

Scottish Government Response to the Findings by the Foster Care Review

SCOTTISH GOVERNMENT RESPONSE TO THE FINDINGS BY THE FOSTER CARE REVIEW

The Foster Care Review, established in December 2012 by the Scottish Government to address a number of issues identified by our stakeholders and by foster carers, and as part of previous work through “Moving Forwards in Kinship and Foster Care”¹ published its final report on 3 December 2013. The report put forward six recommendations on the issues of placement descriptions, a national foster carer database, placement limits for fostering households, learning and development of foster carers and allowances and fees. The Scottish Government is grateful to all of the Review members for their careful thought and consideration in attempting to address legitimate and important specific concerns affecting the provision of good quality foster care that will shape the direction of travel for the foster care provision in Scotland in times to come.

Overview

The Scottish Government is committed to improving the life outcomes of all children and young people. In cases of family distress all those responsible or supporting the family in one form or another need to be absolutely clear about how we work together to support children, families and communities by ensuring that alternative care arrangements such as foster care are of the highest quality and where carers feel supported in providing placements for those who come to them for a home.

A co-ordinated and unified approach to identifying concerns, assessing needs, and agreeing actions and outcomes, based on the wellbeing indicators is one of the core components of Getting it Right For Every Child,² which makes a difference to the success of early interventions, especially where the child’s views are taken seriously and acted upon. We must be conscious of any risk of early intervention resulting in more children coming into care – in particular becoming looked after at home where the challenges around improving outcomes for this group are well rehearsed. Therefore, the partner policy aim here is early permanence. Both early intervention and early permanence are needed to meet our aims of reducing the number of children on long term supervision requirements and increasing the numbers finding secure legal permanence. Focusing on these two areas in the years ahead, and through the shared actions set out in this response, will lead to a system of intervention and substitute care that wraps around the child and is effective, affordable and swift.

We welcome therefore the vision contained in the final report of the Foster Care Review which stresses the need for foster care to be able to provide both reparative care to help children be rehabilitated within their families, or if this is not possible to provide a permanent home. We realise this is a huge undertaking for those who take on the fostering task and open their homes to provide care for children permanently. Over the years our understanding of the importance of building secure lasting attachments for children means that the task of fostering and corporate parenting in a broader sense is changed. It is crucial to protect children from the negative

¹ <http://www.scotland.gov.uk/Publications/2009/02/27085637/0>

² <http://www.scotland.gov.uk/Topics/People/Young-People/gettingitright/background>

impacts of placements being broken up because of the systems in place and instead view each placement as either a function towards creating permanence or indeed the permanent placement itself.

Of paramount importance is the need to avoid drift and delays when identifying permanent homes whether at home or in alternative care alongside the support required to keep these home circumstances stable. Drift and delay should be identified and removed at every single stage – both at practice levels and system-wide. Both the common understanding of what we are trying to achieve and a common vocabulary are crucial if we are all to pull in the same direction. An agreed terminology on the type of placements as well as a unified learning and development pathway for foster carers based in the wider environment of child care and pedagogy are important steps towards achieving these.

We are taking significant steps to improve services for families and their children in Scotland with the introduction of the Children and Young People (Scotland) Bill. The shared responsibility for ensuring that our children have the best start in life, enshrined in this Bill, should be achieved by working with parents and carers to make public services more responsive to their needs and sensitive to working with families. This intention of the Bill is also at the heart of our response to the recommendations of the Foster Care Review. Children need services that work together with each other and foster carers who can work together with these services and with their families.

The benefits afforded to children and families by providing support as soon as problems arise justify early intervention. It is essential that all children experience a safe, stable, nurturing and permanent home. However, the complex legal environment governing this area of policy makes simplistic solutions to family distress unworkable. That is why we are committed to the early years' agenda, supporting parents and carers in the earliest stages and to ensuring that our looked after children and young people are found a permanent home quicker. The Children and Young People (Scotland) Bill also contains measures which will strengthen support for looked after children, young people and care leavers. All of this affects – as the Foster Care Review's final report acknowledges - how we shape the foster care provision in future to meet the need for permanent placements and in light of the increased expectation of the foster carer to provide therapeutic input and reparative care.

Finally, we wish to be clear on the importance of optimum collaboration and joint planning and commissioning by local planning partners of children's services to ensure these are transformed towards early intervention and prevention of harm to children through neglect or abuse and family distress. All services with a statutory responsibility for children and families must seek best value so that the widest benefit can be achieved for children and their families. Overlap of aspects of services, for instance in providing training opportunities to foster carers, can be rationalised, particularly when standardised to greater extent across Scotland; and local partners need to grasp the opportunities given to them to maximise efficiency. The recommendations of the Foster Care Review also provide further opportunities with regards to planning of services through its proposal on definitions of care placements which should help identify any specific gaps in the foster care provision.

Overall, there is a need to reassess how across Scotland the foster care provision fits within the wider strategic commissioning of children's services, and the potential impact of this on, for instance, the residential child care sector. We expect to take this forward as part of our wider work on strategic commissioning of children's services as well as identified work under the recommendations.

Specific response to recommendations

Our specific responses to the individual recommendations should be read in conjunction with the final report of the foster care review³. However, for ease of reading, we have included the overall recommendations with an individual response. Further underlying recommendations are contained within the report to which we have made comment where we felt necessary. Overall, we welcome the whole body of recommendations contained in the report and respond to all individually through our work on the six main recommendations.

Recommendation 1 - Placement descriptors: Scottish Government (in collaboration with all relevant parties) should establish a set of clear descriptors for the different types of foster care placements available to children and young people in Scotland. These descriptors would be for use in a child's care plan, where clarity over the purpose of every placement is critical (even if that purpose changes over time). These descriptors should be set out in national guidance, and embedded into practice via the Care Inspectorate's Annual Return for Fostering Agencies and appropriate national statistics. It would be beneficial if the terms used for carer approval were aligned with these placement descriptors.

Government Response: We agree with the recommendation that there is a need for better descriptions of care placements which can be used to create better understanding of the function of a foster care placement and whether that placement is still carrying out that function or whether drift and delay is setting in. That should also allow assessment of gaps in specific parts of the foster care provision such as foster carers prepared to care for children permanently. We will set up a working group on how to build the placement descriptors into national statistics whether by ourselves or by the Care Inspectorate, and write guidance on how they should be used in care plans. This group will take the definitions of care placement as described in the report as its basis, but will provide an opportunity for local authorities, independent and voluntary providers and foster carers to provide comment, develop these definitions and reach agreement. We will ensure that this work will be linked with the child permanence strategy and our work on strategic commissioning.

Recommendation 2 - National foster carer database: The proposal to establish a national database of foster carers should not be taken forward at this time. Alternative strategies for realising the perceived benefits of a national database should be explored.

Government Response: We were keen for the Foster Care Review to explore the possibility of a database for foster carers, which stakeholders and foster carers had thought to be useful for a number of reasons. This was to ensure the safety of

³ http://www.celcis.org/resources/entry/foster_care_review_final_report

children in foster care by allowing a record to be kept of foster carers whose approval had been revoked so that the fostering agencies could check against these when approached by a prospective foster carer and discourage switching from one agency to another. Further advantages were seen in terms of matching placements - in particular for children who for one reason or another were more difficult to place - and collecting data according to placement descriptors for commissioning purposes.

Discussions within the Foster Care Review made it clear immediately that achieving the benefits of both matching placements and having useful data for commissioning purposes would require a live database collecting data on a much increased scale. We are uncertain that keeping that level of data in a separate database would represent best value. We believe that alternatively, relevant commissioning data may be collected via annual returns by the Care Inspectorate and national statistics collections when placement descriptors are in use.

In terms of the other issues identified, we will discuss with our stakeholders, as suggested by the Foster Care Review to move forward with them through alternative routes. Specifically, with regards to switching fostering agencies, the standardisation of minimum training and development requirements and increased potential for collaboration in learning and development opportunities this offers to fostering agencies across Scotland, may ease difficulties for foster carers. As the report outlines, there is scope for fostering agencies to set up collaborations themselves in their own local areas to help with the matching of placements. We will set up a short life working group to take forward the alternative strategies and look to have finished work on this by the end of 2014.

Recommendation 3 - Placement Limits: The Scottish Government should introduce a maximum placement limit, preferably through a new National Care Standard for Foster Care and Family Placement Services. (Only if that is not possible should regulation be considered.) The limit described should be for a maximum of three unrelated children in a fostering household. Birth and adopted children in the household should not be counted, nor young people who were formerly looked after. Agencies should be able to seek exemptions from the fostering panel in certain circumstances (such as in emergencies or short-break arrangements for children).

Government Response: We agree with the recommendation to limit the number of children in a fostering household to three, as exceeding this number will adversely affect the welfare of all children in the household. We accept the exceptions to this rule as described in the report by the Foster Care Review, which provide the flexibility to fostering agencies to deal with unexpected situations at any time. This is in most areas already current practice. A statutory limit will signal the importance of maintaining this excellent practice and will steer fostering agencies to the use of transparent decision making processes when the limit needs to be exceeded. It is our view that these placement limits should be entered into the statute, with underlying guidance that specifies practice. We aim to have this concluded by 2015.

Recommendation 4 - Learning & Development: The Scottish Government should commission a National Learning and Development Framework for Foster Care, underwritten by new National Care Standards (Fostering) or Regulations. The

Framework should include two mandatory courses (at preparatory and induction stages) for new carers, and a mandatory programme of continuous skills and knowledge development for experienced carers. The Framework should be accredited, with progress through the stages providing carers with the opportunity to obtain qualifications. The Framework should apply to all fostering agencies operating in Scotland, and while it should establish minimum standards in respect to the provision of learning and development (and supervision), agencies should continue to set goals for their carers above those set out in the framework.

Government Response: We accept the recommendation to develop a framework which specifies the mandatory learning and development requirements for foster carers. This has been widely recognised by foster carers and agencies alike as desirable and we think will help each prospective, new or experienced foster carer further develop the skills and knowledge to help them cope with the increased complex needs of young people coming into their care. There is evidence showing that increased skills can lead to a reduction of stress increasing placement stability and duration, crucial to providing early permanence. Equally there are benefits for foster carers by providing them with the opportunity to work towards qualifications which may be useful more broadly in the child care sector in general leading to further career opportunities. It is likely to be beneficial too in relation to the role foster carers play in relation to developing the care plan of the child or young person placed with them. Finally we agree with the Review's proposition that there are further advantages to having a number of standardised courses and requirements when it comes to agencies collaborating on the provision of learning and development opportunities. The possibility of sharing this could allow a reduction in waiting time for foster carers to take part and may reduce the cost of providing these learning and development opportunities.

We will therefore put together a working group to help commission a framework that sets out the right level of learning and skills development at pre-approval and post-approval by a fostering panel. We have started engagement with our stakeholders on this at the Looked After Children Strategic Implementation Group event on 3 December 2013 which was widely attended by representatives of many of our stakeholders and where we received some very helpful comments and suggestions. We are committed to continuing this engagement. The framework will be based on the National Occupational Standards which already include a set for foster carers. We will make the learning and development mandatory and a condition for approval as foster carer. We believe the most straightforward mechanism will be through an amendment to the relevant Looked After Children Regulations.

To help fostering agencies implement the training requirement, the Scottish Government will ensure that courses meeting the standard as set out in the framework are offered through a range of appropriate delivery methods to support accessibility across Scotland. We agree these should be accredited by the Scottish Qualifications Authority. As is currently the case, we expect the cost of delivery to be met by the fostering agencies. We will continue to work with our national and local partners to ensure that this is implemented in a way that allows a smooth transition. The framework will have a built in review period and the Scottish Government will continue to seek a close fit with the needs of foster carers and their agencies as well as our overall aim for continuous improvement of the foster care provision across

Scotland for our looked after children and young people. Work on this recommendation requires significant effort and we aim to have commissioning of the framework and courses as well as the relevant change in legislation concluded by April 2016.

Recommendation 5 - Allowances: In order to ensure that the relevant National Care Standard (No. 9: Allowances & Expenses) is being met, research should be undertaken to identify (a) the generic costs associated with fostering placements, and (b) how these relate to current allowance rates. Local and National government should consider the findings of this research, and then consider (including carrying out any necessary impact assessments) how changes could be introduced over time.

Government Response: We have commissioned research to look at allowances and its findings will inform us and our local government partners how we move this policy forward.

We will set up a short life working group for that purpose. Early discussions are already taking place to ensure we will fully understand the impact on all stakeholders involved.

Recommendation 6 - Fees: Local Authorities – with assistance from their Community Planning Partners and the Joint Improvement Team – should initiate a discussion about the future of fostering fees in Scotland (across all settings – local authority, independent & voluntary). This discussion should be seen as part of broader efforts to introduce a more strategic approach to the commissioning of children’s services. (The Review encourages any future discussions on fees to make reference to the principles and issues identified in the Review’s final report.)

Government Response: We accept the view put in the final report by the Foster Care Review that fostering agencies need to retain some flexibility with regards to the setting of fees but wish to stress the importance in our view of some of the principles that were put forward in detail in the body of the report. We consider it essential that fees and allowances are separated so that everyone is clear on what monies are earmarked for the child in foster care to ensure optimum care as set out in the National Care Standards. We would urge local authorities and their partners to consider the most consistent way of payment that would be in the best interest of children and families across the children’s services provision; and encourage use of the valuable expertise contained within the Joint Improvement Team.

In Conclusion

Finally, there are some issues we wish to take forward which have not been mentioned in the report but we think are important. We will issue a practice note on delegated authority for foster carers to clarify both for foster carers, parents and their social workers the legal context and how delegated authority is best operated. We believe that the bundle of measures proposed by the Foster Care Review for foster carers – enhanced, accredited learning, clearer financial support, better defined roles, responsibilities and rights may potentially attract people to become foster carers who have not in the past wished to consider this. The accredited learning

framework will open up employment opportunities within the wider care sector to foster carers (and vice versa). Equally, we are aware that a number of issues arising as a consequence of the introduction of the Children and Young People (Scotland) Bill, in particular the entitlement for young people to stay within their foster care placement up to the age of 21, as well as the recommendations of the Foster Care Review may cause pressure on recruitment. We are keen to take steps to support fostering agencies across Scotland with this issue.

Going forward

We will report on individual components and we will set up a small reference group drawn from key stakeholder organisations and the original Foster Care Review group which will meet twice a year to monitor progress against the recommendations. Each of the recommendations that has a work stream identified against it will have its own short life working group of experts to help streamline implementation. Any changes in regulations will be consulted on and these will be amended as part of the body of work on consequential amendments to the Looked After Children Regulations following introduction of the Children and Young People (Scotland) Bill. However, timescales will be dependent on a number of factors, including the length of transition likely to be required by fostering agencies to ensure smooth introduction and time required by the Scottish Government and stakeholders for development work.



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