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CONSULTATION ON NATIONAL FOSTERING AND KINSHIP CARE STRATEGY

Responding to this consultation paper

We are inviting written responses to this consultation paper by Friday 16 February 2007.

Please send your response to:

NationalFosteringStrategy@scotland.gsi.gov.uk

or

National Fostering Strategy Team
Looked After Children and Young People Division
Scottish Executive Education Department
Mail Point 24
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If you have any queries contact Margaret Rooney on 0131 244 5480.

I would be grateful if you would use the consultation questionnaire provided or could clearly indicate in your response which questions or parts of the consultation paper you are responding to as this will aid our analysis of the responses received. Please note the use of the questionnaire is optional. Relevant responses in any format is welcome.

This consultation, and all other Scottish Executive consultation exercises, can be viewed online on the consultation web pages of the Scottish Executive website at <http://www.scotland.gov.uk/consultations>. You can telephone Freephone 0800 77 1234 to find out where your nearest public internet access point is.



You may also be interested to know that the Scottish Executive now has an email alert system for consultations:

(**SEconsult**: <http://www.scotland.gov.uk/consultations/seconsult.aspx>). This system allows you to register and receive a weekly email containing details of all new consultations (including web links). SEconsult complements, but in no way replaces SE distribution lists, and is designed to allow you to keep up to date with all SE consultation activity, and therefore be alerted at the earliest opportunity to those of most interest. I would encourage you to register.

Handling your response

I need to know how you wish your response to be handled and, in particular, whether you are happy for your response to be made public. Please complete and return the **Respondent Information Form** at Annex B of the consultation paper as this will ensure that we treat your response appropriately. If you ask for your response not to be published we will regard it as confidential, and we will treat it accordingly.

You should be aware that the Scottish Executive is subject to the provisions of the Freedom of Information (Scotland) Act 2002 and would therefore have to consider any request made to it under the Act for information relating to responses made to this consultation exercise.

Next steps in the process

Where you have given permission for your response to be made public (in the Respondent Information Form), these will be made available to the public in the Scottish Executive Library in April 2007. We will check all responses where agreement to publish has been given for any potentially defamatory material before logging them in the library or placing them on the website. You can make arrangements to view responses by contacting the SE Library on 0131 244 4565. Responses can be copied and sent to you, but a charge may be made for this service.

What happens next ?

Following the closing date, all responses will be analysed and considered along with any other available evidence to help us reach a decision on the National Fostering and Kinship care Strategy. We aim to issue a report on this consultation process in the spring of 2007.



Comments and complaints

If you have any comments about how this consultation exercise has been conducted, please send them to:

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Looked After Children Branch



2006

National Fostering and Kinship Care Strategy



one
scotland
SCOTTISH EXECUTIVE

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2006

National
Fostering
and
Kinship
Care
Strategy

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Ministerial Foreword

Our vision for all children in Scotland is that

“in order to become confident individuals, successful learners, effective contributors and responsible citizens, they must be safe, nurtured, healthy, achieving, included, active and respected and responsible”.

For too many children in Scotland, this vision can appear impossible to achieve. There are significant, potentially overwhelming, difficulties faced by many children who may not be able to live at home with their parents.

The purpose of this consultation paper is to help develop a National Fostering and Kinship Care Strategy that will address the specific needs and to protect and support the rights of those children who need to live away from home and from their parents, for a short period of time or over the longer term.

It seeks to identify the key issues that a National Fostering and Kinship Care Strategy can tackle now to ensure we can give all such children and young people the safe, stable and secure environment that will help them achieve this vision.

Equally importantly, this consultation paper seeks views on how we can best achieve a fundamental and long-term transformation of fostering services and kinship care arrangements to ensure they are fit to tackle the challenges that will be faced over the next 20 years.

Children and young people deserve this opportunity to live in a safe, secure and stable home and the thousands of foster carers and kinship carers deserve the opportunity to give their care and commitment with the knowledge that they are valued and respected and that their central role is backed up with a range of appropriate support and resources.

We look forward to receiving your response to this consultation paper and working with you on the development of fostering services and kinship care arrangements for the future in Scotland.

one

1. Background and introduction

1.1 At 31 March 2006, there were 12,966 looked after children and young people in Scotland. 1,726 were looked after with friends or relatives and 3,731 with a foster carer.

1.2 There are no definitive statistics available for the number of children who are not looked after and who live in voluntary arrangements with kinship carers.¹ The Scottish Household Survey (using 2003-4 figures) estimated 1,426 children were known by local authorities to be living in such arrangements and that 10,454 children, unknown to local authorities, were living with family or friends, many of them in kinship care arrangements.

¹ This consultation paper uses the term “kinship care” to refer to where the main full-time care arrangement is provided by a member of the child’s extended family or wider network of friends and where the child is looked after or would otherwise be looked after, if a kinship carer were not able to provide the care arrangement.

two

2. Purpose of this consultation paper

2.1 If children and young people need to live away from their parents, for however short a time and for whatever reasons, given the choice, most children want to live with a member of their family or a friend, or with a foster carer. However, for some young people, residential care may be the preferred option to foster care. For those children and young people whose needs *are* best served by foster or kinship care, this option can provide them with the best chance of overcoming the disruption and damage that they have faced and to develop happily and confidently.

2.2 This consultation paper builds on the work of recent relevant research and reports. These include *Extraordinary Lives* by the Social Work Inspection Agency; the Executive's Proposals for the development of integrated services, *Getting it Right for every Child*, the 21st Century Social Work review, *Changing Lives*, *Hidden Harm: The next Steps*, which addresses the welfare of children living in substance misusing households; and the forthcoming report on improving the educational outcomes of looked after children. Together with learning from these reports, the Executive has also set out its ambition to transform further public services in Scotland, making them all personalised, high quality, innovative, efficient and productive, joined up and accountable.

2.3 This consultation paper discusses the specific needs of children and young people for whom the option of living with a foster carer or kinship carer is in their best interests; the improvements that could be made to supporting foster and kinship carers to enable them to meet the needs of the child or young person; and the way forward for fostering services and kinship care arrangements more broadly. It then seeks views on how these needs can be met.

2.4 At section 7, the paper also sets out some key issues which must be addressed if we are to achieve improved outcomes for children and young people and a fundamental transformation in the delivery of support arrangements for both fostering services and kinship care arrangements.

2.5 The evidence is also consistent in claiming that the quality of support provided to both children and young people and to their carers can help determine whether the placement is a success and achieves the stability and continuity that are so important to the child or young person's long-term life chances. There is near-universal agreement that if the placement is right first time, then this provides the best guarantee they will develop confidently and securely. But this goal cannot be achieved by making quick fixes to the current arrangements. Fundamental, innovative change and service redesign is required to achieve this. The National Fostering and Kinship Care Strategy will set out the framework for this transformation, supported by the views gathered through this consultation.

2.6 We welcome views on the issues raised in this consultation paper and other issues which respondents consider relevant. Consultation will also include a series of meetings to gather the views of children and young people in foster or kinship care and the views of their carers and providers of fostering services and kinship care arrangements.

2.7 The questions for consultation are at relevant stages of the paper. All the questions are reproduced at Annex B which should be completed and sent to nationalfosteringstrategy@scotland.gsi.gov.uk. Postal responses should be sent to National Fostering Strategy Consultation, 2-CS, Victoria Quay, Edinburgh EH6 6QQ.

2.8 An electronic copy of this paper is available from nationalfosteringstrategy@scotland.gsi.gov.uk. The responses must be received by Friday, 16 February 2007.

three

3. What do children and young people tell us they need from fostering and kinship care?

3.1 It is not surprising that the messages from research identifying what children and young people who are in foster care or kinship care want, are consistent.

3.2 Like any child, they want to feel safe. They want to be loved and nurtured in a home environment. They want the opportunity to enjoy school; to have fun with their family and friends and to have access to sport, leisure and cultural activities. They want to feel just like any other child. They want to feel normal.

3.3 The long-term goal of the National Fostering and Kinship Care Strategy will be to achieve safe, stable and secure placements for all children and young people by getting the placement right first time. Our starting point for analysing how this can be achieved is to take on board what children and young people consistently tell us. We have set out below what we describe as the key requirements of children and young people for a safe, stable and secure placement.

3.4 Interestingly, the research suggests that these requirements are relevant for living either with a foster carer or a kinship carer.

Getting the placement right first time

3.5 When a child or young person knows and understands that they must be moved from their parents, however temporarily, they are likely to express a strong preference to live with a member of their family or a friend. Whether or not this is possible, they want to be given general reassurance about what is happening and how they will get a say in the current move and how it develops. They want to know details about their future carers and the home environment that they are moving to. They want to know how they will keep in touch with their parents, their siblings and other members of their family and how long they may be away. They want to know about arrangements for staying at school; keeping in touch with friends and attending out of school activities. This is achieved for many children but a substantial minority report that it is not.

3.6 A significant proportion of children in England (65% according to The Office of the Children's Rights Director's report, *Being Fostered*, June 2005) say they had no choice of home at all when they moved to their present foster home and said they wanted to get their placement right first time. We discuss the need to build the capacity of fostering services at section 4. However, this confirms that the efforts of fostering services and of those securing arrangements for kinship care placements

to focus and concentrate their efforts on getting the assessment of both the child or young person and of their foster or kinship carer right is the correct way forward. Local authorities and independent agencies need to review consistently whether the assessment process is sufficiently robust and the most appropriately qualified and experienced staff are carrying out this assessment and matching process.

3.7 In the National Fostering and Kinship Care Strategy we intend to set out proposals for: improving the links between the assessment of the needs of the child or young person and the process used to assess the abilities and qualities of foster carers to meet the needs of children and young people; and improving the ways in which the qualities and competencies of the foster or kinship carer are matched to the needs of the child or young person.

3.8 We recognise that there will be times when an emergency placement is necessary. In which case, the matching process should ensure that the foster care resource available can meet the needs of this very demanding role and situation. Nevertheless, this goal of improving the matching process should aim to ensure that the planned placement is right first time.

3.9 We recognise that the system currently lacks the flexibility and capacity for this to be possible for all children and young people. Local areas do not have sufficiently large or diverse pools of foster carers at present. In order to achieve expansion of the pool of foster carers, a range of options is likely to be required. These options could, for example, include payment of retainers to the foster carer to keep space available for sibling groups or identifying a group of carers with specific skills with troubled teenagers.

3.10 There are also similar issues in relation to kinship carers, which we discuss at section 5.

3.11 We seek your views on creating the right conditions to enable improved matching of placements to the needs of children and young people:

- Do you think that setting a maximum number of placements for each foster carer would improve the fostering experience of the child?
- If introduced, setting a maximum number of placements would need to be phased in. What, in your opinion, would be a realistic timeframe for this?
- Are you aware of any examples of good practice that demonstrate how best to involve the child or young person in the choice of placement?
- How do you think that the matching process could be improved (for instance, by combining the expertise of child protection and family placement services, or by using family group conferencing)?

Maintaining the stability and security of the placement

3.12 Quality assessment and a comprehensive care plan is the cornerstone for setting foster care or kinship care within the wider context of decisions about the child or young person's living arrangements. It will set out how the safety, stability and security of the child or young person will be maintained and ensure that the placement is successful. However, some children and young people do not feel the care plan reflects routinely their needs and priorities.

3.13 Consideration of how contact with the parents and the wider family can be managed is crucial to the best interests of the child or young person. It matters to children and young people that they will not lose contact with their parents, their siblings or other family members. Building in appropriate contact with all those family members who are important to the child is crucial if the child is to feel reassured by being placed with foster carers, family or friend carers and to build security and stability for the child. The assessment and care plan must reflect this requirement. These needs should be identified under the *Getting it Right for Every Child* assessment, record and plan, which should be drawn up in consultation with children and carers.

3.14 When assessments are made, contact with the wider family must also be considered. Children and young people recognise the impact and effect of such contact and the assessment of their needs should reflect that, as appropriate. with the wider family needs to be assessed and reviewed. Older children and young people are also able to understand and support a decision stating that contact would be unsafe. Some children and young people state they can find contact stressful and damaging and would prefer it to cease or to be minimal. This suggests that contact must be well planned, supported and reviewed.

3.15 Taking the child's needs and views fully into account is crucial. They must feel able to express concerns safely and to discuss their views on how contact can be managed safely, if at all. Listening to the views of the carers with whom the child is placed about the impact of contact on the child is also essential.

The support of the lead professional

3.16 All children living in foster care or kinship care are likely to need the support of a number of agencies. Because of this, *Getting it Right for Every Child* has identified the need for a lead professional. In addition to the support they receive within their home, the lead professional will help them know someone is on their side and looking out for their best interests, someone who can link up all the various aspects of the life the child feels they may have left behind and who can help provide consistency and support for them in their placement and meeting any other needs and someone who can work with the child and their carer to identify their needs and the support required to meet these needs. Essentially, the child or young person (and indeed their carer) needs to be assured that their plan will identify their needs and that these needs will be met. This is best provided by the child's lead professional and through the agreed plan, which should be understood and "owned" by the child; reviewed as required and adapted to meet the child's needs.

3.17 A consistent theme in relevant research is that children and young people, and indeed their carers, greatly value this role but again a substantial minority state that there are too frequent changes in the social worker that they see and that they do not see a social worker often enough, when they need this. They need a stable presence in their life and this is the role the lead professional should be undertaking.

3.18 The lead professional will have responsibility for ensuring that the plan is delivered, which will involve all those who have a part to play, such as education and health. In order to achieve this, the lead professional must be given authority, responsibility and accountability and be supported by all the relevant organisations to negotiate and work with the range of appropriate bodies to secure the specific services and additional activities that the child or young person needs, whether or not the child or young person is the subject of a supervision requirement. The child's school, the local health services and others would be expected to support the lead professional to deliver this on behalf of the child or young person.

3.19 Foster carers and kinship carers also have a vital and equal role to play as part of this team. It may be appropriate on occasions to delegate authority to the carer to identify how a child or young person's needs can best be met, for example contracting with a tutor or identifying an out of school activity.

Transition to adulthood and independent living

3.20 The foster carer and kinship carer play a crucial role in preparing a young person for adulthood and independence. Ideally, young people would remain in foster care until their 18th birthday. If they want to remain beyond this, and once they are no longer subject to a supervision requirement, they should be able to do so, if this is in their best interests and the foster carer or kinship carer feels able and is willing to continue their support.

3.21 Anecdotally, many young people return to their parent once they leave foster care. Some will choose this option and it will be in their best interests; others may feel they have no other option. The need

for care planning and support before and during this process of transition to support the choices of the young person, is essential. Without this, too many young people may fall between the gaps and not be able to take full advantage of education and training opportunities. Critically, a small number may slip into persistent offending patterns or substance misuse. Therefore, if their choice is to remain with their foster carer and this is feasible, we will identify what is necessary to facilitate this choice.

3.22 The National Fostering and Kinship Care Strategy will refresh the existing guidance on throughcare and aftercare arrangements to address how we can best achieve a more stable transition to adulthood and independent living for every young person who is in foster care or a kinship care arrangement. This will include transitions from residential care to foster care or kinship care or from foster or kinship care to supported accommodation.

3.23 The forthcoming report on improving the educational outcomes of looked after children identifies a comprehensive range of actions to support a young person's transition from care into independent living and it states that it is essential that a young person has access to relevant information about education, employment, training, finances and health, etc. All of these will also need to be taken into account by carers and authorities.

- What improvements or changes must be made to the current arrangements to enable young people to stay in their foster home beyond their 18th birthday, if they wish, or if it is appropriate?

The changing statutory position of children and young people in foster care or living with kinship carers

3.24 At the time of writing, further legislative changes are being considered by Parliament through the Adoption and Children (Scotland) Bill. This proposes a new court order called a permanence order. The permanence order will provide increased stability for children who cannot live with their family and will be flexible enough to cater for the individual needs of such children.

3.25 The permanence order will replace freeing orders and parental responsibilities orders. A court will be able to allocate parental responsibilities and rights between a local authority, foster carers, kinship carers and parents, as it sees fit in the best interests of the child. The right to regulate a child's residence will always lie with the local authority, but other parental responsibilities and rights can lie with other parties. This recognises that for many children parents will continue to play a role in their life, even if they cannot live with them. It also recognises that foster carers are often best placed to make the day-to-day decisions about the child.

3.26 We recognise, like any new arrangement, permanence orders will need to be publicised and explained to children and young people, foster carers, kinship carers and those responsible for implementing the system, such as social work departments and the judiciary. It will be very important that the role of permanence orders in the range of options for a child or young person, from adoption to temporary or respite care is understood by all. The Executive will promote a range of training and information measures as part of the process of implementing the Bill, should it be passed by the Parliament. This will ensure this order is fully used for all children and young people who could benefit.

Amendments to regulations

3.27 The Scottish Executive has made clear its commitment to amend the Arrangements to Look After Children Regulations 1996 and the Fostering of Children (Scotland) Regulations 1996.²

- We invite comments on the proposed amendments as set out at Annex A.

² For a list of all the proposed changes to the regulations, please see Annex A.

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4. Meeting the needs of foster carers

4.1 There are many different types of fostering arrangement. People can want to become foster carers to provide emergency or short-term placements to give the parents and/or the child a break; they can be keen to foster children or young people with specific needs, such as behavioural issues or who are physically disabled. They can be keen to foster with a view to adoption or providing a permanent home. They may want to provide a home only for babies or young children. They can feel able to look after just one child or many.

4.2 Whatever the preferred fostering arrangement, the research shows that the reasons why people choose to become foster carers appear consistent. They have a strong sense of wanting to provide a loving home to a child in need. They feel they have skills that can be best suited to providing care within their own home. They want flexibility to balance existing domestic commitments and any paid work they may have. They expect to be adequately compensated for the expenses they incur when fostering. More and more carers see foster care as a job and wish to be paid in a way that allows them to devote themselves full-time to this role.

4.3 Similarly, the factors that people who are foster carers enjoy about the job are consistent: when they are valued for creating a safe, stable and secure environment for their child or young person and involved in decisions that will affect the child or young person and themselves; when the child or young person is happier; says he or she feels cared for; and is achieving good outcomes, for example turning up at school regularly; getting involved in an activity etc. They value the support of the local authority or voluntary or independent agency, including the training, development and information that is made available. Crucially, however, a named support provider appears to be the one resource that is most valued and considered critical to both ensuring the stability of a placement and also to successful retention.

4.4 The problems expressed by foster carers are also consistent. Most do not feel adequately rewarded financially. Many do not feel valued by other professionals. They are concerned that they are not given information routinely about the child or young person before they arrive with them and that subsequently their knowledge and understanding of the child or young person is not systematically taken into account during the ongoing review of a child's care plan. They can get frustrated when they are put under pressure to care for those children and young people who are outwith their usual fostering experience, e.g. teenagers with behavioural issues. They can also be worried about the lack of support to them and their families if problems arise with the placement, such as allegations made against them.

Supporting foster carers to provide safe, stable and secure placements

4.5 It is particularly striking how consistently the research states that foster carers want their role and contribution to improving a child or young person's outcomes to be valued and acknowledged within the wider group of professionals responsible for a child's care. Clearly, their systematic involvement in the development and review of the child or young person's care plan must become routine practice, together with their role and, indeed, responsibility both to understand the specific needs of the child or young person and to help identify how these can be met by both themselves as foster carers and other relevant professionals, such as the child's teacher, their nurse, and others. This is also essential when the school, the social worker, the police officer etc, all rely on the foster carer to support them in their efforts to tackle the child's behaviour and needs. To participate in this way clearly requires them to have access to relevant information about the child or young person.

Remuneration for foster carers

4.6 This is consistently identified as a barrier to the recruitment and retention of foster carers. The lack of consistency of rates of payment across Scotland appears to be a source of discontent as much as the adequacy of the level of allowance paid and whether or not fees are paid. There are also differences in approach to remuneration used by voluntary and independent bodies as distinct from local authorities. There can also be problems faced by foster carers in relation to the financial procedures used to claim appropriate allowances. Foster carers want these procedures to be more transparent and less complex.

4.7 The Adoption and Children (Scotland) Bill would give Scottish Ministers powers to create a national system of allowances through regulations (see Annex A).

4.8 A further incentive to recruitment and retention could be to develop a national approach towards a foster carer's entitlement to grants or enhanced allowances that will enhance their capacity to care for a range of children and young people. These could include home extensions and aids and adaptations to the home.

Wider support for foster carers

4.9 More consistent terms and conditions for foster carers across Scotland, such as entitlement to paid holidays, are also identified as factors which could help with recruitment and retention, in addition to the provision of breaks for foster carers, if this is in the best interests of the foster child.

4.10 We have already mentioned the critical importance of a support worker. Foster carers do need regular access to and contact with a support worker. The child's lead professional should also be able to support the carer to deal with stressful situations, such as tackling appropriately the problematic behaviour of the child or young person. A local authority or the relevant voluntary or independent agency should also provide support to the foster carer with identifying learning and development needs.

4.11 A support role is also required to ensure that foster carers are clear and confident about how to make a complaint about any matter affecting the child or in relation to their work as a foster carer. Crucially, they must have confidence that they will receive support and fair treatment if allegations against them arise.

4.12 They need to know the procedure for responding to allegations and understand when and why they may need to receive independent support and how this can be accessed. Foster carers should have the support they need while allegations are treated seriously and investigated properly and promptly.

4.13 Foster carers also indicate that the opportunity to meet with other foster carers is desirable and that support for the children of foster carers including opportunities for these children and young people to meet others in their situation can be helpful.

4.14 The National Fostering and Kinship Care Strategy will identify specific proposals for providing more systematic support to foster carers. These will aim to support the efforts of local authorities and agencies to recruit and retain more foster carers and to increase the capacity of fostering services to support children and young people with a range of specific, often challenging, needs. It will also reinforce

the requirement under *Getting it Right for Every Child* that carers are a part of the planning process.

4.15 As the National Fostering and Kinship Care Strategy develops, there is the continuous requirement to balance the importance of personalising services to meet the specific needs of children and young people with the development of national approaches towards providing support to foster carers. We need to keep this under review to ensure we get the balance right.

4.16 We seek responses on

- Do you agree that foster carers should be more closely involved in the development and review of a foster child's care plan?
- Do you agree that there should be a minimum or standard rate of fostering allowances?
- Do you think that there should be a minimum or standard rate of fostering fees?
- Do you think that financial support should include an element for replacing or purchasing one-off items, such as a washing machine or a car?
- Do you think that registration of foster carers would enable them to improve their foster care service?
- Regarding the introduction of a national protocol for dealing with and responding to allegations, please tell us about any specific proposals for what this should include. As an example you may wish to look at the resource produced by The Fostering Network for the Department of Education and Skills in England.
<http://www.everychildmatters.gov.uk/resources-and-practice/IG00082/>.
- How should such protocols balance the rights of children and young people to have their allegations properly investigated with the needs of carers for timely and appropriate support and advice? What potential difficulties would there be in developing and implementing such a protocol?

- What other information and support do you think would be helpful to carers in carrying out their job?

A support network for children of foster carers

A support network for foster carers

A key worker for foster carers

A regular training programme

A helpline to contact when problems arise, such as an allegation

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5. Family and friend carers – “Kinship Carers”

5.1 While there are many important similarities between the issues facing foster carers and kinship carers and those facing children and young people in their care, there are some important differences. This section sets out many of the issues and invites views on how these can be addressed.

5.2 Kinship carers are often reported to believe that they are treated as a second rate alternative to foster care provision and can feel abandoned by agencies once they have taken children into their care.

5.3 We want to ensure that kinship carers feel valued and that they receive the full range of necessary support and resources to care for the children or young people in their care. For many children and young people, living with family or friends will be their first choice of placement, if they have to leave their parents. We want to remove any unnecessary barriers that may prevent achieving this choice for children and young people and we want to identify how we can put in place those safeguards that are essential for such placements together with a support service for kinship carers that will give the placement the best chance of succeeding.

The statutory position of kinship carers

5.4 There is no statutory definition of kinship carers. In this paper, kinship care refers to the main full-time care arrangement provided by a member of the child's extended family or wider network of friends and where the child is looked after or would otherwise be looked after, if a kinship carer were not able to provide the care arrangement. Their legal position is centred around the status of the child or young person. While we will invite views on this position, we do not believe that an amendment is needed to the Children (Scotland) Act 1995 (the 1995 Act). This Act states that if the child or young person needs to be accommodated away from their parents, on either a voluntary or compulsory basis, they must be placed where their best interests will be served. If a relative or a friend is willing to provide a home for the child or young person and this is in their best interest, we think any unnecessary barriers can be removed to minimise the disruption to the child and young person, without further recourse to statutory intervention.

Creating a safe, stable and secure kinship care arrangement

5.5 While some decisions to move from the parents to a kinship care arrangement can be smooth and planned, there are inevitably many crisis occasions when the child or young person can no longer stay safely where they are. The local authority may then identify as a first point of call, a close family member or friend who can accommodate the child. If moving from the parents, it will aim to do this with the full co-operation of the parents.

5.6 During this stressful and uncertain time, it is imperative that the child and the potential kinship carers are clear about the process that will be followed and how their views will be taken into account. Absolute clarity is required about the child or young person's legal status; the financial and other support mechanisms that will be provided. Appropriate payments should begin immediately. Local authorities already have discretionary powers under which they can make payments to kinship carers where the children are not 'looked after' in terms of s.17 of the 1995 Act, i.e. children for whom the local authority has some parental responsibility.

5.7 It is undesirable to create any false incentives to make a child subject to compulsory measures and label them "looked after". The looked after route should not be used as a means of accessing a range of non-financial support that could otherwise be unavailable. The intention of *Getting it Right for Every Child* is to remove this distinction between those who are looked after and those who are not; and to ensure that children's needs are identified and acted upon.

Assessment

5.8 There is an important distinction between the assessment of foster carers and of kinship carers. The attributes required to look after a wide range of foster children are not the same as those required to meet the needs of a particular child or young person. The current assessment process is designed to assess the suitability of a foster carer to look after potentially hundreds of unknown children with a range of needs during their time as a foster carer. This is not the case with kinship carers where the assessment should focus on the needs of an individual child or siblings within specific circumstances; and the ability of the kinship carer to look after them, given their specific needs.

5.9 The assessment needs to take into account the best interests of the specific children and weigh up the probable advantages of a kinship carer in relation to providing placement stability and continuity for the child against any other disadvantages that may be identified. These important requirements including whether the child will be safe within the kinship carer's home and responsibly cared for, must be appropriately assessed, regardless of why the child or young person is with the kinship carers.

Financial allowances

5.10 There is no doubt that the financial systems in place to support kinship carers are complex and can inadvertently penalise kinship carers who wish to provide a home for the child or young person. The current combination of payments under a variety of legal powers (mainly the 1995 Act); foster care allowances and the tax and benefit system does not support the efforts of kinship carers and the local authority to meet the needs of the child or young person effectively.

5.11 As part of the development of the National Fostering and Kinship Care Strategy, we have commissioned an independent survey of all the entitlements, including tax and benefits, to which kinship carers may be entitled. We want to ensure kinship carers are fully informed about their entitlements. This survey will also inform our proposals in the National Fostering and Kinship Care Strategy for any further financial support that might need to be provided.

5.12 As well as the benefits system, there is also an issue of differing approaches to dealing with kinship carers in different parts of Scotland. This is clearly a matter of concern, and local authorities have identified it as such. Partly this arises because of confusion over what legal power payments should be made under. The powers proposed in the Adoption and Children (Scotland) Bill would allow Ministers to create regulations addressing the issue of those carers who have a child placed with them under s.26(1)(a) of the 1995 Act (looked after children) or under s.70(3) of the 1995 Act (supervision requirement), and of those carers who have taken on the responsibility for a child, where the child would otherwise have become formally looked after by the local authority.

5.13 Responses are requested in relation to

- Do you consider that further changes to the law are required to support the position of kinship carers (for example, in relation to assessment and payments)?
- The consultation paper covers the following topics in terms of foster care:
 - the assessment process to match a child or young person to a carer (see paragraphs 3.6-3.9)
 - amendments to existing regulations (paragraph 3.27 and Annex A)
 - proposals for further support measures (paragraphs 4.9-4.16)

On these issues, do you think that there are specific differences or additional points which should be considered for kinship carers? If so then please give details.

six

6. Private fostering arrangements

6.1 It is important to distinguish 'private fostering' from 'public fostering'. Public fostering is the provision of fostering services to children who are looked after by local authorities and can be done by the local authorities or others on their behalf.

6.2 Private fostering is where parents make arrangements with people who are not close relatives³ to care for their children. Parents have a duty to report the arrangement to the relevant local authority, who must inspect and monitor the accommodation and other aspects of the arrangements, although they do not assess and approve the carers as such.

6.3 The Department for Education and Skills in England reviewed and updated the Regulations governing private fostering in England in 2005, following the Victoria Climbié case, and undertook an awareness raising campaign. They have also issued National Minimum Standards for Private Fostering. In Scotland the Care Commission inspections cover the extent to which local authorities meet the relevant National Care Standards in Scotland and the extent to which local authorities meet the relevant regulations in overseeing private foster care in their area.

6.4 Here in Scotland, alongside the Care Commission inspection process, the Scottish Executive issued leaflets in CD-Rom format to all local authorities in 2005. The accompanying letter requested the local authorities to distribute the leaflets to schools and other premises to highlight the issue. 29 of the 32 local authorities gave feedback on their progress in identifying instances of private fostering in their area, with 1 authority identifying 11 such instances and 18 authorities giving nil returns. However, all authorities did comment that there were likely to be instances of private fostering of which they were not aware and that returns were likely to be underestimates.

6.5

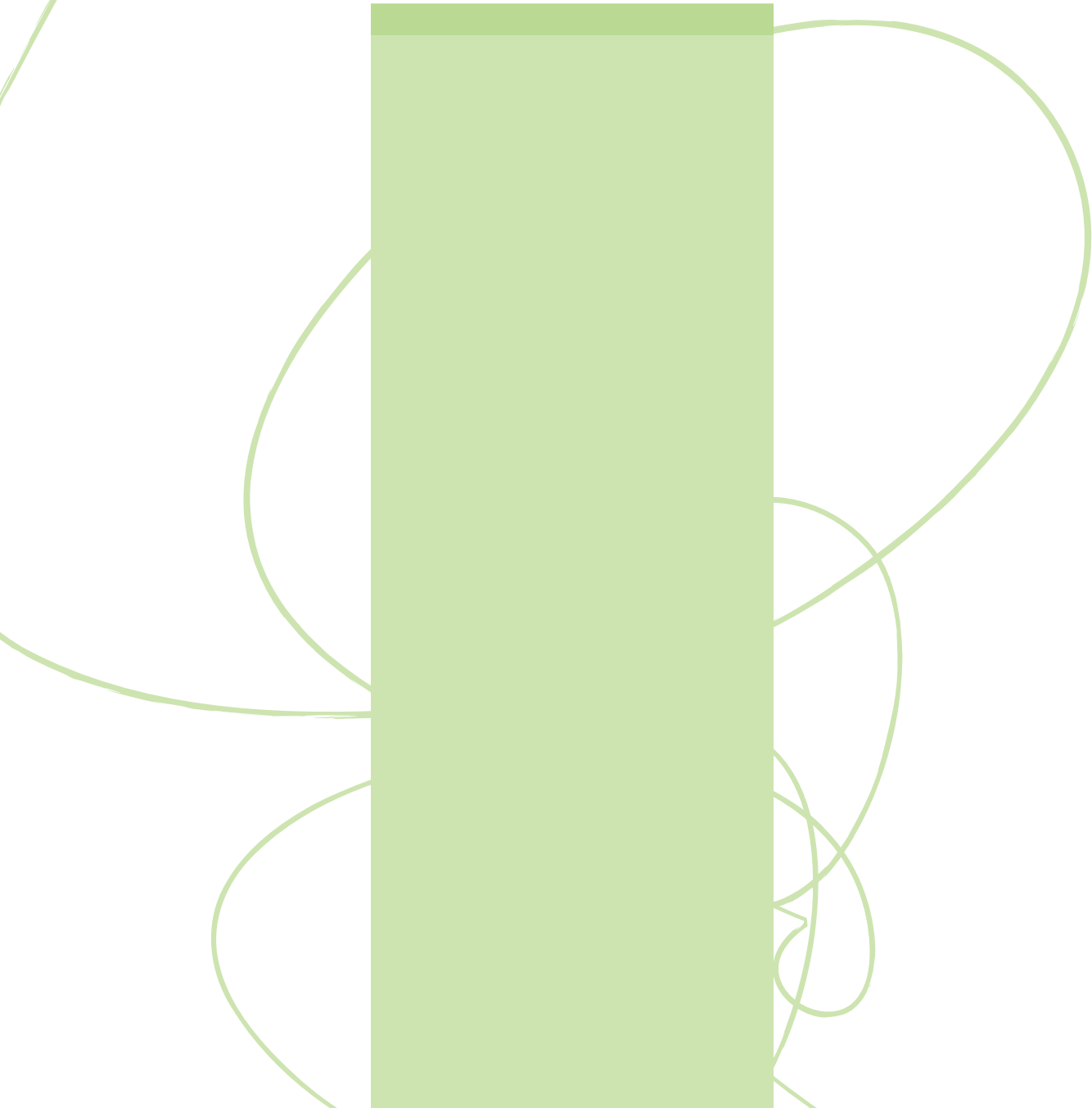
- **In relation to private fostering arrangements, do you think that there is a need for any additional action, by (a) the Scottish Executive, (b) Care Commission or by (c) local authorities?**

³ "close relative" is defined in the Foster Children (Private Fostering) (Scotland) Regulations 1985 as a grandparent, brother, sister, uncle or aunt by full or half blood or by affinity.

seven

7. Fostering services, including kinship care – planning for the next 20 years

7.1 In addition to those issues that the National Fostering and Kinship Care Strategy will tackle in the short-term as set out in sections 3-6, we need to look forward and identify the longer-term challenges, where work must begin soon to ensure fostering and kinship care can play a central role in meeting the needs of children and young people over the next 20 years and beyond.



Developing a wider role for foster carers and kinship carers

7.2 Prevention and early intervention has to be at the heart of any strategy, which aims to improve outcomes for children and young people. The extent to which the skills and expertise of foster carers and kinship carers could be used in this regard, needs to be further explored. They could support children and their parents in a variety of ways, such as providing contingency planning for “episodic care” within the foster or kinship home when an immediate response is needed or forms of respite care can be provided, for example, to the child within the home of their parents – essentially becoming a support to the whole family.

7.3 There is also the need to consider specific models of support required by substance misusing parents who are assessed as capable of looking after their children safely, with appropriate support.

7.4

- Do you think that foster and kinship carers should become more involved in prevention and early intervention work?
- Do you think their role could include helping children/young people and their families remain together in the parental home?
- Please tell us below about any specific examples of good practice you are aware of involving foster and kinship carers in prevention and early intervention.

The recruitment and assessment process

7.5 Local recruitment campaigns have mixed results. They are also run and managed in many different ways, some of which may not be as successful as anticipated. We consider there may be benefits to a more regionalised approach.

7.6

- What approaches, other than a recruitment campaign, have you used to recruit and retain foster carers?
- Has your organisation run a fostering recruitment campaign?
- Following such a campaign, have you met your targets in attracting and sustaining applications?
- Would a national campaign be of benefit to your local campaign?
- What would be the benefits of a more regionalised approach to recruitment and retention, for example a number of local authorities combining on a geographical basis? How could this best be delivered?
- Do you have any further suggestions or any specific examples of good practice regarding recruitment and retention of foster carers? If so please provide details.

7.7 The quality of assessment together with a speedier process could also influence the effectiveness of recruitment campaigns. We have addressed longer-term development of this at paragraphs 3.6 – 3.9.

Training, learning and development

7.8 By training, we include relevant training and preparation for the pre selection and selection process and following approval as a foster carer. The ongoing learning and development needs of foster carers must also be met in a systematic way.

7.9 One aspect of training and ongoing learning and development is to ensure that foster carers and their support workers are fully aware of child development issues and good practice in managing behaviour. Also they should be aware of existing regulations and standards and any forthcoming changes in the legislation. For example, all foster carers must be fully aware of national care standards for foster care and family placement services. It would also be useful for them to know what the local authority's evaluation of the Care Commission's reports and other inspection reports say about foster services overall in their area and what improvements the local authority may wish to introduce.

7.10 The National Fostering and Kinship Care Strategy will identify specific approaches to training, learning and development for both foster carers and kinship carers. This will include the benefits of achieving a Scottish Vocational Qualification; the balance between "mandatory" training events and on-going learning and development opportunities. Identifying methods of encouraging attendance and participation will also be considered.

7.11

- In your opinion, is there a need for mandatory training for:
 - a) foster carers
 - b) kinship carers

- Please tell us what kind of training and development opportunities would be most welcome in your opinion (tick as many boxes as appropriate):

	<i>for foster carers</i>		<i>for kinship carers</i>	
	mandatory	optional	mandatory	optional
Easier access to a Scottish Vocational Qualification				
training for the pre-selection and selection process			n/a	n/a
Following approval as a foster carer			n/a	n/a
Child development issues and good practice in managing behaviour				
Legislation awareness (including relevant regulations and standards)				
Own local authority's plans for improving foster services in the local area				
any other (please specify)				

Fostering support services

7.12 As noted elsewhere in this consultation paper, the evidence is absolutely clear that the support provided to foster and kinship carers is crucial if the placement is to be safe, stable and secure. We have discussed elements of what the support should comprise of and where progress could be made immediately. Nevertheless, there is the need to look more radically at the current provision of support services to foster and kinship carers and question whether the current form of delivery is capable of achieving the transformation of fostering support services that is required.

7.13 By support services for foster carers and kinship carers, we mean:

- the recruitment process
- assessment and review of carers
- training and ongoing learning and development

- support – a named worker for ongoing support; breaks for foster carers and kinship carers and other temporary “time-out arrangements”
- independent advocacy and support, for example to advise on allegations or entitlement to benefit or other financial support.

7.14 It is clear from a review of fostering support services provided by the 32 local authorities and their partners that they all provide a slightly different service; offer different levels of support and pay varying allowances using various criteria. There are some local authority consortia where local authorities come together to “share” the foster carer resource. However, they still maintain separate rates of remuneration and criteria for payment and levels of support.

7.15 The National Fostering and Kinship Care Strategy will set out proposals for alternative models of delivering fostering and kinship care arrangements.

7.16

- What changes do you think need to be made to the provision of support services to foster and kinship carers by local authorities, independent and voluntary agencies?

Children’s services partnerships

7.17 As part of the response of children’s services partnerships, we welcome receipt of their internal reviews of fostering services and any related issues, including their support of kinship carers. Other evidence that could be included is their response to the recent review by the Care Commission of fostering and family placement services. We are particularly keen to receive examples of current developments in relation to using and developing the existing skills of foster carers to meet the specific and more complex needs of, for example, children or young people who are physically disabled; or with an offending history and how such carers are paid appropriately to recognise their skills and experience. At this stage, we see no need for any additional reporting or monitoring requirements through the integrated children’s services plan for fostering services or for kinship care arrangements.

7.18

- In addition, we want to know more about the extent to which foster and kinship carers and children and young people are involved in the local planning and improvement process. Are you aware of/have you been involved in any such arrangements? If so, have they involved:
 - (a) children in foster care or kinship care
 - (b) foster carers and/or kinship carers
 - (c) relevant independent agencies.

Inspection and regulation

7.19 We want to ensure that inspection and regulation are proportionate but that the extent to which the range of activities provided by fostering services and kinship carers are adequately covered by inspectorates and regulatory bodies, in addition to the Services for Children Unit leading on the Joint Inspection Arrangements for Children's Services. An Independent Review of Scrutiny, Audit and Inspection in Scotland is also underway and your response will be submitted to the Review team for consideration.

- Do you think that inspection and regulation arrangements of fostering services and kinship carers are proportionate?
- Do you think that the inspectorates and regulatory bodies currently provide adequate cover for the range of activities undertaken by fostering services and kinship carers?

annex a

Draft Regulations Policy Proposals

In addition to the specific points set out below we intend to look more generally at the Regulations and the definitions contained within them, to update them, and to ensure that kinship carers and the carers of children with a permanence order or an order under section 11 of the Children (Scotland) Act 1995 are appropriately covered.

What we propose	What the Regulations say just now	Why the change?
<p>1. Following the proposed introduction of Permanence Orders by the Adoption and Children (Scotland) Bill, if a foster carer is given parental rights and responsibilities, even though the carer and the child may be the same, the legal relationship will be different and it would be appropriate to reconsider care plans etc. We propose to amend the <i>Arrangements to Look After Children (Scotland) Regulations 1996</i> (S.I. 1996/3262) to address the needs of the child and to amend the <i>Fostering of Children (Scotland) Regulations 1996</i> (S.I. 1996/3263) to address the needs of the carer.</p>	<p>No reference to Permanence Orders in the regulations at present.</p>	<p>Adoption Policy Review Group (APRG)⁴ recommendation: (10.7 of the APRG report)</p>
<p>2. The restriction on fostering by adults of the same sex living in the same household will be removed.</p>	<p><i>Fostering of Children (Scotland) Regulations 1996</i></p> <p>12(4) In making arrangements under this Part of the Regulations the local authority shall not foster a child with a person except where the household of the person comprises:</p> <p>(a) a man and a woman living and acting jointly together; or</p> <p>(b) a man or a woman living and acting alone,</p> <p>provided that a person shall not be disqualified by virtue of this regulation where the household also comprises other relatives of the person who are not themselves concerned in the undertaking to care for the child.</p>	<p>APRG recommendation. (10.19)</p>

continued

⁴ The APRG report Better Choices for our Children is available at www.scotland.gov.uk/Publications/2005/06/27140607/06107.

What we propose	What the Regulations say just now	Why the change?
<p>3. The emergency placement provision will be clarified, for example to address the issue that on occasion children are placed with childminders in an emergency, when no foster carers are available. We also propose that it should be self-contained, without cross-reference to other regulations. Provisions on immediate placements should also be self contained. Immediate placements should last for up to four months, subject to an interim assessment and approval, during which time a full assessment and approval should be carried out.</p>	<p><i>Fostering of Children (Scotland) Regulations 1996</i></p> <p><i>Emergency and immediate placements</i></p> <p>Regulation 13 says that where arrangements have been made for the placement of a child in an emergency, a local authority may for a period not exceeding 72 hours place them with an approved foster carer.</p> <p>However, before an emergency placement is made the authority must (a) satisfy themselves that a foster placement is the most suitable way of meeting the child’s needs; and (b) obtain a written agreement from the person with whom the child is to be placed that that person will care for the child safely and appropriately.</p> <p>The authority must also provide the person with:</p> <ul style="list-style-type: none"> (a) relevant information about the child’s background, health and emotional development; and (b) any other information which the local authority consider relevant to the placement. <p>Regulation 14 says that where a local authority are satisfied that the immediate placement of a child is necessary they may place the child with a person who is not an approved foster carer for a period not exceeding six weeks, provided, after interviewing the person, inspecting the accommodation and obtaining information about the person and other persons living in his household, the authority are also satisfied that the person is a relative or friend of the child; the person has made a written agreement with the local authority to care for the child safely and appropriately and that this is the most suitable way to meet the child’s needs.</p>	<p>APRG recommendation (10.21 and 10.24)</p>

What we propose	What the Regulations say just now	Why the change?
<p>4. The regulations will also be amended to ensure that all carers undergo assessment of some form, including those carers who have children placed with them by the Hearings system, no matter what the carers' relationship to the child.</p>	<p><i>Fostering of Children (Scotland) Regulations 1996</i></p> <p>Regulation 15 says that where a local authority submit a report on a child to a children's hearing, they may recommend that the child be placed in a place where he is to be under the charge or control of a person who is not his parent or guardian only if that person is an approved foster carer or a relative or friend of the child. If the person is a relative or friend, the six week limitation on the placement before a full assessment is carried out (see Reg 14 above) does not apply.</p>	<p>APRG recommendation (10.27)</p>
<p>5. APRG proposed some ways in which fostering panels operate should be changed that would require amendments to the 1996 Fostering Regulations. APRG's recommendations were:</p> <ul style="list-style-type: none"> ● Fostering applicants and existing carers on review should have the right to make oral or written representations to fostering panels, including the right to attend the panel. ● Fostering panels should be involved in reviews of foster carers every three to five years. ● Fostering applicants should be given a right to receive a copy of their assessment report, excluding confidential third party information. <p>There should be an independent system for appeals by prospective foster carers and existing foster carers.</p>	<p>No reference to this in the regulations at present</p>	<p>APRG recommendations (11.40, 11.42, 11.50)</p> <p>They also recommended that there should be general guidance from the Scottish Executive on fostering and adoption/ permanence panels covering composition of panels, qualification of members, format of minutes and the meaning of 'panel' and 'panel meeting'. (11.54)</p>

Other issues

- APRG also proposed that "A nationally agreed scheme of adequate allowances should be introduced for foster carers." (10.14) The Adoption Bill going through the Parliament at the moment would give Ministers powers to make regulations addressing this. It will also give Ministers power to include kinship carers in particular circumstances within those regulations.

annex b

National Fostering and Kinship Care Strategy Consultation questionnaire

Section 3 – What do children and young people tell us they need from fostering and kinship care? (Pages 7-14)

Getting the placement right first time – improving the matching of placements to the needs of children and young people

1. Do you think that setting a maximum number of placements for each foster carer would improve the fostering experience of the child?

Yes/No

If you've answered yes, please specify what the placement limit should be and please give reasons for your answer.

2. If introduced, setting a maximum number of placements would need to be phased in. What, in your opinion, would be a realistic timeframe for this?

Transition to adulthood and independent living

5. What improvements or changes do you think must be made to the current arrangements to enable young people to stay in their foster home beyond their 18th birthday, if they wish, or if it is appropriate?

Amendments to Regulations

6. The Scottish Executive has made clear its commitment to amend the Arrangements to Look After Children Regulations 1996 and the Fostering of Children (Scotland) Regulations 1996.⁵ We invite comments on the proposed amendments at Annex A.

⁵ For a list of all the proposed changes to the Regulations, please see Annex A of the consultation document.

Section 4 – Meeting the needs of foster carers (Pages 15-20)

7. Do you agree that foster carers should be more closely involved in the development and review of a foster child's care plan?

Yes/No

If you've answered yes, what do you think are the best ways of involving them? (Please tell us about any specific examples of good practice you are aware of.)

Remuneration for foster carers

8. Do you agree that there should be a minimum or standard rate of fostering allowances?

Minimum rate of allowances Yes/No

Standard rate of allowances Yes/No

If you've answered yes, please give your suggestions on how this should be calculated.

9. Do you think that there should be a minimum or standard rate of fostering fees?

Minimum rate for fees Yes/No

Standard rate for fees Yes/No

If you've answered yes', please give your suggestions on how this should be calculated.

10. Do you think that financial support should include an element for replacing or purchasing one-off items, such as a washing machine or a car?

Yes/No (please give reasons for your answer)

Registration of foster carers

11. Do you think that registration of foster carers would enable them to improve their foster care service?

Yes/No

If you've answered yes, please tell us what improvements could be achieved and what form the registration should take.

Wider support for foster carers

12. Regarding the introduction of a national protocol for dealing with and responding to allegations, please tell us about any specific proposals for what this should include. As an example you may wish to look at the resource produced by The Fostering Network for the Department of Education and Skills in England.

<http://www.everychildmatters.gov.uk/resources-and-practice/IG00082/>.

13. How should such protocols balance the rights of children and young people to have their allegations properly investigated with the needs of carers for timely and appropriate support and advice? What potential difficulties would there be in developing and implementing such a protocol?

14. What other information and support do you think would be helpful to carers in carrying out their job?

A support network for children of foster carers

A support network for foster carers

A key worker for foster carers

A regular training programme

A helpline to contact when problems arise, such as an allegation

Anything else (please specify below)

Section 5 – Family and friend carers – “Kinship Carers” (Pages 21-25)

15. Do you consider that further changes to the law are required to support the position of kinship carers (for example, in relation to assessment and payments)?

Yes/No

If you've answered yes, please tell us below about any specific proposals you think ought to be made.

16. The consultation paper covers the following topics in terms of foster care:

- the assessment process to match a child or young person to a carer (see paragraphs 3.6-3.9)
- amendments to existing regulations (paragraphs 3.27 and Annex A)
- proposals for further support measures (paragraphs 4.9-4.16)

On these issues, do you think that there are specific differences or additional points which should be considered for kinship carers? If so then please give details.

Section 6 (pages 26-27) – Private fostering arrangements

17. In relation to private fostering arrangements, do you think that there is a need for any additional action, by:

- (a) the Scottish Executive Yes/No
- (b) Care Commission Yes/No
- (c) local authorities? Yes/No

Yes/No (If yes, please give further details on what you think this should be)

Section 7 (pages 28-33) – Fostering services, including kinship care – planning for the next 20 years

Developing a wider role for foster carers and kinship carers

18. Do you think that foster and kinship carers should become more involved in prevention and early intervention work?

Yes/No

19. If you answered yes at Q18, do you think their role could include helping children/young people and their families remain together in the parental home?

Yes/No

20. Please tell us below about any specific examples of good practice you are aware of involving foster and kinship carers in prevention and early intervention.

The recruitment and assessment process

21. What approaches, other than a recruitment campaign, have you used to recruit and retain foster carers?

22. Has your organisation run a fostering recruitment campaign?

Yes/No

[If you answered no at Q22, please go to Q25. If you answered yes at Q22, please continue with Q23.]

23. Following such a campaign, have you met your targets in attracting and sustaining applications?

Yes/No

24. Would a national campaign be of benefit to your local campaign?

Yes/No

(If yes, please provide details of the type of national campaign you'd wish for)

25. What would be the benefits of a more regionalised approach to recruitment and retention, for example a number of local authorities combining on a geographical basis? How could this best be delivered?
26. Do you have any further suggestions or any specific examples of good practice regarding recruitment and retention of foster carers? If so please provide details.

Training, learning and development

The National Fostering and Kinship Care Strategy will cover training, learning and development for both foster carers and kinship carers.

27. In your opinion, is there a need for mandatory training for:

a) foster carers

YES/NO

(If yes, please give details of the topic areas to be covered)

b) kinship carers YES/NO

(If yes, please give details of the topic areas to be covered)

28. Please tell us what kind of training and development opportunities would be most welcome in your opinion (tick as many boxes as appropriate):

	<i>for foster carers</i>		<i>for kinship carers</i>	
	mandatory	optional	mandatory	optional
Easier access to a Scottish Vocational Qualification				
Training for the pre-selection and selection process			n/a	n/a
Following approval as a foster carer			n/a	n/a
Child development issues and good practice in managing behaviour				
Legislation awareness (including relevant regulations and standards)				
Own local authority's plans for improving foster services in the local area				
Any other (please specify)				

29. What changes do you think need to be made to the provision of support services to foster and kinship carers by local authorities, independent and voluntary agencies?

Fostering support services: children's services partnerships

30. In addition, we want to know more about the extent to which foster and kinship carers and children and young people are involved in the local planning and improvement process. Are you aware of/have you been involved in any such arrangements? If so, have they involved:

- (a) children in foster care or kinship care
- (b) foster carers and/or kinship carers
- (c) relevant independent agencies.

If yes, please provide specific details

Inspection and regulation

31. Do you think that inspection and regulation arrangements of fostering services and kinship carers are proportionate?

Yes/No (Please give reasons for your answer)

32. Do you think that the inspectorates and regulatory bodies currently provide adequate cover for the range of activities undertaken by fostering services and kinship carers?

Yes/No (Please give reasons for your answer)

If you wish to add any additional relevant issues, please do so below.

Respondent Information Form: Consultation on National Fostering and Kinship Care Strategy

Please complete the details below and return it with your response.
This will help ensure we handle your response appropriately. Thank you
for your help.

Name:

Postal Address:.....

.....

- 1. Are you responding: (please tick one box)
 - (a) as an individual go to Q2a/b and then Q4
 - (b) **on behalf of** a group/organisation go to Q3 and then Q4

Individuals

- 2a. Do you agree to your response being made available to the public (in
Scottish Executive library and/or on the Scottish Executive website)?
 - Yes (go to 2b below)
 - No, not at all We will treat your response as confidential

- 2b **Where confidentiality is not requested**, we will make your response
available to the public on the following basis (**please tick one** of
the following boxes)
 - Yes, make my response, name and address all available
 - Yes, make my response available, but not my name or address
 - Yes, make my response and name available, but not my address

On behalf of groups or organisations:

- 3. The name and address of your organisation **will be** made available
to the public (in the Scottish Executive library and/or on the Scottish
Executive website). Are you also content for your **response** to be
made available?
 - Yes
 - No We will treat your response as confidential

Sharing responses/future engagement

4. We will share your response internally with other Scottish Executive policy teams who may be addressing the issues you discuss. They may wish to contact you again in the future, but we require your permission to do so. Are you content for the Scottish Executive to contact you again in the future in relation to this consultation response?

Yes

No



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