

Children's Social Care Review: Call for Ideas, December 2021

Idea 1 – Promoting family identities

What is your idea?

A change to how we promote identities, so that all children in care to are actively supported to spend regular planned time with their birth family, extended birth family and other safe adults and children who are important to them and their developing identity, in a safe manner that supports their wellbeing. Carers facilitating virtual family time has been widely observed as one of the positive outcomes from the pandemic restrictions.

At the point of entry to care, all children and young people will have a piece of work that follows the Keeping Connected principles or the Lifelong Links programme, which maps out all the key people in a child's life. This is an organic process that can move with the child, perhaps via a digital solution – for example an app. This digital solution will be co-produced, designed by and for children and young people in care and care leavers.

Spending time with family works on several key principles:

- Carers facilitate, support and supervise time with birth families or friends, using a strength-based approach.
- Young people aged 13+ can spend regular, unsupervised and positive time with their birth family or friends.
- If capacity is assessed, a young person can inform decision making regarding their own family time.
- Carers and birth family members will be supported to develop these relationships by contact supervisors.
- Carers will retain delegated authority.
- Carers and birth family members will be supported to communicate to set up arrangements with an appropriate degree of fluidity and built-in safeguarding measures.

What impact do you hope this will achieve?

Retaining and supporting meaningful birth family connections, will enhance children and young people's sense of self and dual identities. It may potentially help reduce stigma and shame for children in care.

Rushed decisions made in final court hearings about supervised contact arrangements for the remainder of a child's life will no longer be required, potentially reducing conflict and creating savings.

This practice reduces the need for children or young people young people to seek out their birth family and other important people on their own initiative. When children

or young people choose to seek out their important people for themselves, this can lead to missing episodes and risk taking which in turn can result in harm and placement instability.

Familial identity, heritage and culture is celebrated, recognised, promoted and nurtured through these vital relationships, therefore, taking away the dilemma which can require a young person to choose only one family identity. We should not expect our looked after children and young people to have to make this impossible choice, which other children do not have to face.

Natural breaks would also give carers time to rest, replenish, focus on their other key relationships, which in turn will reduce instances of burn out and blocked care or blocked trust.

Idea 2 – Children in care placed out of area and access to mental health services

What is your idea?

Practitioners have frequently and for many years highlighted a significant barrier for children and young people to access child and adolescent mental health services (CAMHS) when they are placed out of their local authority area. The funding for the provision of CAMHS services falls under NHS ‘Responsible Commissioner’ arrangements.

These processes can create significant delays and stigma for children as the placing and ‘host’ area engage in complex bureaucratic and budget sensitive processes. The original reasons for establishing these protocols may have been sound but their day-to-day impact do not result in the timely provision of services to children and young people in urgent need. There have been huge efforts from health and social care to remedy these issues over many years but the problems still persist.

At the moment funding for mental health services for a looked after child placed out of area has to be agreed and provided by the placing area. A solution would be to remove this “responsible commissioner” provision. Instead funding for the provision of mental health services (secondary care) could flow directly to host Integrated Care Systems (ICS) where children are living and the level of finance be based on the total number of looked after children living in the ICS area. The allocated budget would need to be ringfenced and used to pay for the required services. Part of the solution for children with very complex needs may require more use of regional or national specialist commissioning.

What impact do you hope this will achieve?

1. Timely access to mental health services for children placed out of area.

2. Increased opportunity to ensure that children and young people's needs are adequately met and their welfare and development properly prioritised and addressed.
3. Reduction in bureaucracy.
4. Safeguarding partnerships develop ability to plan and co-ordinate services for their geographical area.

Idea 3 – A National Fostering Strategy

What is your idea?

The Department for Education's looked after children statistics to the end of March 2021 identify that there are 80,000 children in care, and on current trends, by 2025 we might have close to 100,000 children in care.

It is well known that most of these children will be placed in foster care either temporarily or permanently to ensure that they are provided with opportunity to experience positive, safe, secure and happy family membership.

The fostering sector is facing a number of challenges besides the increase in children: we struggle to recruit and retrain carers, many carers are nearing retirement and the children have increasingly complex needs that some carers struggle to meet.

We propose a National Fostering Strategy that parallels the recently announced National Adoption Strategy. This must replicate the commitment, focus and expertise that has been embedded in the National Adoption Strategy, and be properly resourced. The National Fostering Strategy should focus on the following key challenges: sufficiency in the recruitment of foster carers, the status of foster carers in the child placement sector, retention fees to be paid when no child/ren is placed, a national recruitment campaign to encourage younger and a more diverse range of people to foster, improved retention strategies and therapeutic support for the whole foster family.

What impact do you hope this will achieve?

- That every child is placed in a foster care placement that meets their individual needs in the short and longer term.
- Foster carers are acknowledged and supported in the core tasks of settling the child/ren into their family, re-building a way of life that enhances their safety, welfare development and opportunities.
- The demographic of foster carers will be enhanced and widen the diversity of newly approved carers.
- Foster carers will be afforded greater recognition as professionals and will not need to take on additional work to maintain their income.

- When carers are waiting for a child to be placed, they will remain active as carers, attending training, 'buddying up' new carers, stabilising placements that are under stress and providing support to other carers, for example through day care and school transport. Carers skills will be utilised and improved during times when they have a vacancy.
- Where the child's care plan is for the child to be placed permanently with a foster family, there must be a fully informed review that takes into account the views and experiences of the child/ren, the development of the child, their identity including ethnicity, culture, religion, language, gender, sexuality and other relevant factors.

Idea 4 – Access to information

What is your idea?

Knowledge of your background is essential to developing your identity. This is an acknowledged right and part of Article 8 European Convention on Human Rights – the right to respect for private and family life.

There are different routes to accessing information from local authorities and adoption agencies depending on legal framework and which agency holds the information. A person adopted from care will have information on care records accessible under the Data Protection Act, court records are governed by the Family Procedure Rules and adoption records are governed by the relevant Adoption Access to Information Regulations depending on whether their adoption order was made before or after 30 December 2005. The level of information available varies depending on whether they are adoption or care files.

We propose the introduction of a consistent right to access identity information and family history held by children's services wherever the state has been involved in separating a child from their birth family.

This should be framed as an exception to strict data protection rules to allow an affected person to have full information about their family background, who their relatives are, and why they were separated from their birth family.

Access should be consistent across all legal frameworks for separation and should be accessible to affected adults and children still within the system.

Local authorities and other agencies holding relevant information should be required to provide appropriate support services to enable affected people to avail themselves of this right with the necessary support.

What impact do you hope this will achieve?

A child or adult who has been separated from their birth family will have a basic right to be supported to access information about their family without having to navigate different processes to do so. They will be able to access appropriate information as a child and grow up with a clear idea of their roots and background.

Where the state has intervened in a child's family life, that person should have access to all the information held about their family background and the reasons for the intervention, and all children affected by state intervention should have the same rights to access that information, regardless of the legal framework or the age of the affected child or adult when they request that information.

Support services should be available to enable affected people to navigate the various sources of information, provide meaningful access and support the affected person in understanding the information available.

This will support a child's development and help affected adults understand their identity issues without the current struggles to find information. The impact is likely to be an improvement in affected people's wellbeing and a reduction in mental health difficulties.

Idea 5 – A National Kinship Strategy

What is your idea?

Over 200,000 children in the UK are living in kinship families, staying within your extended family can be incredibly positive for children who do not lose contact with wider familial networks or connections to their culture or heritage.

Kinship families and the professionals working with them – social workers, lawyers and others, however, face a number of significant challenges: the legislative framework is inadequate and can be confusing, the support structures in terms of funding and services are patchy across the country, including support with how to manage contact with birth parents. Children in kinship care may have suffered trauma and commonly have additional needs. Kinship carers also often have their own additional needs.

We propose that the Government develops and implements a National Kinship Strategy. This must address the legal challenges, set out a comprehensive framework of entitlements, support and services for kinship carers and the children they care for, including access to specialist and independent advice, peer support, financial support available to all kinship carers - equivalent to the minimum fostering allowance. This allowance should not be means tested and should be paid until the child is 18 years old or leave full-time education.

What impact do you hope this will achieve?

- That every child is placed in a kinship placement can access the support and services they need to thrive and addresses any trauma they may have experienced.
- Kinship carers are acknowledged and supported to look after the children in their care.
- Children's experience of that which they have experienced within their family will enable them to make the best of life opportunities through childhood, adolescence through to adulthood.

Idea 6 – Upskilling carers and professionals to support children from Black and Ethnic Minority backgrounds

What is your idea?

Currently, children from Black and ethnic minority backgrounds are overrepresented in the care system. Black children also wait longer to be matched and placed – for adoption or fostering – and this has remained the case for many years. We also have a shortage of Black foster carers, which means many children are placed transracially or with carers with a different cultural or ethnic background than themselves. Ofsted reported that as of 31 March 2021, 24% of children and young people in care are from a Black and ethnic minority background. Most foster carers (around 82%) are White.

But while we know this, the lack of data around children in care is an ongoing challenge to developing effective policy and practice. Black children's experiences and voices are not sought actively enough, meaning their needs – around developing identity, understanding their own cultural, ethnic heritage and background, understanding racism and discrimination and meeting basic needs, for example, knowing how to care for their own hair and skin – often go unmet.

Our proposal is as follows:

- Mandatory training for all social workers on anti-oppressive and culturally inclusive practice.
- Mandatory training for all foster carers and prospective adopters to understand how to support children's developing identity and retain links to their birth community.
- Research to understand Black children's outcomes and experiences while in, entering or leaving care
- A national campaign to recruit foster carers from more diverse backgrounds to parallel the one developed for adoption, some of the same materials can be adapted.

What impact do you hope this will achieve?

An increase in diversity of foster carers will mean a reduction in the number of transracial foster placements. More culturally appropriate matches to support, promote and celebrate a child's identity and meet their individual needs. If it is not possible to make an appropriate cultural match carers will be supported, equipped, trained and mentored to understand, learn about and meet the cultural needs of the child they are caring for.

Ensuring that identity is informing decision making, will lead to improved outcomes for our black and minority ethnic children and young people in care. These include, increased self-worth self-esteem, greater confidence, a more sophisticated understanding of the impact of Life Story work and improved knowledge and expertise amongst foster carers and fostering services.

Idea 7 – Improving Matching in Fostering

What is your idea?

Practice and outcomes in fostering can be improved by mirroring the depth of matching detail and criteria used in Adoption. Replicating the Placement Support used in adoption as well as the matching matrix for all children entering care will identify current and projected needs into the future. Working through these processes leads us to informed bespoke support pathways for the child, the foster carers and the placement as a whole systemic family unit.

At the moment, this is not the case. Fostering Network's State of the Nation 2021 reported that only 42% of children have visited their foster home before they moved in. We need to safely use social media, digital solutions, video diaries and live photobooks to inform matching, especially so when distance or other circumstances do not allow a child to visit the foster home prior to move in day.

We propose drawing on and adapting tools used within adoption agencies for use by fostering agencies (local authority and Independent Fostering Providers). This will enable a more sophisticated analysis of the individual child's needs alongside the foster carer's ability to meet them, highlighting any gaps in knowledge and skills that could or need to be addressed.

In the case of emergency placements this matching process may not be feasible or practicable, however, if a child is going to remain cared for by a foster family for more than a couple of days it will still be a requirement to carry out the matching analysis retrospectively as good practice.

What impact do you hope this will achieve?

The impact will lead to positive outcomes including:

- Stronger and more robust matches.
- Improved stability – fewer disruptions and fewer moves for children and young people.
- Children and young people having their needs met more effectively by using a preventative/family support model rather than crisis interventions.
- Permanence opportunities for children and young people are improved – if there is positive investment and sign up from children and carers this will equate to an increase in long term foster placements as the result of organic and authentic relationships.
- Improved retention of carers who feel more supported and able to meet the needs of the children and young people in their care.
- Support for carers and child/young person can be planned.

Idea 8 – Kinship legal framework

What is your idea?

Kinship care should be supported under a discrete legal framework. The current provisions for supporting kinship care within the framework of a fostering services impose an unreasonable burden on kinship carers who do not fit well with the increasingly professional standards of a specialist fostering workforce. Nor does kinship fit with the adoption framework.

Special Guardianship is currently used as a long-term option for connected carers, but does not always provide the child and carers with sufficient support to navigate complex family situations. Courts are often faced with a kinship placement which is expected to be successful, but where the family is felt to require the additional support of the child remaining looked after and the local authority sharing parental responsibility.

Temporary approval as a connected person foster carer may be suitable but is time limited and usually applies only within the context of care proceedings. It requires the kinship carers to undergo full assessment as foster carers and accept the added responsibilities of that status. The challenges of completing these assessments in the timeframe of proceedings are significant.

The Care Planning Regulations provide a framework for a child to be placed at home with parents under a care order – with parents and local authority sharing parental responsibility. A similar framework allowing a child arrangements order to be combined with a care order would allow kinship carers to share parental responsibility with the local authority and for the child to have the support of being looked after.

What impact do you hope this will achieve?

- Children could be placed with family members or other people with whom they already have a relationship as well as have the support and protection of being a looked after child either long-term or as a short-term arrangement (perhaps while assessment for special guardianship order take place).
- The kinship carers would share parental responsibility with the parents and with the local authority, recognising their status as family members.
- Taking kinship carers out of the scope of the Fostering Regulations will reduce demands on the carers and the constant risk of their registration being terminated.
- It will allow services to be developed separately from the mainstream fostering services to meet the needs of kinship carers as alternative parental figures rather than professional carers.