

Top ten tips for social workers

Working with Ukrainian children living in kinship arrangements in England

September 2023

- 1** **Understand** the legal framework that enables Ukrainian children to travel to the UK without a parent or legal guardian.
- 2** **Be clear** about what steps parents, sponsors and the local authority need to take if a child travels alone under the Homes for Ukraine scheme.
- 3** **Establish** who has parental responsibility for the child.
- 4** **Understand** your duties as a social worker for a Ukrainian child in need or in need of protection.
- 5** **Apply** the private fostering framework if a Ukrainian child is living without a parent or legal guardian.
- 6** **Provide** targeted kinship support to a Ukrainian child living in kinship care.
- 7** **Understand** your responsibilities if a sponsorship or kinship arrangement breaks down.
- 8** **Signpost** children, young people and their families to organisations who can provide legal advice.
- 9** **Signpost** children, young people and their families to organisations who can provide information, advice and emotional support.
- 10** **Ensure** the child and their carers are in receipt of any eligible benefits.



Introduction

These tips for good practice are designed for social workers working with Ukrainian children living in any type of kinship care arrangement, including private fostering. These tips 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. 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.

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 tips include a summary of the legal and practice framework including local authorities' duties and how to access specialist support. It is a shortened version of a [FAQs guide](#) that additionally covers information regarding the various visa schemes, immigration issues, who can make decisions about a child, as well as specific case scenarios that may arise.

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.

These tips draw upon the more extensive FAQs which was 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.

1. Understand the legal framework that enables Ukrainian children to travel to the UK without a parent or legal guardian

A child or young person can travel to the UK without a parent under both these schemes.

Under the Ukraine Family Scheme:

A child can travel without a parent if they travel 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

Under Homes for Ukraine:

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



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.

can use their discretion and allow a child to join an unknown sponsor. For example, a child joining an older sibling who is already living with the Homes for Ukraine sponsor.

2. Be clear about what steps parents, sponsors and the local authority need to take if a child travels 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](#).

Read the [full guidance](#) on children travelling unaccompanied under the Homes for Ukraine scheme.

3. Establish who has parental responsibility for the child

In many cases this may not be immediately clear as Ukrainian law operates differently to English law.

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.

A legal guardian may have been appointed according to the local laws applicable in the country where the order was made. Practitioners can seek legal advice from their legal department, if they feel it is appropriate. [CFAB](#) may also be able to assist.

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.

4. Understand your duties as a social worker for a Ukrainian child in need or in need of protection

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 they are living with parents, friends, or family.

[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.

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.

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, but local authority's first need to complete an assessment before responding to them as such.

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.

There is additional information regarding [safeguarding Ukrainian children and young people living under the Homes for Ukraine scheme](#). This contains links and resources regarding safeguarding risks such as modern slavery, trafficking, sexual and criminal exploitation.

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

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



<ul style="list-style-type: none"> • 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. 	<ul style="list-style-type: none"> • 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 support planning for the child and help enlist support from family, friends and community networks.
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5. Apply the private fostering framework if a Ukrainian child is living without a parent or legal guardian

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](#)

The UK government advice is to apply the private fostering framework to any Ukrainian 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.

Type of arrangement and legal duties

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?
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Under 16	Living with a Homes for Ukraine sponsor who is not a close relative	Yes	Yes	<ul style="list-style-type: none"> • Child in Need • Family and Friends Care Statutory Guidance
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"> • Child in Need • Family and Friends Care Statutory Guidance
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"> • Child in Need • Family and Friends Care Statutory Guidance
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"> • Child in Need • Family and Friends Care Statutory Guidance
Under 18	Living with a legal guardian who is not a parent	No	No	<ul style="list-style-type: none"> • Child in Need • Family and Friends Care Statutory Guidance

Further information can be found in the full [FAQs](#).

6. Provide targeted kinship support to a Ukrainian child living in kinship care

The UK government advice is to apply the private fostering framework to any Ukrainian 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. Other Ukrainian children may be living with a legal guardian or foster carer appointed by a Ukrainian court. And some Ukrainian children may be living with a special guardian or a carer with a 'lives with' child arrangement order. All of these children should be considered as living in kinship care.

The local authority should consider any offers of universal or targeted family support that may be



available, including any community resources that are available to support Ukrainian families. The local authority should also consider whether any of these children and their carers will be eligible for support available to kinship carers in their area and/or private foster carers in their area.

If a Ukrainian child is living with a kinship carer who has been either temporarily or fully approved as a kinship foster carer, they will be eligible for support as a looked after child and their kinship carer will be eligible for support and supervision as a foster carer.

7. Understand your responsibilities if a sponsorship or kinship 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.

8. Signpost children, young people and their families to organisations who can provide legal advice

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.

[KIND UK](#) are providing free legal support to children and young people fleeing the war in Ukraine. The service takes referrals via [email](#).

[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.

[Children and Families Across Borders](#) 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](#).

9. Signpost children, young people and their families to organisations who can provide information, advice and emotional support

The Government	Homes for Ukraine: Guidance for guests	Guides for guests about applying to the scheme, finding work, accessing benefits, education and health for children and adults.
	Homes for Ukraine: welcome guide for Ukrainian children under 18	This is an introductory welcome guide for children under 18 who are moving from Ukraine to England under the Homes for Ukraine scheme.
Barnardo's	Ukrainian 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. All services include access to interpreters in Ukrainian and Russian.
Association for Ukrainian's in Great Britain	Frequently asked questions	Information for Ukrainians living in Great Britain.
The Children and War Foundation	Guide for refugee parents	Resources, available in Ukrainian, for refugee parents to help their children.
The National Association of Therapeutic Parents	Ukrainian refugees in the UK	Guidance for parents and carers about the impact of trauma on children. Available in English, Ukrainian and Russian.
Refugee Education UK	Ukraine Education Response	Information regarding educational support for Ukrainian children and young people.

10. Ensure the child and their carers are in receipt of any eligible benefits

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.