Ukrainian children and their families:

#### The law states a high-quality assessment should:

- Be child-centred
- Look at the needs of the child within their family
- Involve the child
- Build on a family's strengths as well as identifying difficulties
- Lead to action including providing services and help
- Be transparent
- Try to understand how the family operates
- Look at any religious beliefs or cultural traditions
- Work with the whole family
- Pay attention to the wider community and what support they might be able to provide.
- Not stereotype or make assumptions

#### When assessing a child from Ukraine local authorities should:

- Look at children and parents as individuals, consider their specific needs, and be respectful and curious. Local authorities should not assume that any Ukrainian child or young person's needs will be the same as any other Ukrainian child
- Look at relationships within the family or host's family
- Consider the children and their family's experience of war and displacement, as well as any loss and/or trauma
- Be culturally sensitive and demonstrate awareness of the norms, traditions, language, values, worldviews, and beliefs of the child, their family and their wider kin network
- Consider what support is available from the local community, for example local charities, community networks or British nationals with connections to Ukraine
- Think about whether a family group conference might help enlist support from family, friends and community networks. It can also help ensure the child's family, or those important to the child, are involved in the planning

A child in England may be 'in need' if they need help from local authorities to support their development or be healthy. Disabled children are always classed as in need. For other children, local

authorities need to complete an assessment to determine whether they fit this category. A local threshold document should set out how the local authority's children's services department carries out assessments and decides whether a child is in need enough to receive local services.

Whilst it is likely that children who have had to leave Ukraine because of the conflict are 'children in need' due to their experiences and displacement, local authority's first need to complete an assessment before responding to them as such.

### **Assessment:**

A child in need assessment is about making sure a child has what they need to be healthy and develop well. [Working Together to Safeguard Children](#) is statutory guidance which sets out services and what professionals need to do to keep children safe and promote their welfare. It explains the parameters and principles of good quality assessments. This guidance applies to all assessments carried out under the Children Act 1989. This means it applies to child in need assessments as well as [child protection](#) assessments.

Practitioners should remember to work in [partnership](#) with the children and families when completing an assessment.

## **What is private fostering?**

Private fostering is when someone who is not a parent or a 'close relative' is looking after a child or young person under the age of 16 (under 18 if they are disabled) for 28 days or more. The carer must be doing this in their own home. A 'close relative' is a grandparent, sibling, aunt, uncle or step-parent. The arrangement must be made by the child's parent or legal guardian, not by the local authority.

When a child is being fostered privately, parental responsibility remains with the child's parents. It is not shared with the private foster carer, but the private foster carer can make day-to-day decisions. The law and practice guidance about private fostering comes from:

- [The Children \(Private Arrangements for Fostering\) Regulations 2005](#)
- [Private fostering statutory guidance](#)
- [National minimum standards](#)

## **Does the private fostering framework apply to Ukrainian children living in the UK without a parent or legal guardian?**

The UK government advice is to apply the private fostering framework to any child or young person who is living in the UK without a parent or legal guardian, regardless of whether the arrangement fits the statutory definition of private fostering.

Some children and young people who have travelled to the UK without their parent or legal guardian have been sponsored under the Homes for Ukraine scheme. These children will already be known to the Home Office and DHLUC as "eligible minors" and will be known as such on their case management system 'Foundry'. Local authorities have access to this system and there is guidance [here](#). It is likely there will be a notification system within local authorities to ensure social work teams are made aware of these children and can follow the necessary steps set out below.

Other children and young people may have arrived in the UK with a parent or legal guardian, but may be living without them as the parent or legal guardian has returned to the Ukraine. They may have arrived in the UK with an adult relative who is not their legal guardian, or have arrived in the UK

without a parent or legal guardian before the extension of visa schemes included 'eligible minors'. These children may not initially be known to social work teams through any established notification system, but there will still be necessary steps to follow below to ensure their well-being is safeguarded. It is also important that their information is up to date on 'Foundry' and they may need to be "re-classified" as "eligible minors". There is information about these situations [here](#).

**Type of arrangement and legal duties – quick guide:**

**It is important to be clear that the private fostering framework does not apply if the carer is a legal guardian.**

Age of the child or young person	Arrangement	Is this a statutory private fostering arrangement?	Should it be assessed and supported as a private fostering arrangement?	What other child welfare duties may apply?
Under 16	Living with a Homes for Ukraine sponsor who is not a close relative	Yes	Yes	<ul style="list-style-type: none"> <li>• Child in Need</li> <li>• Family and Friends Care Statutory Guidance</li> </ul>
Over 16	Living with a Homes for Ukraine sponsor who is not a close relative	No	Yes. But discretion should be applied on a case by case basis whether private fostering support needs to continue.	<ul style="list-style-type: none"> <li>• Child in Need</li> <li>• Family and Friends Care Statutory Guidance</li> </ul>
Under 18	Living with a Homes for Ukraine sponsor AND a close adult relative	No	Yes. But discretion should be applied on a case by case basis whether private fostering support needs to continue.	<ul style="list-style-type: none"> <li>• Child in Need</li> <li>• Family and Friends Care Statutory Guidance</li> </ul>
Under 18	Living with an adult who is a close family member (grandparent, aunt, uncle, cousin, sibling) without involvement of local authorities or court	No	Yes. But discretion should be applied on a case by case basis whether private fostering support needs to continue.	<ul style="list-style-type: none"> <li>• Child in Need</li> <li>• Family and Friends Care Statutory Guidance</li> </ul>

**Type of arrangement and legal duties – further information:**

If a child or young person is living with a Homes for Ukraine sponsor, is under 16 and the sponsor is not a close relative, this is a statutory private fostering arrangement. All private fostering responsibilities and procedures must be followed in these cases.

If the child or young person is living with a Homes for Ukraine sponsor, is over 16 and the sponsor is not a close relative, local authorities should undertake a private fostering assessment. On a case by case basis local authorities can use their discretion and expertise in assessing risk and need to decide whether private fostering responsibilities and procedures should be continued beyond an initial period of assessment and follow up welfare visits. This should be based on an assessment of the arrangement's strengths, vulnerabilities and needs. As the young person is over 16, this is not a statutory private fostering arrangement.

If the child or young person is living with a Homes for Ukraine sponsor together with a close adult relative, and is under 18, local authorities should undertake a private fostering assessment. On a case by case basis local authorities can use their discretion and expertise in assessing risk and need to decide whether private fostering responsibilities and procedures should be continued beyond an initial period of assessment and follow up welfare visits. This should be based on an assessment of the arrangement's strengths, vulnerabilities and needs. As the young person is living with a close adult relative in the household, this is not a statutory private fostering arrangement. An analysis of the relationship between the child or young person and their close adult relative, and assessment of the care the child or young person is receiving from them, is likely to be needed. In some situations, the sponsor's role will primarily have been to meet visa entry requirements, and it is the parent's intention that the adult relative will be taking responsibility for the care of the child or young person. In some situations, the parent may be in close contact with the child or young person and adult relative, and be involved in decision-making for the child.

If a child or young person is living with a close adult relative in their own accommodation, and the relative is not a legal guardian, government advice is for local authorities to undertake a private fostering assessment. As the young person is living with a close adult relative, this is not a statutory private fostering arrangement. Therefore, families may decline the private fostering assessment, and the local authority is under no legal obligation to pursue it. If the family consent to the assessment, on a case by case basis local authorities can use their discretion and expertise in assessing risk and need to decide whether private fostering responsibilities and procedures should be continued beyond an initial period of assessment and follow up welfare visits, given the nature of the close relative relationship. This should be based on an assessment of the arrangement's strengths, vulnerabilities and needs. An analysis of the relationship between the child or young person and their close adult relative, and assessment of the care the child or young person is receiving from them, is likely to be needed. In some situations, the parent may be in close contact with the child or young person and adult relative, and be involved in decision-making for the child.

### **Government guidance and best practice considerations when assessing the private fostering arrangement for a Ukrainian child or young person not living with a parent or legal guardian:**

- Who will make arrangements for registering the child or young person with a GP
- Arrangements for their education
- How any specific additional needs will be met
- Potential risks of the arrangement breaking down
- Relationships within the family and host's family
- Whether it is in the child's best interests to live with the sponsor and/or the adult relative
- Look at children and parents as individuals, consider their specific needs, and be respectful and curious. Local authorities should not assume that any Ukrainian child or young person's needs will be the same as any other Ukrainian child
- Experience of war and displacement, as well as any loss and or/trauma
- Be culturally sensitive and demonstrate awareness of the norms, traditions, language, values, worldviews and beliefs of the child, their family and their wider kin network.
- Available support from the local community, for example local charities, community networks or British nationals with connections to Ukraine
- Could a [family group conference](#) enlist support from family, friends and community networks? It can also help ensure the child's family, or those important to the child, are involved in the planning for the child.

Please see [here](#) above for more information about how parental responsibility might operate depending on the visa scheme the child is here under and the kinship arrangement.

## **What is kinship foster care and how does it apply to Ukrainian children?**

Where a child is looked after in the care system and in the care of a family or friend this is called kinship foster care. Local authorities are under a general legal duty to keep any child who is looked after in the care system safe and well cared for (see [section 22\(3\) of the Children Act 1989](#)). This duty applies to any child looked after in the care system, whether they are "in care" under a court order or a voluntary arrangement.

There are a range of things local authorities must do as part of keeping to this duty. Including making sure the views of parents (and other important family members) are gathered and are taken into account when any key decisions are being made about their child (see [section 22\(4\) and \(5\) of the Children Act 1989](#)). This duty applies regardless of the parents' location. For more information about these duties please see the Family Rights Group website [here](#).

Anyone who is approved as a kinship foster carer should receive a fostering allowance from the local authority for the child. This applies whether the kinship foster carer is caring for the child under a court order, voluntary arrangement, has temporary approval as a foster carer or has been fully assessed and approved as a foster carer.

For more information about kinship foster care, including local authorities' duties towards the carer and child and about the fostering allowance, see Family Rights Group website section on [kinship foster care](#).

A Ukrainian child may need to be accommodated by their local authority, either because their sponsorship arrangement has broken down and another match has not been possible, or due to safeguarding concerns. The local authority has a duty to consider placing a child with a family member or friend, who would then need to become a kinship foster carer as the child is looked after.

## What duties apply if a Ukrainian child leaves the care system?

Local authorities have duties towards looked after children who leave the care system to move to a kinship arrangement, or who return to the care of their parents.

If a child was previously looked after in the care system, the type of support provided by local authorities differs to a child who was not. For example, children who were previously looked after in the care system are automatically eligible for priority school admission.

Children who were looked after in the care system may be entitled to leaving care support, including access to ongoing support from a personal adviser. This includes children who were looked after in kinship foster care. Family Rights Group have two advice sheets relating to support ([Children's services duties to young people leaving care](#) and [Financial support for young people leaving care](#)).

## What about Ukrainian children cared for under a special guardianship order or child arrangements order?

A kinship carer caring for a Ukrainian child, may in some circumstances consider applying for a special guardianship order or a 'lives with' child arrangements order. These orders give the carer parental responsibility for the child, and a parent retains their parental responsibility. It is important that the carers get legal advice before deciding whether to apply for an order. This advice would need to address what, if any order is right for the child, what process they will need to follow, what assessments may be undertaken, the implications in relation to decision making about the child, and the short and long term implications for financial and other support. The carers should also engage, wherever possible with the child's parents or legal guardian before deciding whether to apply for an order.

Families can be referred to [Family Rights Group advice line](#) for information and advice about both types of orders. Families may also find it helpful to view Family Rights Group's online resources, including:

- [Get help and advice page for kinship carers who have special guardianship orders](#)
- [Get help and advice page for kinship carers who have "lives with" child arrangements orders](#)
- [Advice sheet 2a\) Special Guardianship: an introduction](#)
- [Advice sheet 2d\) DIY special guardianship orders: private law proceedings](#)
- [Advice sheet 3e\) Practical and financial support for special guardians](#)
- [Advice sheet 2i\) The Education system in England information for kinship carers](#)

Ukrainian children subject to a special guardianship order or a child arrangements order may be eligible for support according to the [Special Guardianship Regulations 2005](#).

## Does the Human Rights Act apply?

The [Human Rights Act 1998](#) applies to all public bodies. This includes local authorities. This means they must take account of a person's rights under the European Convention on Human Rights. This include

working with children and families in ways which are consistent with the right to respect for their family life. This right can only be interfered with if it is necessary and 'proportionate'.

This means:

- They should only make decisions about how a child should be cared for where that is necessary to achieve the aim of keeping the child safe and well.
- Any actions they take should be no more than what is needed to achieve that aim.
- Making sure their decision-making processes are fair and involve children and parents. There should be ways to challenge decisions. And for families to raise complaints.

Actions and decisions taken by local authorities must also take account of the human rights of children which are also protected under the United Nations Convention on the Rights of the Child.

## What duties do local authorities have if safeguarding concerns arise?

Regardless of a child's living situation, their nationality, immigration status or whether they are habitually resident in England, a local authority's duties under [section 17 \(child in need\)](#) and [section 47 \(child protection enquiries\)](#) of the Children Act 1989 remain. These duties apply whether and how they are living with parents, friends, family or connected persons.

A local authority has a duty to complete child protection enquiries when:

- It has concerns a child is suffering significant harm
- It has concerns a child is likely to suffer significant harm
- A child is in police protection; or
- A child is under an emergency protection order.

Local authorities should continue to use the existing [Working Together to Safeguard Children](#) statutory guidance. Statutory guidance '[Volume 1 Children Act 1989: Court orders and pre proceedings](#)' also provides guidance on involving wider family members. It says it is important for them be able to contribute to decision-making, and to be involved early on, when there are concerns a child may not be safe and well cared for at home.

Wider family meetings, such as family group conferences, are an important way of involving the family early both to identify support but also to explore alternative permanence options for the child. A Family Group conference can include family members both in the UK and anyone living overseas. More information about Family Group Conferences can be found on Family Rights Group's website [here](#).

There are many resources to assist practitioners completing initial assessments of wider family members and friends, including Family Rights Group's [Initial Family and Friends Care Assessment: A good practice guide](#).

There is additional information regarding safeguarding Ukrainian children and young people living under the Homes for Ukraine scheme [here](#). This contains links and resources regarding safeguarding risks such as modern slavery, trafficking, sexual and criminal exploitation. Local authorities may need to be particularly mindful of the potential risks posed by individuals applying to be Homes for Ukraine



sponsors, given the additional vulnerability of children and young people fleeing war and experiencing loss and displacement.

## What duties do local authorities have if a kinship or sponsor arrangement breaks down?

Where any child is facing a breakdown in their care arrangements, and where there is no obvious person to care for them, local authorities may need to consider their duty to accommodate under [section 20 of the Children Act 1989](#).

In situations where a child's parent, or anyone with parental responsibility for them, is unable to care for them, a local authority must prioritise placement with other family members ([section 22C \(7\) of the Children Act 1989](#)). This includes consideration of family members who may be settled as a refugee in another country. The [International Kinship Care Guide](#) offers more detailed advice on how to manage legal, immigration, record checks and other practical issues. Local authorities will need to consult with the child's parents and the child (where age appropriate) for their views on alternative arrangements.

If a Homes for Ukraine sponsor wishes to end an arrangement for a child or young person living with them without a parent or legal guardian, they must inform the local authority immediately. Local authorities will need to consult with a parent or legal guardian and the child (where age appropriate) for their views on alternative arrangements.

If a sponsorship arrangement breaks down, is ended for safeguarding concerns, or ends for any other reason, local authorities will need to consult with a parent or legal guardian for their views on alternative arrangements. But in any event, local authorities may need to consider their duty to accommodate under section 20 of the Children Act 1989 to ensure the child or young person remains safe.

## Specialist support for children and families

### Where can families access specialist advice and information on immigration?

- The [Ukraine Advice Project UK](#) provides immigration advice for anyone wishing to leave Ukraine and come to the UK
- The [Migrant Children's Project](#), part of Coram Children's Legal Centre, can provide email advice from a specialist solicitor on all issues affecting migrant, asylum-seeking and refugee children and young people, whether they are separated or in families. The email address to contact is [MCPAdvice@coramclc.org.uk](mailto:MCPAdvice@coramclc.org.uk)
- [KIND UK](#) are providing free legal support to children and young people fleeing the war in Ukraine. The service takes referrals via email: [ukraineadvice@kidsinneedofdefense.org.uk](mailto:ukraineadvice@kidsinneedofdefense.org.uk)

### Where can families access specialist information and advice on children and family law?

- [Family Rights Group](#) can offer advice to Ukrainian families, and any practitioners working with them, through their advice and advocacy service. This is for families who are involved with local authorities in England or need their help. It supports them to understand the law and child

welfare processes. The services include online information and advice, online forums, a free telephone advice line open Monday to Friday between 9.30am and 3pm (excluding Bank Holidays) on **0808 801 0366**. For more information see [here](#). Interpreters can be made available.

- **[Children and Families Across Borders](#)** (CFAB) can advise on exploring kinship carers who may be settled in other countries, if UK placements break down, and can offer legal advice on recognition of court orders internationally. Practical and emotional guidance for refugee children and young people arriving in England to live with extended family may also be available. More information is available via their [Advice Line](#).

## What Government advice is available for Ukrainian children and young people living in kinship arrangements and their families?

The government have published a guide for those applying under the Homes for Ukraine scheme, which includes information about applying to the scheme, finding work, accessing benefits, education and health for children and adults. It can be found [here](#). Some of this will be relevant for children and young people living here under the Ukraine Family Scheme.

The Government have also produced a welcome guide for Ukrainian children under 18 applying under the Homes for Ukraine scheme. It is available [here](#).

## What other advice is available?

- **[Barnardo's](#)** have set up a Ukraine support free helpline. The line helps children and families with accessing therapy, advice on a range of issues e.g., housing, accessing key health services, education, employment and practical support. The number is **0800 148 8586** and more information about the service can be found [here](#). All services include access to interpreters in Ukrainian and Russian
- The **[Association for Ukrainians in Great Britain](#)** also has information for Ukrainians living in Great Britain

## Who can apply for benefits for a child living in England without a parent?

In nearly all kinship arrangements, those caring for a child without their parent can apply for child benefit. This includes sponsors hosting under the Homes for Ukraine scheme, or relatives caring for a child in any other visa route. The only type of kinship carer who cannot apply for child benefit is a kinship foster carer.

Child benefit can be claimed online: [Claim Child Benefit](#). The Department for Work and Pensions are likely to need documentation from the carer applying. Documents can be verified at local benefit offices to avoid delay. If the child's parents are still claiming child benefit despite the child not living with them, the carer can ask for the child benefit to be transferred to them. In the event of a dispute, HMRC will decide on the competing claims.

Kinship carers may qualify for other types of benefits such as Universal Credit whilst they are caring for a Ukrainian child or young person. Please see Family Rights Group advice sheet '[Welfare benefits for kinship carers](#)' for more information.

## What other financial support is available?

As is set out [above](#), depending on the type of kinship care arrangement, those caring for a child may be entitled to some level of financial support from local authorities. For example, a kinship foster carer is entitled to a fostering allowance and a special guardian may be entitled to a financial allowance. In addition, sponsors under the Homes for Ukraine can receive an optional payment of £350 per month.

## What emotional support might be available for children living in England without a parent, considering their likely experiences of conflict and displacement and potential experiences of loss, trauma and separation?

- **Leaflets from research project by Manchester University**

One of the most important predictors for the mental health of children who experience conflict and displacement is the way they are cared for; warm, secure parenting can protect children from harm. (Manchester University, 2022) Researchers from Manchester University worked with families living through war and displacement caused by the Syrian conflict to identify the challenges they faced caring for their children. Parents identified many changes in their children, including distress, fears and changes in behaviour. They developed a simple two page leaflet combining evidence based parenting advice with the needs identified by the Syrian parents. These leaflets have been translated into Ukrainian and Russian and can be found [here](#). A [TED Talk](#) by psychologist Aala El-Khani, who led the research project for her PhD, explores and describes her work.

- **The Children and War Foundation**

The foundation have produced resources for refugee parents to help their children. The Ukrainian version can be found here: [Guide Ukrainsk PDF enkeltsider.pdf \(rodekors.dk\)](#)

- **The National Association of Therapeutic Parents**

The Association have written guidance for parents and carers about the impact of trauma on children. This is free to download [here](#) and is available in English, Ukrainian and Russian.

- **Beacon House**

This therapeutic and trauma informed service in the south-east of England have produced resources for families seeking refuge from war and conflict. This is free to download [here](#) and is available in English, Ukrainian and Russian.

- **Red Cross**

The Red Cross have also published a report [Fearing, fleeing, facing the future- how people displaced by the conflict in Ukraine are finding safety](#) to highlight some of their reflections and learning after one year of the conflict. The report also highlights policy areas that still need attention.

- **Education**

There may be support available within schools, who have been given government funding to meet the needs of Ukrainian children in school. This may include individual or group support from school well-

being services and pastoral care. Refugee Education UK have published information regarding educational support for Ukrainian children and young people [here](#).

## **Scenarios**

This section outlines different possible scenarios of how Ukrainian children or young people might have come to live in kinship arrangements in England. It hopes to outline the legal position for each scenario, as well as identifying which support might be most appropriate.

### **Young person living with a sibling carer**

### **Young person living with sponsors with parents living elsewhere in the UK**

### **Children travelling to UK with a relative and parents deceased**

### **Child travelling to the UK without a parent or legal guardian**

### **Children living with relative where safeguarding concerns arise**

### **Care proceedings concerning Ukrainian children**

## **Young person living with a sibling carer**

***A 20 year old man is living with sponsors under the Homes for Ukraine scheme. His parents and 14 year old sister remained in Ukraine. The sponsors have agreed that the 14 year old sister can also live with them and that her brother will be responsible for her care. She has applied for a visa under the Homes for Ukraine scheme to travel to the UK without her parents. The visa is granted and she joins her brother in the home of the sponsors.***

### **Immigration:**

Where a child or young person wishes to travel without a parent or legal guardian to live with a sponsor under the Homes for Ukraine scheme, the sponsor should be personally known to the carers. If not, the visa may not be granted. The Government can make an exception if the child has an adult relative living in the sponsor's home.

In this scenario, the sponsor will need to agree to support the 14-year-old sister before she can acquire the visa.

The local authority will need to complete:

- A Disclosure and Barring Service check
- A check of the host's accommodation
- A sponsor suitability assessment; which needs to follow the procedures and arrangements used for private fostering. See [FAQs](#) here.

### **Legal responsibilities and status:**

Whilst local authorities must initially complete a private fostering assessment, they may use their discretion when deciding whether to continue to treat the arrangement as private fostering. How far

the brother will be taking primary responsibility for the child's care will be a key factor when making this decision. See [FAQs](#) here for more information.

Parental responsibility remains with the mother and father (if he has it) living in Ukraine and the local authority will need to involve them in any social work assessment so far as this is possible.

Children's services will need to consider how to support the child and her family. They will need to consider the [Family and Friends Care Statutory Guidance](#), particularly what their local Family and Friends policy says about what support might be available to them. They will also need to consider whether the 14-year girl would benefit from [section 17 child in need](#) services. A [family group conference](#) may also be helpful.

**Other support:**

The sponsor will be eligible for the £350 monthly payment.

The brother can apply for child benefit and may also be eligible for other benefits such as universal credit.

The local authority can consider any other offers of universal or targeted family support that may be available, including any community resources that are available to support Ukrainian families and local kinship services.

The local authority can signpost the brother to resources and support available from [Kinship Compass](#) and [Family Rights Group Help and Advice](#).

The local authority can signpost the brother and sister to potential therapeutic support from Barnardo's [Ukrainian Support Helpline](#) and share the resources regarding the impact of war, loss and trauma.

**Young person living with sponsors with parent living elsewhere in UK**

*A mother and her 17 year old daughter are living with sponsors under Homes for Ukraine. The mother decides to leave the home to live at a property nearby, and the daughter chooses to remain living with her hosts. The mother and daughter are in daily contact, and the daughter is able to make informed decisions about her care.*

**Immigration:**

The mother and daughter may wish to obtain legal advice on their visa statuses, given the arrangement that was in place at the time the visa under the Homes for Ukraine scheme was granted is no longer in place.

**Legal responsibilities and status:**

The local authority should complete a private fostering assessment including a DBS and accommodation check, to assess the suitability of the arrangement. As the young woman is over 16, they are not statutorily required to continue with private fostering procedures. However, they can continue to do so if their assessment suggests it will be supportive.

Children's services will need to consider how to support the young woman and sponsors. They will need to consider the [Family and Friends Care Statutory Guidance](#), particularly what their local Family and Friends Care policy says about what support might be available to them.

The daughter may not wish to be involved with social workers given the role of her mother in her daily life. As she is over 16, her wishes and feelings will be important in decisions about whether the local authority remains involved.

The local authority may consider supporting the arrangement under [section 17 of the Children Act 1989 \(child in need\)](#), if the young woman is consenting to social work support. Parental responsibility remains with the mother (and the father if he has it).

**Support:**

The sponsor will be eligible for the £350 monthly payment.

The sponsor or mother can apply for child benefit and may also be eligible for other benefits such as universal credit. The sponsor and mother should agree who is to receive the child benefit, according to who will be paying for food and clothing.

The local authority can signpost the hosts to [Family Rights Group Help and Advice](#).

The local authority can signpost the young woman to potential therapeutic support from Barnardo's [Ukrainian Support Helpline](#) and share the resources regarding the impact of war, loss and trauma.

**Children travelling to UK with a relative and parents deceased**

*Two children aged 8 and 10 have travelled to England with their maternal uncle who was made their legal guardian in Ukraine before they left. Both their parents are deceased. The family plan is for the maternal uncle to accompany the children to England to join their maternal aunt and her Polish husband; both have settled status and have been living in the UK since 2020. The children and maternal uncle acquire visas under the Ukraine Family Scheme. The maternal uncle returns to Ukraine once the children are settled with their maternal aunt and her husband.*

**Immigration:**

The children's visa should allow them to remain in the UK, even though their legal guardian has returned to the Ukraine. However, it may still be sensible for the children and their carers to seek immigration advice.

**Legal responsibilities and status:**

The children are living with their aunt and uncle in a private family arrangement, however government advice is to assess the situation under the private fostering framework, as they are not living with either a parent or legal guardian. The local authority should complete a private fostering assessment including a DBS and accommodation check, to assess the suitability of the arrangement. As this is not a statutory private fostering arrangement, a family can decline an assessment, although they may wish to get independent advice before doing so. As the children are living with a close relative, the local authority are not statutorily required to continue with private fostering procedures. However, they can continue to do so if their assessment suggests it will be supportive.

Parental responsibility remains with the uncle living in Ukraine and the local authority will need to involve them in any social work assessment so far as this is possible. There is no one in the UK who can exercise parental responsibility for them.

Children's services will need to consider how to support the children and their carers. They will need to consider the [Family and Friends Care Statutory Guidance](#), particularly what their local Family and Friends Care policy says about what support might be available to them.

In this scenario, it is likely to be appropriate for practitioners to undertake an assessment under [section 17 of the Children Act 1989 \(child in need\)](#). Any assessment needs to consider the children's need for legal permanency.

It may be possible to obtain background information on the children's history from Ukraine, given both of their parents are deceased, via a request for co-operation under 1996 Hague Convention Art 34, subject to the capacity of the Ukrainian Central Authority. It may be appropriate to discuss with the aunt and uncle what orders might be available to them. The local authority may wish to encourage them to seek legal advice about what legal orders they could apply for, and the merits of the different orders. A special guardianship order and 'lives with' child arrangements order would both grant them parental responsibility for the children. See FAQs [here](#) and [here](#) for more information about this.

**Available support:**

The aunt and uncle can apply for child benefit and may also be eligible for other benefits such as universal credit, subject to their own visa statuses.

The local authority can consider any other offers of universal or targeted family support that may be available, including any community resources that are available to support Ukrainian families and local kinship services.

The local authority can signpost the aunt and uncle to resources and support available from [Kinship Compass](#) and [Family Rights Group Help and Advice](#).

The local authority can signpost the aunt and uncle to potential therapeutic support from Barnardo's [Ukrainian Support Helpline](#) and share the resources regarding the impact of war, loss and trauma.

The local authority can signpost the aunt and uncle to potential therapeutic support and advice from [Winston's Wish](#) and [Child Bereavement UK](#).

**Child travelling to the UK without a parent or legal guardian**

***A 14 year old boy is accompanied to England by a family friend, who will be returning to the Ukraine. That family friend is not the child's legal guardian. The child's mother is remaining in the Ukraine to care for her elderly parents. The father is not in contact with his son and cannot be contacted. A Homes for Ukraine sponsor who knew the mother and father from university has offered to sponsor the boy.***

**Legal responsibilities and status:**

The local authority will need to complete a private fostering assessment and see evidence that the sponsor is personally known to the family, including whether the boy has any pre-existing relationship

with him. As the sponsor is not a close relative this is a private fostering arrangement and statutory private fostering procedures must be followed on an ongoing basis.

The local authority will need to gather, and take into account, the mother and the boy's (as age appropriate) wishes and feelings. The local authority need to involve the mother in the private fostering assessment and ensure she is involved as much as possible in the continuing support for her son and any decision-making.

Parental responsibility remains with the mother. The father will retain parental responsibility if he has it, although it is not being exercised as he cannot be contacted. It may be possible to obtain background information on the situation of the child from Ukraine, which may include contact details for the father, via a request for co-operation under 1996 Hague Convention Art 34, subject to the capacity of the Ukrainian Central Authority. Background information may assist with identifying the boy's needs.

Local authorities will need to consider how to support the child and his carer. They will need to consider the [Family and Friends Care Statutory Guidance](#), particularly what their local Family and Friends Care policy says about what support might be available to them.

Given the boy's age and absence of any family members in the UK, the local authority may wish to consider assessing the family under [section 17 of the Children Act 1989 \(child in need\)](#). They might be able to support the boy and his carer under a child in need plan.

***Available support:***

The sponsor can apply for child benefit and may also be eligible for other benefits such as universal credit.

The local authority will need to involve the school and universal health services such as school nursing, to ensure the child's needs are being met.

The local authority can consider any other offers of universal or targeted support that may be available, including any community resources that are available to support Ukrainian families.

The local authority can signpost the carer to resources and support available from [Kinship Compass](#) and [Family Rights Group Help and Advice](#).

The local authority can signpost the sponsor and the boy to potential therapeutic support from Barnardo's [Ukrainian Support Helpline](#) and share the resources regarding the impact of war, loss and trauma.

***Children living with relative where safeguarding concerns arise***

***Three children have travelled to the UK with their uncle who was granted guardianship for them in Ukraine. They are all are living with a Homes for Ukraine sponsor. It is not known if the parents are alive or if they have contact with the children. The Homes for Ukraine sponsor raises safeguarding concerns regarding the uncle's care of the children.***



## Immigration:

Depending on the outcome of the child protection enquiries, the families' immigration status might need to be considered. Practitioners should keep under active review whether it is appropriate to refer the children and uncle for legal advice on their immigration position at all stages outlined below.

## Legal Responsibility and Status:

After receiving the referral from the sponsors, the local authority must decide whether the children need:

- Any immediate protection or immediate services or
- Whether to start a child in need assessment under [section 17 of the Children Act 1989](#) or
- Whether to start child protection enquiries and assessment under [section 47 of the Children Act 1989](#)

If the local authority suspects significant harm then child protection enquiries must be made. If the children's parents can be located and are alive, the local authority must tell the children's parent, the children and the sponsors what action (if any) they plan to take unless doing that may place the child at risk of harm (page 34 paragraph 80, [Working Together 2018](#)).

If the uncle was granted legal guardianship for children in Ukraine and then travelled to England, his Ukrainian order would usually be recognized 'by operation of law' pursuant to Article 23 of the 1996 Hague Convention, unless any grounds for non-recognition are established under Article 23. It may be appropriate for a request for co-operation to be made under the 1996 Hague Convention via the English [Central Authority](#) for background information on the children's circumstances in Ukraine, and, in particular, any previous court proceedings leading to the appointment of the uncle as a guardian, and any previous child protection measures taken there. This may also assist with identifying the children's parents and their circumstances, although the extent to which this information can be obtained may depend on the capacity and functioning of the Ukrainian Central Authorities / competent authorities.

The guidance for local authorities on making a request to the Central Authority can be found [here](#).

Statutory guidance says it is important for wider family members to be able to contribute to decision-making, and be involved early on, when there are concerns a child may not be safe and well cared for at home. This is to see if they can support the child and their carer and in the event a child cannot remain safely with their carer, whether the child should be placed with family members. In this case, this will include the children's parents in Ukraine. Wider family meetings, such as family group conferences are an important way of involving the family early both to identify support but also to explore alternative permanence options for the child' and may be appropriate here. A Family Group conference can include family members and anyone else who cares about the children, both in the UK and anyone living in Ukraine.

There are many resources to assist practitioners completing initial assessments of wider family members and friends, including Family Rights Group's [Initial Family and Friends Care Assessment: A good practice guide](#).

'[Working Together to Safeguard Children](#)' (at page 30) says where the child has links to a foreign country, a social worker may need to work with colleagues abroad. Cooperation may be required with

the Central Authority under the 1996 Hague Convention on Parental Responsibility and Protection of Children.

The guidance for local authorities on making a request to the Central Authority can be found [here](#).

If the children are placed on a child protection plan following any child protection enquiries, the safeguarding concerns may be adequately addressed and resolved through this process. However, if concerns increase and the local authority are concerned about the children remaining in their uncle's care, they may wish to initiate the formal [pre proceedings process](#). As the uncle has parental responsibility for the children, he would be eligible for non means tested legal aid to receive advice and representation during the pre-proceeding process. The parents would also be eligible for non means tested legal aid whether they are in the UK or overseas.

If the local authority's safeguarding concerns remain or develop further during or following the pre proceedings process, they may seek to accommodate the children under [section 20 of the Children Act 1989](#) or make an application to the Family Court for an interim care order under [section 31 of the Children Act 1989](#). As the uncle has parental responsibility for the children he will be eligible for non means tested legal aid to receive advice and representation during the court proceedings. This legal aid will also be available for the child's parents, whether they are in the UK or overseas.

If care proceedings are initiated in England under section 31, the parents, if they are in Ukraine, or elsewhere overseas, and still have parental responsibility for the children, would also be automatic respondents to the care proceedings. They would have legal aid to be represented in the English care proceedings, which would be non-means tested. If the Public Law Outline pre-proceedings process is initiated, they would have legal aid for representation at any pre-proceedings meetings, and advice on pre-proceedings processes, which would be non-means tested.

If a Ukrainian child is taken into care, it may be appropriate for the Local Authority to notify the Ukrainian Embassy as per the [guidance on care proceedings involving children with foreign nationality](#), unless this would place the child or their family members at risk.

If there are other prospective carers for the children resident overseas, who underwent assessment, they might be able to make an application for party status in the care proceedings (subject to the court considering this to be in the children's best interests). Legal aid may be available for them to make an application for party status and have legal advice but this would be means tested. The local authority may also consider providing any potential kinship carers overseas with financial assistance to secure independent legal advice.

#### **Available support:**

Local authorities will need to consider how to support the children and their carers, whatever stage of involvement they may be with the children. They will need to consider the [Family and Friends Care Statutory Guidance](#), in particular what their local Family and Friends Care policy says about what support might be available to them.

Guidance for local authorities on working with foreign social services can be found in the [International Kinship Care Guide](#).

## **Care Proceedings concerning Ukrainian children**

*Two children are brought to the UK by their parents under the Ukraine Family Scheme, to join their maternal uncle and aunt who live in the UK permanently. One of the children suffers a non-accidental injury, thought to be attributable to one of the parents. Care proceedings are issued. The children's maternal grandparents live in Italy.*

The court may need to consider the issue of jurisdiction at the outset of the care proceedings under the 1996 Hague Convention Article 5 and 6, and certify the basis upon which it is empowered to make substantive decisions as to the child's welfare.

It may be appropriate to notify the Ukrainian Embassy that care proceedings have been issued concerning two of its nationals, subject to this not placing the children or their extended family at risk. Background information on the children's situation in Ukraine, and in particular whether there have been any child protection interventions / investigations there, may be sought through the [Central Authority](#) under the 1996 Hague Convention Article 34, subject to the capacity / functioning of the Ukrainian Central Authority.

The guidance for local authorities on making a request to the Central Authority can be found [here](#).

An assessment of the children's maternal grandparents in Italy may be conducted to ascertain whether they are appropriate alternative carers for the children. Local assessment of the maternal grandparents may be commissioned via CFAB or the Central Authority as Italy is also a Contracting State to the 1996 Hague Convention. If a placement with the children's maternal grandparents is explored, the issue of the children's immigration status should be considered as early as possible, in particular whether they would be able to live permanently in Italy, and the impact relocating to Italy would have on their existing visa, and ability to visit the UK to have contact with their parents (for example).

### **Available support:**

Guidance for local authorities on working with foreign social services can be found in the [International Kinship Care Guide](#).

### **Other scenarios not covered:**

It is impossible to cover the whole range of unique situations and circumstances that may arise, and some situations are still emerging. The government website is updated frequently, and in the first instance practitioners should check whether more updated guidance has been added.

The organisations listed above may be able to provide advice or guidance.

The Department of Levelling Up, Housing and Communities is responsible for policy regarding Ukrainian children not living with a parent - they refer to these children as 'unaccompanied minors'. They can provide operational support to local authorities and therefore specific cases and questions can be escalated. They can be contacted using [HFUUnaccompaniedMinors@levellingup.gov.uk](mailto:HFUUnaccompaniedMinors@levellingup.gov.uk).

***This FAQs document should not be used to give legal advice and is for information and guidance only. For advice on individual cases, assistance should be sought from an independent regulated legal adviser.***

## **References**

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