

TACT Briefing Foster Care in England

A Review for the Department of Education December 2017

1. Summary

This briefing considers *Foster Care in England*, a report from Sir Martin Narey and Mark Owers' independent review of foster care which was commissioned and published by the Department for Education on 6 February 2018.

The review began in April 2017 under the title *National fostering stocktake: call for evidence*. The report summarises its findings and sets out 36 recommendations to improve the fostering system for children and foster carers.

Nadhim Zahawi MP, Parliamentary Under-Secretary of State for Children and Families, welcomed the report and announced that he will look at its findings alongside the Education Select Committee Report on foster care published in December 2017. He will draw from both reports "in order to determine how they can help us to make sustainable improvements to the fostering system and to the outcomes for looked after children".

This briefing is for anyone interested in children's social care.

2 Briefing in full

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In the Acknowledgements section of the report, (p.4), Sir Martin Narey says he hopes the review "offers a thorough critique of foster care in England with realistic and affordable recommendations". He explains that he and his co-author Mark Owers have probed every issue that carers, professionals or children and young people have urged them to review. The exception is mental health for children in care including foster children. He mentions the Green Paper *Transforming children and young people's mental health provision* and the importance of the commitment to pilot a new four-week waiting time for children and young people's mental health services.

Jenny Briggs, who leads on fostering policy at the DfE and was seconded to the review, will lead on the implementation of the report's 36 recommendations pending ministerial approval.

Foreword by the Children's Commissioner

A foreword from Anne Longfield, Children's Commissioner, sets the tone for the report. Her recollections of what children and young people have told her put the voices of children and young people at centre stage. She emphasises the importance of high ambition for foster children, related the words of the children who told her they wanted 'to be treated like all other kids'.

Introduction and summary

Sir Martin acknowledges that the care system in England, in which fostering plays a predominate role, has an undeservedly poor reputation, and says that in reality fostering is a

success story, and identifies the key issues as education, outcomes, children's views, foster carers, physical affection, financial compensation, recruitment, commissioning, matching and permanence.

Chapter 1: Data Summary

Page 15 provides an up-to-date data summary

- 53,420 children are in foster care from a total care population of 72,670 (31 March 2017)
- Over the last financial year local authorities spent £1,656 million on their fostering services
- Of the £1.66 billion, £88 million is spent on children placed with family and friends carers. The vast remainder, more than £1.57 billion, was spent on children placed with strangers
- Children in foster care are predominantly white
- Children in foster care are more likely to live close to their home than children in other placement types. 81% of children in foster care were in placements located 20 miles or less from their home.
- The most common reasons for a placement change for children in foster care who moved placements during 2016-17 was a change to the care plan
- 66% of children in foster care were placed with foster carers from their own local authority, 29% were placed with foster carers from private Independent Fostering Agencies (IFAs), 4% with foster carers from voluntary/non-for profit IFAs and 1% with foster carers from other local authorities.

Chapter 2: Helping carers to make fostering more effective

Professionalisation

The report rejects the notion that foster carers should be defined as professionals with equivalent status to social workers. The views of foster carers are seen as vital – but unlike social workers, the voices of the former are seen as being unable to take a dispassionate view. It is therefore, according to the report, right for foster carers to be biased and tenacious in pursuing the interests of their foster child. This is why they should not be 'employed' by a local authority. There is however, an emphasis on the need and importance for foster carers to be *treated* professionally.

Delegated authority

There is recognition of the frustration suffered by carers because they are not being involved in significant decisions about children in their care. Many children have said that they feel embarrassed about a delay in decision making. The report supports delegated authority to foster carers so that they can make routine decisions on their foster child's day to day life. It points to Government revised regulations (2013) to achieve better delegation to foster carers.

This relates to three broad categories:

- decisions on day to day parenting including medical, dental, education, leisure and home life: faith, religion and use of social media should be routinely delegated to carers

- a second category includes routine but longer-term decisions like school choice, then the regulations determine that these decisions must not be made in isolation and involve others
- a third category includes significant events in a child's life, including applying for a passport, leaving the UK for more than one month, changing surname or religion or undergoing surgery. Such decisions can only be made by those holding parental responsibility for the child.

There is a concern that regulations on delegated responsibility have changed but 'all too often professional practice has not.' The report calls on the DfE to make sure that local authorities remind carers of the changes via the above regulations.

Physical affection

The report was concerned that some foster carers believe physical affection is frowned upon or had been taught to be fearful of allegations. Further scrutiny of guidance showed that foster carers were being warned off cuddles. The report supports the stance taken by TACT in its guidance to TACT foster carers:

“Showing affection is a very important part of your caring role and should never be avoided for fear of allegations.”

The report is of the view that physical contact should be encouraged and celebrated in fostering.

Rationalising the professional supervision of placements

The report feels that there are sometimes too many professionals involved in supervising foster placements: the child's social worker, the fostering social worker and the independent reviewing officer.

Independent Reviewing Officers (IROs)

Since 2004 all local authorities are expected to employ IROs – their role being to ensure the care plan fully reflects the child's needs. Directors of children's services have questioned the validity of the IRO in a harsh budgetary climate, 'where all services must be demonstrably improving the lives of children' as one Director of Children's Services put it.

Fostering panels

The report reflects on a number of contributors sceptical of the role and input of the fostering panels. The report calls for a full assessment of their role by the DfE.

Allegations

There are no proposed changes in this area – except that the report wants local authorities to be sure that i) they follow procedures on allegations, and ii) carers know that they will be supported during such a process.

Chapter 3 The Financial compensation and reward of foster carers

The chapter opens with the observation that none of the carers who contributed to the report prioritised pay as an issue. There are three recommendations that follow on page 42 of the report which in summary

- Endorse tiered approaches to payment linked to skills and experience of the carers
- reject suggestions that current payments to carers – when considered in the context of HMRC’s tax and benefit arrangements – are inadequate.
- recognise that the courts will determine the employment status of carers. However, the authors of the report feel that if employment status for carers was obtained it would negatively affect fostering.

Chapter 4: Recruitment

The report does not concur with the view of the Fostering Network that we need an additional 5,900 new foster families in England. But it does acknowledge a geographical shortage, and a shortage of the ‘right’ sort of placements. Typically, this includes children who are older, part of a sibling group or who have a disability. This results in children and young people being placed and later moved to more appropriate placements.

Recruitment practice

The practice of recruitment is seen as a little old fashioned in some local authorities, but there is good practice in others and examples are highlighted such as the behavioural insight model used in Hertfordshire. The approach seeks to better understand the values of potential carers when making the decision to foster. They believe word of mouth communication from existing carers can help potential carers respond more positively.

Social Media

The Fostering Network has reported that 38% of its enquiries come through the internet. This section also quotes TACT CEO on the importance of being online for recruitment and the need to act fast on this

If you want anything these days, you go online and use a search engine to find it. Too much money is spent putting things on the side of buses, on newspaper adverts and radio adverts. It does not bring you foster carers. You do it all on Facebook and use Google Analytics. [When we did it] our foster care statistics for recruitment went up by several hundred per cent instantly.

A fragmented market

The report takes a position on what it calls ‘strategic recruitment’ targeted at those most likely to have the skills needed to care for some troubled and challenging children. This is not helped by the fact that we have 152 local authorities and 295 registered Independent Fostering Agencies vying for the attention of prospective carers. The report calls for much greater regional advertising campaigns. The report supports a rebranding of First4Adoption to improve foster care recruitment.

Poaching through golden hellos

The report quotes the The Association of Directors of Children’s Services (ADCS) on the problem of ‘golden hellos’ in poaching local authority foster carers to IFAs, but suspects that this happens the other way now. It calls for local authorities to reimburse IFAs that it takes foster carers from.

The report calls for a national register of carers.

Chapter 5: Commissioning

Of 53,420 children in foster care in England at the end of March 2017, 67% are placed with local authority carers and 33% with IFA carers. Local Authorities spend over £1.65 billion on fostering, with more than a third of that spent buying placements from independent fostering agencies.

There is currently a mixed market with IFAs seeking to provide places for children with more complex needs. 52% of children in LA foster care provision were aged 10 and over, compared to 68% of children of the same age placed with IFAs. Children in IFA provision had, on average, higher scores on the strengths and difficulties questionnaire. And IFAs were found to have a higher proportion of children with drug misuse problems and a higher proportion of children that had SEN status at Key Stage 2 and Key Stage 4. Comparisons between Council and IFA provision are therefore seen as misleading.

Profit in foster care

Over the last five years the larger independent fostering agencies have grown on average by 7.7% per year. This has come from a combination of organic growth and through acquisitions of smaller independent fostering agencies. As a result, the growth rate is significantly higher than the overall growth in the numbers of children being fostered.

Large IFAs have attracted private equity investment and the report reveals that prices have risen as very large profits are taken by investors when businesses are bought and sold. At the same time competition from other IFAs, both private and charitable, has not reduced prices as one might expect.

Better commissioning is seen as the solution, and TACT Peterborough is featured and attracts a ringing endorsement for its pricing. The report's recommendations (p. 60) emphasise price reduction through joint commissioning consortia and of course IFAs.

Chapter 6: Matching

This chapter looks at the matching process for children in care. Quotes from children and young people and from the Care Inquiry promote the 'centrality of relationships between children in care or on the edge of care'. The report points to a lack of knowledge about those relationships and asks local authorities to look beyond their care councils and engage with a wider sample of foster children.

Placement stability is under new scrutiny. The report puts the spotlight on children returning home and then re-entering care. It calls for children and young people to be more closely involved in matching.

Information relayed to carers about children

There is greater scope for involving carers in matching and more evidence to show that changes are needed in the accuracy of information relayed to carers about children and young people requiring a placement.

The section concludes with six recommendations including one that recommends all local authorities to use Bright Spots or similar survey approaches to regularly measure children's experience of fostering.

Chapter 7 Contact and siblings

Contact comes under scrutiny with a change in emphasis. Local authorities place much emphasis on the importance of contact. Evidence includes quotes from practitioners convincing ministers that 'too often we allow contact when it is not in the best interests of the child'.

Contact with previous carers is encouraged based on the quality of the relationship between the carers and foster child.

A Final Word on Permanence

A standalone section towards the end of the report on permanence is a key feature, it says 'The pursuit of permanence should be moved to the centre ground of policy at the DfE'.

The concluding sections look at staying put, adoption and special guardianship orders and the importance of financial security to support all forms of support for looked after children.

Staying Put

Staying Put is highlighted as a mechanism for easing crises for many young adults who have been able to stay with their foster carers beyond their 18th birthday. Such arrangements have their challenges, but Staying Put parents and young adults spoke to the authors movingly about the benefits of staying together.

Data for the past two years show that around half (54% in 2015/16, and 51% in 2016/17) of young people who are eligible to Stay Put have chosen to do so. Some 30% of 19-year olds and 20% of 20 year olds whose Staying Put arrangements started one or two years ago still living with their former foster carers.

The report deems it inconceivable that – if a guarantee of financial support were forthcoming – a significant number of those fostering arrangements could not be converted to adoptions or special guardianships. In either case the child would leave the care system.

Adoption

The report points to the USA where fostering and adoption are a continuum. Frequently, those who wish to adopt must first qualify as Foster Carers and many adoptive relationships begin as fostering relationships.

As a result, of the 135,000 or so adoptions which take place each year in the USA, almost 40% start as fostering placements. Transition to adoption is not just facilitated, it is positively encouraged. That is not always the case in England where very few fostering placements convert to adoption and where such transitions are often discouraged. There are examples of foster carers wanting to adopt children who are in long term care. One family, far from receiving support, was seen as 'over stepping the mark'.

SGOs

The report gives examples of some local authorities resisting the attempts of foster carers or families to go down the special guardianship route to permanence.

The inquiry heard frequently about foster carers who would welcome the greater certainty and permanence that an SGO brings but cannot afford to care for the child without the financial support fostering brings.

Frequently, when an SGO is agreed, the Carers will be guaranteed financial support for two years. But uncertainty about support beyond this 24-month period will discourage many Carers from pursuing the SGO route. Even where Carers agree to the transition, the Courts will not always agree. We heard of one Family Court which on a number of occasions, where Foster Carers had agreed to become SGOs, had retained the child in fostering, so as to guarantee longer term financial support for the would-be Guardians.

Recommendations in Brief

Chapter 2: Helping Carers To Make Fostering More Effective

1. Foster Carers are not professionals. But - and this is crucial - they must be treated professionally.
2. Statutory guidance should be changed to ensure the involvement of Carers in review meetings is the default position, and they are only excluded in exceptional circumstances. And, although the child's views need to be listened to - and the reason for their wishing to exclude their Carers must certainly be probed - Foster Carers should always be involved.
3. The categorisation of types of decision which might be delegated to Carers is sensibly defined in the statutory guidance. DfE should urgently remind all local authorities that the delegation of total authority for all category one decisions should apply automatically to foster placements.
4. The Department for Education and local authorities are urged to recognise that automatic delegated authority to Carers must apply for voluntarily accommodated children too, and that birth parents should be helped to understand that is in their child's interests. Birth parents cannot be allowed to veto the ability of foster carers to provide day to day parenting.
5. Carers should be in no doubt that, unless it is unwelcome to the child, they should not curb the natural instinct to demonstrate personal and physical warmth. We urge the Department for Education to make that clear in future guidance.
6. Suggestion that local authorities should decide which individual social worker is best placed to offer the support to the foster family in long-term placements. As well as resulting in a welcome reduction in family intrusion, and sometimes confusion, this change would deliver cost savings to hard-pressed local authorities.
7. Local authorities should be allowed to dispense with the role; re-investing savings in front line staffing.
8. For a thorough assessment and consultation with the sector and with Carers about the effectiveness cost and value for money of Fostering Panels and we urge DfE to commission such an assessment.
9. We do not believe that DfE guidance on allegations needs to be changed. But local authorities need to be sure that it is followed in all cases. And Carers need to be reassured that, however unlikely the prospect of an allegation being made, they can be confident that they'll be supported through the process.
10. All Fostering Services should consider introducing structured Peer support for Carers.

Chapter 3: The Financial Compensation and Reward of Foster Carers

11. Endorsement of tiered approaches to paying fees, linked to the skills and experience of the Carers. Implemented widely, such models could drive greater consistency in fostering, aid better matching between child and Carer and would provide improved knowledge about the skills of the foster carer population.
12. The report does not believe current payments to Carers - when considered in the context of HMRC's helpful tax and benefit arrangements - are inadequate.

13. It may be for the Courts to determine the employment status of Carers. The report encourages the Government and local authorities to resist such a fundamental change.

Chapter 4: Recruitment

14. Call for a National Register of carers

15. Local authorities are urged to consider combining their recruitment efforts.

16. Department for Education are asked to consider re-branding and re-launching First For Adoption (F4A) to improve foster carer recruitment. DfE would have to provide a substantial amount of the funding but local authorities and IFAs might be expected to contribute to a service which should help them to reduce their own marketing spend.

17. All local authorities and IFAs are asked to review and where necessary improve the way they handle initial enquiries. Greater use of mystery shopper techniques is recommended to monitor the quality of response to enquirers

18. Local authorities and independent agencies should invite a much larger proportion of resigning and retiring Carers to exit interview

19. The perception is that there is rather more poaching from IFAs to local authorities, but relatively little of either. When that happens, we believe local authorities should compensate the IFA, for the recruitment costs of replacing that Carer. We suggest the Transfer protocol be amended to reflect that.

Chapter 5: Commissioning

20. Quite a lot could be achieved in terms of price reduction were local authorities to share their framework contracts with one another.

21. Many of the 152 separate local authorities are too small effectively to plan and commission fostering. It could be better planned and commissioned if they were to come together into about 10 consortia with critical mass, better able to understand commissioning requirements, concentrate expertise, discourage local authority versus local authority competition, and negotiate with IFAs to provide placements at significantly reduced cost.

22. We recommend that the consortia should also appoint national account managers for the larger IFAs. This would reduce the likelihood of consortia competing against one another as local authorities do now.

23. Larger local authorities or the consortia we recommend, should consider making a determined attempt to become self-sufficient in Carer recruitment or, alternatively, partnering with one or more IFAs to provide their complete fostering service.

Chapter 6: Matching

24. All local authorities should use Bright Spots, or similar survey, approaches regularly and systematically to measure children's experience of fostering and relative to other local authorities.

25. Reinforce statutory guidance that children should know their rights to advocacy and how to access an advocate and urge DfE to work with the Children's Commissioner and voluntary sector providers of advocacy, including Coram Voice, to ensure this is done

26. Local Authorities need to monitor the quality of referral information and ensure that, inadvertently; they do not demonise a child by over emphasising the negative aspects of a child's background.

27. Carers should, wherever possible, be able to play a proactive role in matching. Adapting adopter-led family finding techniques, such as Activity Days, to help find suitable long-term fostering placements should be piloted in a number of local authorities.

28. Children must routinely be better prepared for a placement day-to-day care and routines before the first meeting (including seeing video messages and scenes of their bedroom and learning about some basic house rules).

29. If the register of adopters, recommended in Chapter 3 were not to be introduced, at the very least, a vacancy management system to remove the randomness and - sometimes the lottery –of finding the right Carers for children.

Chapter 7: Contact and Siblings

30. Department for Education to urged to remind local authorities of the change in the law and the need for professionals to ensure that birth family contact takes place only when in the interests of the child.

31. When children move placement they should routinely be consulted about the adults and children who are important to them and, unless it is not in their interests, contact with those adults and children should be encouraged and facilitated.

32. Local Authorities, should review the environments in which family contact takes place and the way it is supervised to ensure that it can be as positive an experience for the child as possible.

33. As part of the assessment process when siblings enter care, individually or simultaneously, local authorities should not presume that keeping groups together is in the interests of all children in that group. Instead they should consider the individual needs of each child and whether they are likely to thrive when placed together and whether it is possible for one set of carers to meet the developmental demands of the full sibling group.

A Final Word on Permanence

34. We believe that children on the edge of care and their families should routinely gain earlier access to foster care. DfE, together with select local authorities and independent fostering agencies, should further explore the potential for support foster care as a means of:

- avoiding unnecessary entry into care into care;
- ensuring that those who do come into care are thoroughly assessed and placed in a more managed and timely way; and
- attracting a new population of carers and carers who no longer want to foster full-time.

35. The priority therefore must be to convert more fostering placements to arrangements which are more likely to last forever, either by encouraging foster carers to adopt or to become Special Guardians, not least through longer term guarantees of financial support. In either case the child will leave the care system.

36. The Adoption Leadership Board, and the Residential Care Board should continue. And similar arrangements should be made to implement the recommendations from this report. Overseeing those Boards, Ministers should direct the setting up of a Permanence Board under the chairmanship of the Director General for Children's Social Care, the most senior official in the Department responsible for the Care System.

Comment

There is much that is positive in this report but there are some areas that merit debate and a deeper discussion

Positives

- Most positive for TACT have been lessons that it draws from our partnership with Peterborough across the services for fostering, adoption and all other categories of support for children in care
- Many of the recommendations can be found in the TACT Manifesto, for example calling for fairer assessment information of children and young people waiting to be placed, or developing procedures that guard against putting foster carers off showing affection to foster children.
- The report's final recommendation for a Permanence Board is something that TACT has long been arguing for. We welcome this as a key mechanism to drive radical improvement to the care system, increasing stability, providing better outcomes and ending the silo thinking that has blighted approaches to vulnerable children.
- Strengthening delegated authority for carers – the foster carers are (alongside the birth family) the experts on the child. Their voice should be central to all decision making and local authorities must work with and through foster carers, not around them.

Money for carers

TACT is disappointed with the report's conclusions on foster carers fees and allowances. We know many foster carers can not manage on the money that they have.

Sir Martin observes that foster carers themselves did not make 'a lack of money' an issue. But this will be of no surprise to anyone involved in foster care; foster carers are clearly not in it for the money.

Yet they are feeling the financial pinch following eight years of austerity. And at a time when the ADCS and the LGA are asking the Government for £2 billion to bridge funding gaps in children's services, the report feels out of step with the experiences of cash strapped local authorities and families in the UK today.

TACT would welcome a review of fees and allowances to ensure they reflect the true costs of quality foster care.

TACT accepts that there is money in the system that could offset the need for additional investment. Recent research from Corporate Watch shows that in 2014-15, eight commercial fostering agencies made around £41m profit between them from providing foster placements to local authorities.

At the time of writing, this is entirely lawful. But given that it is currently unlawful for commercial companies to be granted contracts to run child protection services, we believe the same should apply to running IFAs and drawing excessive profits from them. If the Government is not prepared to act, we call on the LGA and the ADCS to work nationally and in regional groups to stamp out the routine overcharging of LAs by commercial and some not for profit or charitable IFA's.

Advertising

We regret that the report has rejected the idea of a large-scale national advertising campaign funded by central government. While we acknowledge that there are fostering households without a child living with them, there is an urgent need to attract more people willing and able to care for sibling groups, teenagers and children with disabilities.

Education

There is unevidenced optimism in the report on the education of children in our care. Next to love and a secure home, education is one of the key factors that will enable someone from a disadvantaged background to improve their life chances. Seen in this light, the fact that only 6% of children leaving care make it to university can never be acceptable. The scope and resources for the Virtual Head need to be strengthened and foster carers should be given far more support to improve their child's educational attainment. All schools should also be obliged to offer an immediate place to a looked after child on demand and foster carers should be actively involved in meetings about the use of their foster child's pupil premium.

The IRO function

The report's recommendation on the removal of Independent Reviewing Officers has met with resistance from the sector including: The Children's Commissioner, the National Association of Independent Reviewing Officers (NAIRO) and Action for Children. There is a real concern that the proposed removal of the IRO function is made without any suggestion as to how the care plan will be monitored. TACT welcomes a debate about the role of the IRO, especially about their relationship with LAs which can compromise their independence. A suggestion from Jim Gamble (Hackney LSCB Chair) is that they work for the LSCB, and TACT sees merit in this suggestion. TACT would also welcome a debate about reducing the regulatory furniture for long term fostered children.

Ambitions and outcomes

The report emphasises that fostering is a key part of the care system, and it should not be our main ambition that foster carers adopt or become special guardians. What matters in every case is the best outcome for the child and in some cases, that could also include specialist residential care or reunification with the birth family.

Responses

So far there has been a mixed response from the sector. It is likely that the Minister and the DfE will want to test sector responses further before responding to the report. A flurry of



roundtables, consultation meetings and of course written responses may now be expected and this is welcome.

Conclusion

TACT broadly welcome this report and are delighted that DfE have focussed on fostering. We very much look forward to a robust debate on some of the recommendations but hope that others, such as more delegated authority and the permanence board, can be quickly enacted.

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