

## The Fostering Stocktake: CoramBAAF Submission

CoramBAAF is an independent membership organisation for professionals, foster carers and adopters. It is part of the Coram group of charities. Members include most local authorities, agencies from across the voluntary and independent sector plus nearly 1,000 individuals. Together, the membership makes up the largest network of organisations and individuals involved with children in their journey through the care system.

CoramBAAF promotes the highest standards of practice in adoption, fostering and social work with children and families through support to social workers, health professionals and legal practitioners via resources, advice, training and publications. As an authoritative voice in the field of child care, we inform and influence policy makers and legislators.

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The following submission has been influenced by our work with colleagues in the sector, and informed by a small scale member survey that was conducted alongside us developing this response. We had 46 survey responses and some of these views are referenced in the body of this submission. About half the respondents were from local authority staff and about one third from the independent fostering sector. Half of respondents defined themselves as directors/ managers and a quarter were social workers. The views set out in the submission are however those of CoramBAAF.

### **1) The types of fostering that are currently provided, in order to understand the full range of provision which is available and when and for which young people it is best used**

There are a number of different ways in which different types of foster care are categorised, and at CoramBAAF we have tended to categorise fostering types as follows:

- Short term/ task centred fostering (including emergency fostering)
- Long term/ permanent fostering
- Specialist fostering (such as remand fostering and treatment fostering)
- Short-break fostering
- Parent and child fostering
- Family and friends fostering

We asked members in our survey if it would be helpful for the sector to have common agreement on these categories and 89% felt that it would. We share that view.

In terms of the fostering stock, it is generally accepted that having more foster carers would give placing authorities more choice and allow for better matching. In particular there are shortages of foster carers for teenagers, sibling groups, disabled children and for parent and child arrangements. It is also likely that there is more scope for children to be placed with family members (as foster carers or in other legal frameworks).

In our survey we asked about whether there are enough people available to offer long term foster care, and 91% of respondents said there were not. This confirmed our experience and is significant. A couple of comments indicated that this shortage might be linked to local authority reluctance to commission and support long-term placements in the IFP sector.

It is also important that the fostering stock reflects the diversity of wider society and is well placed to meet the needs of unaccompanied asylum seeking young people. We are concerned that there may be a shortage of carers for this group, and 76% of our survey respondents agreed.

Fostering Network and others have called for a national register of foster carers and this was supported by two thirds of our survey respondents, with most of the other respondents saying that 'it depends'. This reflects our view that there is potential merit in this proposal but there are a number of issues that would need careful consideration in defining exactly what a register might mean in practice. For example, we are currently not persuaded by the argument that fostering approval status should be 'portable'.

## **2) What works best within fostering settings to improve outcomes for the children and young people placed?**

Foster care generally works well for children, and the outcomes are better the longer children remain within the system. Evidence from the Care Inquiry made clear that what matters most is the relationship between the child in care and their foster carers. Fostering is very challenging, and foster carers will be most effective when they are provided with good quality support from the various professionals involved with them and the child they are looking after. Good outcomes are about getting the basics right in terms of assessment, supervision and review.

Inspection needs to encourage practice that is compliant with legislative requirements and agreed standards (see below), and we support the call by the NAFP for Independent Reviewing Officers to be located outside of local authority control and with the Children's Commission. Both of these changes would encourage and support best practice.

**3) What improvements could be made to the way that fostering provision is commissioned, delivered, regulated and inspected to improve outcomes and value for money?**

Commissioning

The system for commissioning placements is serving children badly and means that they are too often being placed with carers who are not best placed to fully meet their needs.

Change is essential, but quick fixes are not obvious. The current commissioning system is characterised by:

- Financially driven placement decisions that assume (without evidence) that in-house placements are cheaper than IFP placements. 35% of our survey respondents felt that financially driven placements were ‘often’ made, resulting in children’s needs not being fully met. A further 21% said such placements were made ‘sometimes’.
- Placements of children with foster carers outside of their approval terms, or where the approval terms do not reflect their actual strengths, abilities and preferences. 60% of our survey respondents suggested that such placements are made ‘often’ (23%) or sometimes (37%).
- An unwieldy and wasteful set of bureaucratic commissioning processes that are costly (in staff time) and ineffective in meeting children’s needs

Current arrangements are not fit for purpose and mean that children are not being well matched with the foster carers who are most able to meet their needs. Children England (<https://www.childrenengland.org.uk/Blogs/care-commissioning>) has developed a discussion paper with a potential solution to these issues: That paper has considerable merit and warrants serious consideration.

Alongside that, we support the position set out by NAFP calling for legal guidance to define the ‘most appropriate placement’ not as a category of care, but as the placement that can *best* meet the needs of that individual child.

Legislation

The current legal framework for fostering (including the NMS) does not need major revision. However there are some important changes that would make the system work better, increasing flexibility in certain areas and driving up standards in others.

- The two stage fostering assessment process as set out is unhelpfully bureaucratic, confusing and unnecessary. It could be easily replaced with something simpler and

better (such as a time limit of two months before a case enters stage 2). This was broadly supported by half of our respondents who expressed a view; the other half did not consider there to be a problem.

- The practice of undertaking foster carer reviews is hugely inconsistent across the sector, and practice in some fostering services is poor. Legislation currently permits this variation, but could be amended to ensure that existing good practice (having an independently chaired review meeting and regular panel scrutiny) is replicated in all fostering services. 80% of our survey respondents supported both of these suggestions.
- Local authorities should be required to provide timely assessment for, and provision of, therapeutic services to children in care, where a need for such assessment or services is indicated or identified. 70% of our survey respondents agreed with this suggestion, but highlighted that consideration will need to be given to the duties of local mental health services such as CAMHS in this regard.
- Legislation should be introduced to take account of the needs of Staying Put carers so that they are provided with the support they need, and can more easily remain within a fostering framework.
- The process for the transfer of foster carers between fostering services is unhelpfully complicated in terms of trying to coordinate dates of termination and new approval. The practicalities around this could easily be made simpler by introducing an ‘intention to move’ letter so that in those circumstances approval by a new fostering service automatically results in previous approval being terminated. (We do not support the idea of approval being ‘portable’).
- There is currently no process by which a foster carer can withdraw their resignation, and this can become problematic where a resignation is made in haste. A mechanism should be introduced to allow (but not require) the decision maker to invite a foster to carer to withdraw their resignation at any time within the 28 day period.
- Currently information provided on DBS checks for fostering and adoption does not include information about whether someone is unsuitable to work with vulnerable adults. This information is relevant to safeguarding children and should be provided as part of an enhanced check.
- Some of the requirements in terms of foster carer training are unhelpfully rigid when applied to long term and family and friends carers.

- Requirements in relation to the temporary approval of connected persons as foster carers are simply unachievable in practice and should be revised so that practitioners can comply with the legislation. 62% of our survey respondents agreed with this suggestion, and we suspect that some of those who felt that the present arrangements were satisfactory maybe didn't correctly understand what is required. We know from other sources that compliance with these requirements is simply not possible.

### Promoting permanence

Notwithstanding the introduction of long-term fostering as a permanence option in legislation, the fostering system does not work well to support this ambition. While social workers and IROs continue to exercise decision-making powers and responsibility on behalf of the state, long-term foster carers are effectively denied a full 'parenting' role, and children are denied something as close as possible to normal family life. In our survey we asked respondents to select which of the following two statements best represented their views:

- Arrangements for long term fostering are working fine and the system does not need to be changed
- We need to look at doing long term fostering differently so that foster carers can 'parent' children in a way that is closer to 'normal family life'

88% percent of respondents selected the second statement, confirming our view that we should be exploring whether long-term fostering might be delivered in a way that is different to other types of fostering.

CoramBAAF has developed a model to pilot this approach in which the supervising social worker also takes on the child's social worker role, where foster carers are empowered to make decisions, support is provided flexibly and in line with what foster carers identify, and monitoring is achieved primarily through fostering processes rather than directly with the child. This would create a situation that reflects aspects of adoption or special guardianship and would require a cultural change in terms of how services are delivered to children in long-term foster carer. In this scenario long-term foster carers would be encouraged to 'parent' and children and young people would be encouraged to see these people as 'parent' figures. This may or may not be best supported by legislative change. A number of local authorities expressed enthusiasm for piloting this approach, and we are seeking funding to take this forward.

## Inspection

There are issues to consider in relation to the inspection framework.

Historically OFSTED inspected local authority fostering services independently of the wider local authority inspection and gave them a specific judgement. There is no logical justification for local authority fostering services currently having a less in-depth inspection than IFP services, and no logical justification for local authority adoption services having a sub-judgement, when fostering does not. Some local authority fostering managers have said that they are less concerned about inspection than was previously the case.

It is worth noting that the SCR on 'Claire' in 2017 identified extensive poor practice across a local authority fostering service that had not been recognised in an OFSTED inspection that took place during the period in question. This raises the question about whether OFSTED might have identified the concerns had there been a dedicated fostering inspection.

The OFSTED assessment framework currently emphasises 'outcomes' and does not specifically check for compliance with regulations and standards. However, if the regulations and standards are the right ones, compliance with these should lead to good overall outcomes. For example, failure to adhere to terms of approval will increase the likelihood of placement breakdown, but it is harder to identify a pattern of placement breakdown than a pattern of compliance with approval terms. Our survey respondents suggested that it was unhelpful to focus solely on either outcomes or compliance with regulations, but rather that both should be considered.

We think that it is unhelpful to have regulations and standards that are not being routinely enforced by an inspectorate. Regulations (and standards) need to be the right ones and inspected against, and if they do not support overall good outcomes they need to be removed or revised.

## **4) The status, role and function of foster carers in relation to other professionals as part of the team working with a child in care**

The best outcomes in foster care are where children experience their foster carers as people who love them and care for them, just like they would if they were living with good birth parents or adopters. For children it is the quality of their relationship with their foster carers that matter most; they want carers who like them or love them for who they are, and who will stick with them when things get difficult. The fostering system needs to value and support these relationships, and to recognise that foster carers usually know the child better than any other adult in the professional network. Within the current system foster carers are not valued enough, and too often are excluded, ignored, inadequately remunerated, or

otherwise treated badly. This undoubtedly impacts on recruitment and most importantly, retention of foster carers.

Some foster carers, particularly those in short-term or specialist roles, see them themselves as ‘professional’ or ‘career’ foster carers, who do a job of work in a similar way to those employed in residential child care. They will earn a fee for their efforts, and will expect training and development opportunities to be available to develop their skills and sense of being experts at what they do. These foster carers may be involved in developmental activities within their fostering services like training, mentoring, outreach, or contributing to policy development. Depending on the needs of the children they are caring for, these carers may have access to regular respite care. There is nothing wrong with this approach to fostering, and it is entirely compatible with liking or loving the children in their care, and doing the very best to look after and help them. Opportunities to be ‘professional’ foster carers should be available to those who want them, where that is compatible with the needs of the fostering service.

However, there are many foster carers who do not see themselves as ‘professionals’ and believe that what they offer is hugely important and valuable, but different to that provided by the various others in the professional network. In particular long term foster carers or family and friends foster carers might fit least well into the category of ‘professional’ carers. It is important that the system allows sufficient flexibility to include both those who see themselves as professionals and those who see themselves as caring and skilled ‘substitute parents’.

In some quarters this ‘professional’ foster carer approach has led to calls for a change in employment status that would give employment rights to foster carers, and the opportunity to sell their services to more than one fostering service. CoramBAAF oppose this because it is unnecessary, unworkable, and most importantly would not contribute to a more child-centred system. For example, how can holiday entitlement be squared with a child feeling like a full member of a family? 93% of our survey respondents felt that respite provision for foster carers should not be an entitlement but should be considered in light of the individual needs of the child and their foster family. Instead of offering employment status, we need to explore the opportunities for enhancing the status of foster carers as either ‘professionals’ or ‘parent figures’, who are listened to, valued, and supported. That might include legislative changes to formalise the status of foster care associations, and to confer whistle-blowing rights to foster carers.

## **5) How the experiences of young people can be improved when entering foster care, transitioning between placements (between carers or into other settings), and leaving foster care**

### Getting the right placement for each child

Placement stability is a key measure of how the fostering system works, and currently too many children experience too many placement moves. In part that is because the system for matching children with foster carers is fundamentally flawed and means that children are being placed with carers who are not best placed to fully meet their needs. This is discussed above under commissioning.

### Staying Put

The principles behind Staying Put are absolutely right. The Fostering Stocktake constitutes an opportunity to ensure that the practical challenges associated with this are addressed, and this approach is properly funded in order that it can more consistently meet the needs of the young adults who were formerly in care. We support the NAFP call for a national minimum Staying Put Allowance, and suggest that legislation needs to reflect the fact that Staying Put carers often have similar support needs to foster carers. There are arguments to suggest that staying put carers should continue to be seen as foster carers in many respects.

## **6) Any other issues which might contribute to better outcomes for children**

### Resources

It is unhelpful to ignore the issue of resources, and financial pressures on local authorities may get worse after 2020 when DCLG grants to councils come to an end. Any fostering system will only deliver good outcomes if it is properly funded. Without that we will continue to see financially driven commissioning decisions, poor retention of over-stretched children's social workers, and difficulties in effectively implementing 'Staying Put' arrangements.

### Conclusion

The fostering stocktake provides a unique opportunity to identity the purpose of the foster care system and consider its strengths and weaknesses currently. But in so doing, it is essential that the child remains at the centre of our thinking. Every child is unique as an individual, they range in age from birth to 18 and beyond, they come from a wide range of families, and are embedded in a variety of ethnic, religious, cultural and language

communities. While the State can arrange for these children to be cared for, it cannot – from the child’s point of view – be seen as their primary carer. That is the person who cares for them each and every day through the intimate, varied but relational world of family life. Their birth parents and birth family will have a part and maybe a significant part to play in this as well. Central to fostering from the child’s point of view is therefore the foster carer. The stocktake must keep the child’s perspective and experience firmly in mind in its exploration and formulation of the future direction of travel. This would ensure that the stocktake maximises its positive long term impact.