



Housekeeping

Please make sure you:

- Silence your phone
- Turn on your camera
- Mute your microphone
- Pop your name and role in the chat
- Rename yourself so we can send you slides and resources
- This event is recorded but we will only share the presentation



Presenters

Ann Horne, Kinship Consultant, CoramBAAF

Clare Seth, Kinship Consultant, CoramBAAF

Alexandra Conroy Harris, Legal Consultant, CoramBAAF

Augusta Itua, Legal Consultant, CoramBAAF



Agenda

12:00 – Welcome and housekeeping

12:05 – Presentation

12:30 – Poll

12:35 – Break out rooms

13:15 – Feedback

13:25 – Close

Any questions or comments, email:
Consultation@corambaaf.org.uk





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Kinship care project

- Kinship care project.
- Summary of the current problems with current kinship care law.
- Key proposals
 - A statutory definition of kinship care.
 - Kinship care orders (KCOs).
 - Kinship parental responsibility agreements (kinship PRAs).
- Proposals for kinship foster care.
- Consultees' views and Q&A.



Kinship care
Summary of the Consultation Paper

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Timetable

- Kinship care consultation paper was published on 8 July 2026.
- 13-week public consultation period – online and in-person consultation events.
- Consultation ends on 16 October 2026.
- Report containing recommendations for reform will be published autumn 2027.

What are we doing?



What is the deadline?



What happens next?



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**Definition of kinship
care**

Why do we propose a definition?

- Currently there is no statutory definition of kinship care that applies in both England and Wales.
- In England, kinship care is defined in **section 22I of the Children Act 1989**. The Children's Wellbeing and Schools Act 2026 introduced this definition for limited purposes – primarily the new duty on English local authorities to provide a "kinship local offer". This definition does not apply in Wales.
- We provisionally propose that the definition in section 22I of the Children Act 1989 should apply to our proposals for Kinship Care Orders and kinship PRAs, with some additional eligibility requirements, in both England and Wales.

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**Definition of kinship
care**

Section 22I of the Children Act 1989 (paraphrased)

A kinship carer is a relative, friend or other person connected with a child,

- with whom the child either lives for all the time, or for more time than the child lives with a parent, and
- who provides all the care and support to the child, or more care and support than is provided for the child by a parent.

For the purposes of this definition, a "person connected with the child" cannot be a parent of the child, a local authority foster parent of the child who had no connection with the child prior to the child being placed with that person, or a person caring for the child in a professional capacity.

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**Private
fostering and
informal
kinship care**



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Issues raised by
stakeholders

Informal Kinship Care / Private Foster Care

- Lack of parental responsibility – should there be a way to obtain it?
- Children may be treated by some local authorities as in informal family arrangements / private foster care, rather than as a looked after child.

General concerns

- Inequality – evidence that cultural and racial biases may operate.
- To what extent is the child's view / voice being heard?
- Lack of information provided to kinship carers / lack of awareness of difference in rights and support under different arrangements.
- No definition of kinship care.
- Issues particular to kinship care placements abroad.

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Definition
private
fostering and
informal
kinship care

- Is it informal kinship care or private fostering – only differences as a matter of law lies in:
 - the “degree of relationship between the carer and the child” – as defined by statutory definition of a “relative” in CA 89 &
 - Length of arrangement

Data

- DfE stopped collecting private fostering 2015 – Law Commission extrapolated data from CoramBAAF survey – suggest 3500 children living in PF arrangements
- However – continuing challenges of under reporting
- [Improving the kinship local offer and approach to kinship care - GOV.UK](#) (Davis, J 2026) – estimates 56% of children in kinship care are in informal arrangements = 92,000
- How can we feel confident that families and professionals know how to make the distinction between informal kinship care and private fostering?

Lack of visibility and impact on support

- No legal obligation for close relative to notify LA – unlike private fostering
- Therefore LA has no legal duty to satisfy itself about their welfare
- Extent to which LAs proactively identifying, engaging with or offering support to informal kinship families?
- Risks around LAs ‘characterising’ arrangements as private or informal to reduce liability to support
- Neither informal nor private fostering eligible for financial support
- Disproportionate numbers of minoritised children living in informal kinship care and private fostering = disproportionate numbers of minoritised kinship families not receiving support

Parental responsibility

- CA 89 s5 allows “what is reasonable for purpose of safeguarding or promoting a child’s welfare” – not a substitute for child’s primary carer having PR
- CA 89 s2 allows parent to arrange for another person to exercise some or all of their PR, but no format for arrangement
- Major decisions and other professionals requiring evidence of PR



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Kinship parental responsibility agreements (“kinship PRAs”)

- Made between the **child’s parents** and
 - a **kinship carer** (or potential kinship carer);
 - who is also a **relative** of the child.
- Require the agreement of everyone with PR.
- Can be prospective, taking effect on a specified future date.
- Minimum duration of one year.
- Ends when duration expires, child reaches 18, or order of the court.
- Must be signed before a court official, requires evidence of identity.
- Sent to the Central Family Court to be sealed and filed.

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Slide 15

- 0 Point needs to be made that therefore PFs are excluded from being able to enter into a PRA

Ann Horne, 2026-09-23T10:25:33.748

Have your say!

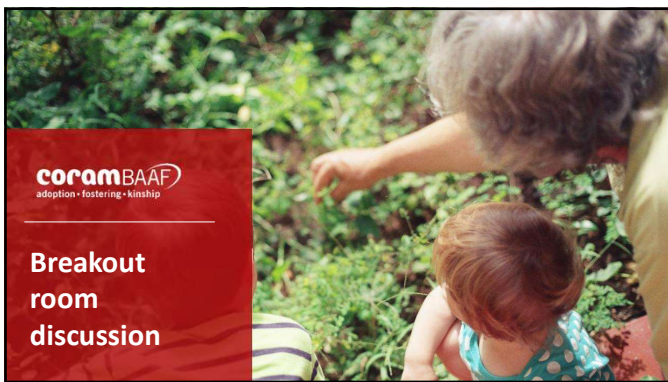


• Should the term private fostering be replaced?

• Should informal kinship families be required to notify the local authority of the arrangement?

• Should meeting the definition of being a kinship carer result in eligibility to request assessment of support need, regardless of legal status?

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Breakout room discussion

Terminology

- What are some suggested alternative terms to replace private fostering?

Definition

- Assessment and monitoring of private fostering arrangements is determined by definition of 'relative' in CA 89 - does the definition of a privately fostered child need changing?

- Should private foster carers and parents be able to enter into a PRA?

Own home

- Should a child cared for by a private foster carer in the child's own home in the absence of any parent or other person with PR fall within definition of a privately fostered child?

16/17 year old children

- Should a child who is 16 or 17 who is living in an arrangement, but for their age, still be considered a privately fostered child?

0 Menti Qs

Should the term private fostering be replaced?

Yes

No

Unsure

Ann Horne, 2026-09-23T10:22:18.068

Further considerations

Any other issues?

- Any other specific legal matters around private fostering or informal kinship care that need addressing?

Upcoming events

07 October 2026 | 9.00am – 9.55am | Online
Kinship Care Week: What is Kinship Care?

04 November 2026 | 9.00am – 9.55am | Online
Private Fostering Awareness Day: Breakfast briefing

[Kinship care – Law Commission](#) consultation events

Any questions or comments, email:
consultation@corambaaf.org.uk

Thank you for joining

Evaluation and certificate

Please complete our evaluation form by scanning the QR code or clicking the link in the chat.

This link will also be in your attendee pack along with your certificate.

Presentation materials including reading lists, slides and video links are shared post event.
