

NATIONAL FOSTER CARE REVIEW

FINAL REPORT

December 2013



FOSTER CARE REVIEW: FINAL REPORT

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RECOMMENDATIONS FROM THE FOSTER CARE REVIEW

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.

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.

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).

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.

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.

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.)

FOREWORD

My career in children's social work began with the recruitment of 'foster parents'. Over the years since our terminology has shifted, reflecting a change in the way we – as both professionals and society – understand the task of the 'foster carer'. Today we recognise the role as one which requires skill and knowledge, and which needs to be properly supported and valued. It is a complex role, and therefore it is essential that we periodically review the system to make sure that it is meeting the needs of looked after children and young people, and the individuals who care for them. In respect to a few specific areas of practice, this was the task I was invited to do by the Scottish Government, and I have been delighted to lead this Review over the past twelve months.

The roots of this Review lie in *Moving Forward in Kinship and Foster Care* (2008). That important inquiry set out a vision for fostering in Scotland, and this Review was tasked with providing the Scottish Government with a plan for realising it. However the terms of reference for this Review have not been identical to that of *Moving Forward*. The new policy priority on 'early permanence', as well as continuing budgetary pressure, meant the Scottish Government asked us to look at some very specific issues. In every instance we had to concentrate on producing viable, affordable and 'implementation-ready' proposals. That has meant acknowledging the financial, political and structural realities which confront national and local government today. In this report we present a range of proposals which will, I believe, lead to an improved fostering sector in Scotland; but which at the same time are realistic and affordable.

As is customarily the case with such Reviews, there has not always been unanimity between participants. The issues under consideration are complex, and rarely is there only one viable solution. I have welcomed this debate, and the insights which disagreements have provided. Similarly, while we have addressed most of the issues prescribed for us in our terms of reference, some areas did not receive the level of attention that individuals had hoped. Practical and economic considerations (in respect to what reform is currently possible in Scotland) had to be taken into account, and therefore decisions on some questions have been deferred. That does

not mean these issues are unimportant, and I urge the Scottish Government to examine issues such as 'formal registration of carers' in detail over the next few years.

While the development of a skilled and resilient foster care service for looked after children and young people has been the explicit focus of this Review, our discussions have reaffirmed the fact that no such service can exist without well-resourced and competent social workers. It is these professionals who present the main line of support to foster carers, and who manage the care planning process. If we are serious about making foster care a flexible resource which can handle both emergencies and children in need of long-term homes the Government must give proper attention to the needs and capacity of social workers.

I would like to thank all members of the Review Group, who have given generously of their time, energy and expertise. My thanks also to the small team from the Centre for excellence for looked after children in Scotland (CELCIS), who helped facilitate the process, and the many individuals who contributed through presentations, submissions and representations. The format of the Review was designed specifically to allow stakeholders to comment at various stages, with a record of each meeting (and a comprehensive interim report) being made available to all. So a final special thank you to all the children, young people and foster carers who provided such thoughtful and helpful input throughout the process. Your contributions have helped shape this final report.

When we get it right, foster care offers vulnerable children an unparalleled opportunity to grow up in protective and nurturing family environments. I present these recommendations to national and local government in the firm belief that, if implemented, they will help ensure foster care in Scotland remains fit for purpose in the 21st century.

Sandra Paterson

Chair of the National Foster Care Review

02 December 2013

INTRODUCTION

1. This is the final report of Scotland's **Foster Care Review**, which ran from December 2012 to November 2013. The Review was established by the Scottish Government to assess a range of potential reforms, and provide direction on a number of policy questions. The proposals (and issues) put to the Review related to three specific areas of fostering: (a) the organisation and management of foster carers; (b) carers' learning and development; and (c) the financial and practical support offered to carers. This report presents the Review's conclusions and recommendations (in respect to each specific proposal) and a summary of its discussions. The report also includes details of the Review process, and the results of its formal engagement with the sector.

2. This Review forms part of a wider Scottish Government programme aimed at enhancing Scotland's capacity to deliver permanent, nurturing placements to all looked after children and young people. Foster care - as a flexible resource which can provide children and young people with a range of reparative interventions – is critical to the success of the 'permanence' agenda. The development of the sector is therefore a priority for the Scottish Government, who is keen to identify and implement changes that will help ensure foster care can provide secure family placements to any child that needs one, including those who display challenging behaviour as a result of previous trauma or neglect. This objective – the development of a foster care system which can 'heal' as well as 'care' – underpins the package of proposals presented to the Review, and they have been considered in that context.

3. The Review has considered proposals for a 'national database' of foster carers, and 'maximum placement limits' (restrictions on the number of children that can be placed within each household). In the course of discussions it became apparent that greater precision and commonality in the 'description of placements' would be of benefit, and proposals for reform were drafted in response. The Review was also tasked with developing a viable and affordable proposal with which to realise the learning and development recommendations from *Moving Forward in Kinship and*

Foster Care (2008)¹. This presented an opportunity to reflect on the recent experiences of other groups within the childcare sector, as well as strategies adopted elsewhere in the UK. In its final cycle of meetings the Foster Care Review evaluated proposed reforms to ‘child allowances’ and ‘fostering fees’. This proved the most contentious and difficult series of meetings, but the final recommendations offer a practical and positive way forward. For specific details about any of the Review’s discussions, please refer to the individual [Meeting Records](#) on the website of the Centre for excellence for looked after children in Scotland (CELCIS).²

4. Although many of the recommendations made in this report relate to changes introduced by national government, successful implementation will rely on the cooperation of multiple organisations. The commitment of local government – as the principal provider and sole purchaser of foster care in Scotland – will of course be critical. As will that of foster carers and the independent and voluntary fostering agencies. The whole process of the Foster Care Review has made clear that there are no easy answers or uncontroversial solutions. Research rarely provides clarity, and individuals’ experiences can be contradictory. But if organisations keep in mind those who foster care is for, and concentrate on shaping the service to meet the needs of children and young people, we will find ways forward. The recommendations in this report are neither the beginning nor the end of a debate about how we improve foster care in Scotland. They are a contribution to our enduring endeavour to secure better lives for our most vulnerable children and young people.

¹ The Fostering Network and British Association of Adoption & Fostering (2008) [Moving Forward in Kinship and Foster Care](#), (a report prepared for the Scottish Government)

² www.celcis.org/resources/entry/foster_care_review_meetings

BACKGROUND AND CONTEXT

5. In March 2011, as part of its contribution to the Looked After Children Strategic Implementation Group (LACSIG), the Scottish Children's Reporter Administration (SCRA) published research into care and permanency planning for looked after children. In response to this research the Scottish Government (SG) published plans to speed up and improve care planning procedures, developing a whole systems approach which promoted stability and permanence for all looked after children.³

6. Part of this plan included a Foster Care Review, designed to provide detailed answers to unresolved policy questions. The Scottish Government acknowledges that the issues children and their families present to services are of increasing complexity, and today's foster carers must be able to confidently address a variety of attachment disorders and other social, emotional and behavioural difficulties. At the same time, foster care needs to be capable of providing children and young people with stable, nurturing, long-term placements, from infancy through to adulthood. The Review was therefore conceived as an opportunity for key stakeholders to jointly consider if certain reforms were needed to Scotland's fostering services, to ensure they can meet the broad needs of children coming into care today.

7. The Review itself was given fairly narrow terms of reference. Related issues – such as care planning and provisions for young people leaving care – have been (and continue to be) carried forward by other groups and initiatives. For instance in September 2012 the Scottish Government established the Permanence and Care Team (PaCT) – based within CELCIS – to work with local authorities on improvements to care and permanency planning. Those improvements are not just about quicker decision making, but also ensuring appropriate support is made available to families at the earliest opportunity. It relates to good service planning (with well-trained social workers feeling confident and supported in their decision-making) and processes which put child welfare and development at their heart. The PaCT team has already helped to identify and implement a range of improvements, particularly around assessment and contact with birth families.

³ Scottish Government (2011) [Care and Permanence Planning for Looked After Children in Scotland](#), Edinburgh

8. The Scottish Government is currently developing its Care and Permanence Strategy for 2014 and beyond. This will provide the strategic framework for the work on care planning and permanence, and ensure a clear message is given to all partners about what is required. It will recognise that improvements in delivering early permanence for children can only be made by taking a whole system approach to improvement, involving all those who contribute to the permanence process; including social work, children's hearings, the courts and wider community planning partners. The Strategy will not only look at how improvements can be made within these individual systems, but will also address the interactions between the systems; to help make the journey to permanence as straightforward as possible for every child. The strategy will include details of how progress will be measured. Here there is a clear overlap with the work of the Review; the work on placement descriptors is, for instance, part of a wider effort to improve our monitoring and assessment of the permanency process. More broadly, as the most appropriate permanent option for many children, foster care is central to the success of the national strategy.

9. In respect to young people leaving care, the Scottish Government's [Staying Put Scotland](#) provides corporate parents and community planning partnerships (CPP) with guidance on how to secure care leavers a positive transition into adulthood.⁴ The aim of the throughcare and aftercare process is not to push young people into the adult world before they are ready, but to ensure that they are equipped with the necessary skills when the time is right for them to move to adult living. The Review itself acknowledges this in the details of its recommendation on placement limits.

10. Finally, the Foster Care Review builds on the important work carried out for *Moving Forward in Kinship and Foster Care* (2008) and *Getting it Right for Every Child in Kinship and Foster Care* (2007).⁵

⁴ Scottish Government (October 2013) [Staying Put Scotland: Providing Care Leavers with Connectedness and Belonging](#), Edinburgh

⁵ The Fostering Network and British Association of Adoption & Fostering (2008) [Moving Forward in Kinship and Foster Care](#), (a report prepared for the Scottish Government); Edinburgh

PROVISION OF FOSTER CARE IN SCOTLAND

11. On the 31st July 2012 there were 16,248 children looked after by Scottish local authorities.⁶ Of this total, 5,279 (32%) were looked after in foster care.⁷ From 2006-07 the number of children in foster care rose from 4,055 to 5,279, an increase of 30% (compared with a total 'looked after' population increase of 16%).⁸ Over the same six year period foster care grew as a proportion of all looked after placements (including 'at home'), from 29% to 32%, continuing a wider and longer-term trend towards 'community placements' (rather than residential placements).⁹

12. Foster care in Scotland is provided by all 32 local authorities and over 20 independent and voluntary organisations.¹⁰ In 2011-12 the majority (75%) of children in foster care were in placements provided directly by local authorities.¹¹ The remaining 25% were in placements purchased (by the local authority) from independent and voluntary providers. This local authority / independent & voluntary split was broadly consistent across the age ranges of children in foster care, except among the 'Under 5's', where local authorities provide 89% of placements.¹² Since 2006-07 the proportion of foster care placements provided by independent and voluntary providers has increased significantly, from 11% to 25%.¹³

13. In all cases foster care is paid for by the local authority responsible for the child¹⁴ (although in some instances NHS Boards will make a contribution towards costs incurred). In 2011-12 Scottish local authorities spent over £172 million on foster care and family placement services (including short-break placements but excluding

⁶ Scottish Government (2013) [Children Social Work Statistics 2011-12](#)

⁷ Scottish Government (2013) [Children Social Work Statistics 2011-12](#), Additional Tables: Table 1.4; Please note that this percentage relates to 'all looked after children'; as a percentage of formally 'accommodated' looked after children, foster care (excluding kinship) represents 48% of the sector.

⁸ Scottish Government (2013) [Children Social Work Statistics 2011-12](#), Additional Tables: Table 2.2

⁹ Scottish Government (2013) [Children Social Work Statistics 2011-12: Tables](#); Table 1.1 & 1.1A

¹⁰ As registered with the Care Inspectorate; date checked 11 December 2012

¹¹ Scottish Government (2013) [Children Social Work Statistics 2011-12: Additional Tables](#); Table 1.4

¹² Ibid

¹³ Ibid

¹⁴ Please note that this does not relate to 'Private Fostering', arrangements made between a parent or guardian and another individual who is not a relative or approved foster carer. In these instances the child involved is not classified as 'looked after'.

'related services' and 'other service to support carers').¹⁵ Between 2006-07 and 2011-12 local government spending on 'foster care and family placements' grew from 13.7% to 21.6% as a proportion of total spending on children and families.¹⁶

14. No official statistics are currently collated on the number, distribution or skills of foster carers in Scotland. The absence of such data has been identified as a significant obstacle to strategic planning and service development by the Foster Care Review.

¹⁵ Information provided by Scottish Government on 19 April 2013. Data source: Scottish Local Government Finance Statistics 2011-12

¹⁶ Information provided by Scottish Government on 19 April 2013. Data source: Scottish Local Government Finance Statistics 2011-12

REVIEW PROCESS

15. The Foster Care Review ran from December 2012 to November 2013. Over this period eight individual Review meetings were held, attended by a core membership of twelve. (For details of the Review's membership, please see Appendix A.) Meetings were organised and facilitated by members of the LACSIG Programme Office, based at the University of Strathclyde's Centre for excellence for looked after children in Scotland (CELCIS).

16. In an effort to ensure that the Review was both open and transparent, issues were discussed over two separate meetings (with an interval of no more than 3 weeks). At the first of these 'paired' meetings Review members considered the current Scottish context, recent research, analysis of relevant consultations, and the experiences of other UK countries. In the interval between the first and second of these paired meetings, Review members were encouraged to consult widely with colleagues and organisations outwith the Review. At the second of the paired meetings, Review members' evaluated proposals put forward by Scottish Government, or considered alternative solutions. Recommendations were drafted at the conclusion of each paired meeting cycle, and a record of the discussion (including details of the draft recommendation) published on the [CELCIS website](#).¹⁷

17. In March 2013 the Review's Chair attended the LACSIG Board to provide an overview of the Review process (as planned) and details of initial discussions. In July 2013, at the conclusion of the first two phases of the Review (Organisation & Management of Foster Carers, and Learning and Development of Carers) an interim report was published and circulated to stakeholders.¹⁸ This report provided a summary of the Review's discussion to date, and the draft recommendations agreed. This provided the sector with another formal opportunity to contribute directly into the Review process, and twelve responses were received (including three from foster carers). Details of the organisations who responded are available at Appendix C.

¹⁷ www.celcis.org/resources/entry/foster_care_review_progress_july_2013

¹⁸ Foster Care Review (July 2013) [Progress Report](#), Glasgow

18. Between 4th September and 25th October 2013 the Review ran an online engagement exercise with children in foster care, foster carers, and the sons and daughters of foster carers. Questions were developed by a sub-group of the Review, with assistance from fostering service managers, children's rights officers and researchers from CELCIS. All the survey questions related directly to the interim recommendations detailed in the Progress Report (of July 2013).

19. Members of the Foster Care Review were responsible for distributing information about the survey to the target groups, and coordinating (where necessary) the submission of responses. The survey was set up and monitored by CELCIS, whose researchers also assisted in carrying out an analysis of responses.

20. A total of 159 individuals completed the survey, including 121 foster carers, 26 foster children and young people, and 12 sons and daughters of foster carers. Many also took the opportunity to leave additional comments and suggestions for the Review to consider. (An [Analysis of Survey Responses](#) is available on the CELCIS website.¹⁹)

21. The final meeting of the Foster Care Review was set aside for consideration of the feedback received over the course of the Review process. Each of the recommendations was revisited in turn, and amended appropriately. The final report of the Review will be presented to Scottish Government, whose response to the recommendations is expected early 2014.

¹⁹ www.celcis.org/resources/entry/foster_care_review_analysis_of_survey

SETTING A VISION FOR FOSTER CARE IN SCOTLAND

22. In the interests of facilitating constructive debate within the Review, members began by agreeing a vision for foster care in Scotland. The final report of *Moving Forward in Kinship and Foster Care* (2008) set out the priorities for change, but since its publication the financial and policy contexts have shifted.²⁰ These new realities needed to be taken into account by the Review in its vision, as they influence not only what changes are sought, but also the means by which change can be realised.

23. In a special session the Review debated the function and structure of foster care. It then agreed a narrative description of what the foster care system in Scotland should develop into over the next ten to fifteen years. The following vision is a statement about future provision, and has been drafted by the Review's Chair, based on the narrative agreed by Review members (which can be found in the Meeting Record from 14 February 2013).

Our fostering provision exists to provide children and young people with high-quality care in a family setting. Fostering represents a flexible resource, allowing children to be matched with carers who meet their individual needs. Wherever appropriate it provides long-term security, with placements made permanent. The sector also includes time limited placements, where carers provide certain tasks (i.e. emergency, short-breaks) or work with children towards specific goals (i.e. rehabilitation with birth parents or permanent carers, reduction in offending, etc.). The care plans for children in foster care are explicit about the objectives of their placement, informed by the academic evidence and robust assessments of parents' capacity. In this way we have reduced the average number of moves experienced by children in foster care.

Foster carers themselves have strong reparative skills, underpinned by their commitment to on-going learning and development. Agencies offer meaningful practical support and fair allowances and fees. There is considerable collaboration between agencies, not only avoiding the duplication of effort and waste of

²⁰ The Fostering Network and British Association of Adoption & Fostering (2008) [Moving Forward in Kinship and Foster Care](#), (a report prepared for the Scottish Government), Edinburgh

resources, but also reducing the time taken to find placements for children. Consistent recruitment, assessment, approval and training standards apply across all agencies.

24. The Review's recommendations have been agreed in reference to this vision statement.

ORGANISATION & MANAGEMENT ISSUES

PLACEMENT DESCRIPTORS

***Recommendation:** 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.*

25. From the outset of the Review process it was clear that much greater precision is required about the types of placement experienced by children and young people in foster care. Not only was there significant variability in the terms used by Review members to describe the same type of placement (i.e. 'long-term' versus 'permanent'), where the same term was used by multiple agencies it often meant different things to each one. For example a 'short-term' placement could be used by one agency to describe only very brief temporary arrangements (such as where a placement into a residential unit is being arranged), while another agency applied it to all placements not subject to a permanence plan. In some cases the description of the placement related primarily to the carer's approval terms. In such cases a child placed with a carer approved only for 'short-term' care could – even after more than two years in the same placement – still be described as in 'short-term' care. Wider consultation confirmed that this variability (in respect to the terms and definitions used by agencies) was common across the foster care sector.

26. On one level this 'description' issue makes it very difficult for national government and its agencies to build up an accurate picture of the foster care sector (in respect to the kinds of placements provided or purchased), thereby inhibiting their ability to plan services and evaluate policy initiatives. But, more importantly, the current confusion over terminology may also allow for a 'drift' in care planning that is

not in the best interests of looked after children and young people. A child's care plan must be clear about the objectives of intervention as a whole, and explain how a specific placement meets the child's needs and those 'placement objectives'. This level of clarity is difficult to achieve with ill-defined descriptions like 'short-term' or 'temporary'. The Review has therefore agreed to recommend that the Scottish Government draw up (in collaboration with all relevant parties) a set of clearly defined placement descriptions for use in children's care plans. These terms should be set out in national guidance, and embedded into practice via the Care Inspectorate's Annual Return for Fostering Agencies and other relevant national statistics.

27. Information collected on these 'care plan placement descriptions' should be distinct and separate to the information on carer's approval terms, also collected by the Care Inspectorate. However the Care Inspectorate may wish to use the same terminology in both instances. Taken together these two strands of information ('placement type' and 'carer approval terms') will help national and local authorities to assess whether foster care provision matches the needs of looked after children and young people in Scotland.

28. Members agreed that all foster care placements should provide a nurturing, safe environment for the child, and that as such it may be better not to label carers with specific terms. Particularly as carers may offer a range of different 'placement types' at the same time. For instance a carer could, in theory, have a child placed with them permanently (under a court order), a second child on an emergency basis, and a third on a short-break from other carers.

29. In the interests of providing a starting point for future discussions on this issue, the Review's Chair has developed a typology for foster care placements, which attempts to reflect the variety of children's needs. These descriptions reflect the discussions that took place within the Review, and take account of the responses to both the Progress Report and online survey. However, it should be noted that these are suggestions from the Review's Chair only, and do not constitute recommendations of the wider Review group. The Chair's suggested placement descriptions can be found at Appendix D.

30. The Review's discussions on this issue highlighted the tension between the need for precise terminology (to meet organisational requirements in terms of strategy and care planning) and the reality of what many foster carers provide on a day to day basis (i.e. a consistent, responsive relationship). Fostering a child is a complex, challenging and frequently changing task, which will demand different skills at different times, and while the Review agrees that clear, consistent (national) placement descriptions are needed, it acknowledges that the terms chosen will never capture the entirety of what a foster carer provides.

NATIONAL FOSTER CARER DATABASE

Recommendation: *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 central database should be explored.*

31. The Government has been asked by stakeholders to consider setting up some form of central 'register', which could, it is argued, benefit the sector by facilitating more efficient screening of applicants and improved placement matching. The Foster Care Review was therefore tasked with identifying and assessing the viability of a national database of foster carers; a single database containing details of individuals approved – or deemed unfit – to foster children in Scotland.

32. The Review's discussions were informed by the public's response to this proposal, fed back through a question included in the Children and Young People (Scotland) Bill consultation: *"Would a foster care register, as described, help improve the matching by a local authority (or foster agency)? Could it be used for other purposes to enhance foster care?"* Of the one hundred and twenty five respondents who answered this question, 43% agreed that a register could help improve matching, while 27% of respondents disagreed and 30% neither agreed nor disagreed. Other perceived benefits of a register (in addition to matching) included: 'keeping a record of those unfit to be foster carers'; providing a useful management

information and planning tool, detailing where foster carers are located, their skills, etc.; and enabling greater flexibility for foster carers to move between providers.²¹

33. There was agreement among Review members that benefits might be accrued from a national database of foster carers (depending on the information contained). But after careful consideration the Review recommends that the proposal should not be taken forward at this time. The practical difficulties (and therefore costs) associated with setting up and maintaining such a database would, in the Review's opinion, outweigh its potential benefits. The utility of any database is dependent on the accuracy of its data, and for data to be transferred in 'real-time' (necessary for any placement matching function) the IT systems of every fostering agency would need to be configured appropriately. Such a process would demand a considerable investment of resources and effort. Even a database representing 'snap-shot' information (submitted by agencies at a specific date every quarter or year) would impose an additional administrative burden on agencies. Moreover, Review members had serious concerns about who would have access to such sensitive information on individual carers, and about the quality of information provided. Taken together, the idea of a stand-alone database of foster carers was therefore not considered good value for money.

34. However Review members did identify alternative mechanisms by which to achieve the perceived benefits of a central register of carers. Several organisations have now indicated their willingness to take forward this issue with fostering providers, with a view to extending or developing current systems of notification (either for placements or concerns about carers). The Review encourages the Scottish Government and all other relevant parties to support these discussions, with the aim of developing solutions to the varied practice issues identified (i.e. securing placements for disabled children).

35. Responses to the Interim Review report reflected some disappointment that the Review would not be recommending that a "register" be set up at this time. Some responses did acknowledge the challenge of setting a database up in a period of

²¹ Scottish Government (2012) [Analysis of responses to the Children & Young People Consultation](#), P.65, Edinburgh

scarce resources. Other respondents were concerned that the issue of ‘carer registration’ (on the lines of professional registration) had not been discussed, but this issue was not in the Review’s terms of reference.

PLACEMENT LIMITS

***Recommendation:** 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 limit in certain circumstances.*

36. The Scottish Government has received calls for the introduction of statutory limits on the number of children who can be accommodated together in the same fostering household. This limit, it is claimed, would help reduce the burden placed on some carers and improve the quality of care given to individual children.

37. At present the ‘best interest’ principle regulates the number of children placed in a Scottish foster home, with Regulation 20 (2c) of the Looked After Children (Scotland) Regulations 2009 giving agency fostering panels a specific responsibility for determining “the maximum number of children a particular foster carer may have in their care at any one time”.

38. In response to these calls for statutory limits the Scottish Government tasked the Foster Care Review with investigating the issue. Its discussions were again informed by the public’s views, provided in response to the consultation question: “Do you agree that fixing maximum limits for fostering placements would result in better care for children in foster care?” Of the one hundred and forty eight respondents (50% of total) that answered the question, around half (53%) agreed that maximum limits for fostering placements should be set; 28% disagreed; and 18% neither agreed nor disagreed.

39. Review members representing the Association of Directors of Social Work and the Independent & Voluntary Providers Forum were asked to undertake a survey of their members to establish the extent of the issue. Returns revealed that placements in which more than three unrelated children are placed in a household are rare; in respect to local authority provision it probably reflects fewer than 2% of placements. Feedback from a range of fostering agencies revealed that many already impose a limit on the number of unrelated children placed with a carer. In most cases a maximum of three (unrelated) children was considered best practice.

40. On the basis of the available evidence the Review is agreed that a maximum limit should be introduced for Scottish fostering agencies. Review members expressed a preference for the limit to be established through re-written [National Care Standards](#) (and accompanying inspection), but will support the introduction of formal regulations if necessary.²² The Review also wishes to acknowledge that its recommendation (detailed below) reflects a standard already achieved across much of the sector.

41. In the Review's opinion the maximum limit should be for three unrelated looked after children in a foster care household. Birth and adopted children should not be counted within the limit, but agencies and Fostering Panels should continue to give consideration to the 'total number' of children in a household when setting approval terms. Similarly, formerly looked after young people who remain in the household (whether independently or on Supported Carer arrangements) should not count towards the limit; although agencies must give due regard to their (potential) impact on the placement. The maximum limit should not apply to sibling groups, but wherever possible agencies should try to secure placements for siblings within the limit.

42. All fostering agencies should be permitted to grant fostering households 'exemptions' from the limit, but such exemptions should only apply to named children (lapsing after the child's departure) and each would necessitate formal re-approval by the Fostering Panel (i.e. for 3 children plus that one specific child). Exemptions

²² www.nationalcarestandards.org/221.html

from the maximum limit should also be available for foster care households who provide respite / short-breaks (a planned series of short placements) to more than three unrelated children. Again, these exemptions should only apply to children or young people named explicitly in the contract between carer and agency. Finally, fostering agencies (specifically the Agency Decision Maker or an individual with delegated authority from the ADM) should, in emergency circumstances, be permitted to place a child with a carer above the maximum limit for a period of up to four weeks (28 days). No formal exemption from the maximum limit would be needed throughout the duration, but if the assessment concludes that it is in the best interest of the child to remain in the household beyond the allocated ('emergency') four weeks then an application for an exemption must be made to the agency's fostering panel.

43. To ensure compliance with this standard, the Review also recommends that all exemptions (from the maximum limit) granted by fostering panels – and all emergency placements made above the maximum limit – be recorded in the annual return submitted to the Care Inspectorate.

44. While generally supportive of the recommendation, some comments made in response to the Review's interim Progress Report (published July 2013) did reflect a concern that placement limits could exacerbate the pressure to move young people out of fostering households in order to ensure placements are available. These comments stressed the needs of looked after young people to have their foster placements preserved for as long they needed them. One solution put forward was to operate a sliding placement limit which would allow an increase in total numbers depending on the age of the children in placement. However the Review felt that this risks complicating the 'placement limit' system. Instead the Review recommends that in cases where an older looked after child (16+) is in a foster placement – and is appropriately assessed as needing less direct attention from the carer – fostering panels should grant an exemption from the carer's placement limit (in respect to the specific young person). This approach is in line with the philosophy of care set out in

Staying Put Scotland (October 2013)²³, in which all corporate parents do what they can to secure looked after young people and care leavers in supportive, nurturing placements until such time as they are ready to move on.

45. With regards to the responses from the on-line engagement exercise, the majority of foster carers were supportive of the placement proposals. However children in foster care and the sons and daughters of foster carers were less positive about the proposal.²⁴ Over a third (38%) of the foster children who responded (N=26) thought there should be no limit, and a further 19% thought that the limit should be higher. Nearly half of the responding sons and daughters of foster carers were of the view that there should be no limit in the number of foster children placed with a family. A reason for opposing placement limits given by some of the children and young people in foster care was their preference for placements with many individuals in the household.²⁵

²³ Scottish Government (October 2013) [Staying Put Scotland: Providing Care Leavers with Connectedness and Belonging](#), Edinburgh

²⁴ Foster Care Review (November 2013) [Survey Analysis](#), Glasgow, p.5

²⁵ Ibid.

LEARNING & DEVELOPMENT

46. Foster carer training was a specific focus of the 2008 *Moving Forward* report.²⁶ A dedicated task-group had looked closely at the needs of modern foster carers (in light of the current and future challenges they face) and explored how appropriate knowledge and skills could be developed through training.

47. The Moving Forward Task Group concluded that foster carers in Scotland have access to a wide range of high quality training, but that time and resource was often being wasted by organisations constantly reinventing the wheel. To address this problem – and to ensure a continued improvement in standards among carers – the group suggested that a national, coordinated approach to induction and training be introduced, including a mandatory post-approval learning and development programme.

TRAINING, QUALIFICATIONS & STANDARDS

Recommendation: *The Scottish Government to 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 will 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.*

48. The National Foster Care Review was tasked with developing a viable plan for realising the recommendations of the Moving Forward report. As with previous issues, the Review's discussions have been informed by the responses provided by individuals and organisations during the consultation on the Children and Young People (Scotland) Bill, carried out in 2012.

²⁶ The Fostering Network and British Association of Adoption & Fostering (2008) [Moving Forward in Kinship and Foster Care](#), (a report prepared for the Scottish Government), Edinburgh

49. In addition to the consultation responses the Review received a summary of the available academic research relating to the learning and development of foster carers (from CELCIS), as well as presentations from the Scottish Social Services Council (SSSC), National Fostering Agency and Scottish Institute for Residential Child Care (SIRCC). These presentations related to (respectively): the development and introduction of a qualification for early years (nursery) managers; a fostering agency's perspective on the English 'National Training & Development Standards for Foster Carers'; and finally, the implementation of statutory qualification levels in the residential workforce.

50. After extensive discussion the Review has come to agreement on a set of proposals with which to realise the aspirations and recommendations outlined in the final Moving Forward report. These proposals have been developed in explicit reference to the current financial and political contexts. If implemented fully they offer the opportunity for much greater collaboration between fostering agencies, which could reduce duplication and improve carers' accessibility to training and support. At the same time these proposals would not to restrict fostering agencies' capacity to develop their own training for carers, or their use of preparatory and other groups for the purpose of assessment.

51. The preference of the Review is for these proposals to be implemented through changes to the relevant [National Care Standards](#), but if regulation is necessary these should be considered.

General provisions

52. The Scottish Government should develop a national Learning & Development Framework for Foster Carers (L&D Framework). This framework should extend across the three distinct sections of a foster carers learning and development journey (as identified by the Review), covering: (1) Preparatory; (2) Induction / Year 1; and (3) Continuing Learning & Development / Year 2 onwards.

53. Each of these sections will be distinct, but taken as a whole the Framework should set out the expected knowledge and skills of foster carers at specific points in

their career, with the understanding that learning and development must take place continually throughout their career. It should include specific expectations about the extent and nature of the multi-disciplinary learning opportunities made available to foster carers, and provide clear guidance for supervising social workers.

54. The Framework should meet the appropriate National Occupation Standards (NOS). The NOS include a core group of standards which apply to all workers in services for children and young people, including communication, protection, reflection on practice and health and safety. In addition there are NOS which apply to specific practice areas, including foster care. Using these NOS as an underpinning for the Framework will ensure that learning is transferable, supporting flexibility and consistency within and across other areas of practice, and allows greater collaboration between fostering agencies.

55. Existing course material (currently used by fostering agencies in Scotland) should be used in the Framework, if it meets the requirements set out by the Scottish Government (such as covering the NOS). Moreover, the organisation(s) responsible for developing the Framework must evidence that they have engaged with both looked after children and carers in the course of determining the learning topics. The Framework's contents should be organised along the eight Getting it Right wellbeing indicators: Safe, Healthy, Achieving, Nurtured, Active, Respected, Responsible and Included (SHANARRI).

56. However the Framework must not be limited to a package of course materials; it should be a system that ensures a measure of standardisation across all fostering agencies, quality assured course delivery, and opportunities for accreditation. The Framework should be underpinned by agreements with the Scottish Qualification Authority (or other appropriate body) to ensure that satisfactory completion of each section (and sub-sections) can be formally accredited; either along an existing qualification spine, or – if necessary – along the path to a new 'Foster Carer Award'. The L&D Framework should include guidance for agencies around the learning and development needs of sons, daughters and other adults in the fostering household. The L&D Framework should provide agencies with an example 'Personal Learning and Development Log'.

57. The Review's engagement with foster carers found a strong majority in favour of the L&D Framework outlined above. Out of 121 foster carers who responded, 106 foster carers agreed that all prospective foster carers should receive the same preparatory courses before being considered by their agency fostering panel, and 109 foster carers agreed that all newly approved foster carers should receive the same learning and development course in the first year following approval.

58. Of the 120 foster carers who responded, 102 foster carers agreed that there should be specific knowledge and skills required by foster carers at the various stages of their development. A clear majority (107 out of 118) of foster carer respondents agreed that the proposed L&D Framework should be 'accredited', thereby allowing foster carers to obtain qualifications if they and/or their fostering agency wish to. (The precise way forward to accreditation of learning and development will still need to be discussed, but the Review agrees that this aspect should be covered as part of the development of the L&D Framework.)

59. A number of general comments were made about the proposed L&D Framework by foster carers during the consultation, and in response to the interim progress report. Particular concern was voiced about losing good, experienced foster carers who may not have capacity (or the desire) to undertake formal learning. However, it should be noted that the Review has not expressed the wish to instate formal qualifications for each foster carer, and the level at which the pre-approval and induction courses are likely to be pitched will not be significantly different from what is currently offered by most fostering agencies.

60. With regards to the development needs of sons, daughters and other adults in the foster care household, the Review wishes to emphasise that all in the household need to be committed to fostering, but accepts that different ways of sharing knowledge and skills may need to be considered for wider household members.

61. In response to the concerns about 'barriers' (identified by foster carers in the on-line survey) the Review acknowledges that there needs to be a mixture of methods, for instance web-based learning, to provide greater accessibility of learning and development to foster carers to accommodate for timing or rural location. The

Review agrees that learning should take place in a multi-agency setting at least some of the time, to help develop connections between those that work with or have responsibility for the children in foster care; and in the process raise the profile of foster carers. The content of learning and development should focus on therapeutic work rooted in research, and reflect what is currently known to be effective practice.

62. Critically, the Review encourages the fostering sector in Scotland to see the national L&D Framework as a continuously evolving document, being reviewed, and refreshed regularly (i.e. on a three-yearly basis). This will necessitate an on-going political and financial commitment from the Scottish Government.

63. In respect to implementation, the Review advises the Scottish Government to commission this L&D Framework (and associated monitoring and review activities) from the sector. The project specification should include:

- Development of the L&D Framework (on the basis of the provisions outlined above and below). The L&D Framework to be accredited. L&D Framework (and accompanying training packages) to be accessible in a number of formats (including online).
- Development of a national 'Foster Care Award' qualification (if necessary).
- Establishment of L&D Framework Team. This will provide a resource for fostering agencies, training providers and foster carers (i.e. delivering 'training for trainers', where appropriate). Team should also ensure – in partnership with Care Inspectorate – that the framework (and its contents) is implemented consistently across fostering providers.
- Mechanism for regular review and refresh of the Framework's contents, and publication / circulation of updates.
- Detailed evaluation of L&D Framework (focusing on outcomes for children).

64. Concern has already been voiced that learning and development opportunities will be delivered directly by the organisation responsible for the development of the L&D Framework. This is not what was envisaged by the Review, which recognises the importance of the link between the foster carer and his or her social worker to help with the process of placement after approval, or to help identify particular areas

of knowledge and skills in need of development. Fostering agencies should therefore remain responsible for delivery of the Framework's contents. However, the L&D Framework Team could help monitor consistency of delivery, and potentially provide training to trainers. The L&D Framework Team will not have any responsibility for the assessment or approval of individual carers.

65. The Review also encourages the Scottish Government to consider commissioning:

- Training for supervising social workers (“how to support foster carers’ on-going learning and development”) on a ‘training-for-trainers’ model.
- Training for members of the Fostering Panel.
- Training for family placement social workers on ‘planning for permanency’.

LEARNING & DEVELOPMENT RECOMMENDATION (IN DETAIL)

Preparatory Section

66. The Review recommends that the Scottish Government develop a ‘national preparatory course’ for all prospective foster carers. All fostering agencies would have to use the course, although they will retain flexibility over how the course is delivered. It will apply to all prospective foster carers (not just those who will be designated the ‘main’ or ‘primary’ carer). All prospective carers must have completed the course before they can be considered by the agency’s Fostering Panel. (This section will apply only to prospective carers; existing carers will not need to complete the preparatory course.)

67. The preparatory course will consist of a number of ‘core modules’ (totalling a set number of hours) and a range of optional modules. Ideally the core modules will be based on the eight *Getting it Right* wellbeing indicators (SHANARRI).²⁷ The ‘core modules’ constitute the mandatory element, on which approval is contingent. Agencies will retain the flexibility to develop their own modules, and to impose

²⁷ Scottish Government, [Getting it Right for Every Child](#)

additional learning requirements (above the core modules) for their prospective carers.

68. Completion of the preparatory course (affirmed by agency approval) represents attainment of 'Level 1' in the expected knowledge and skills of foster carers. This should be recognised on the Scottish Qualification and Credit Framework, either as credits towards an existing qualification / statement of practice, or as the first part of a newly established 'Foster Carer Award'.

69. The L&D Framework will recommend that the sons and daughters of potential foster carers, along with all other adults (18+) living in the house, be encouraged to attend some preparatory training and / or information sessions. Annexes to the preparatory course will provide relevant materials for these groups.

70. All course materials to be reviewed and updated on a regular basis.

Induction / Year 1 Section

71. The Review recommends that the Scottish Government develop a national 'induction course' for newly approved foster carers, taking them through from initial agency approval to first Panel Review (a maximum of 12 months). The course will be mandatory – re-approval recommendations (from the agency's Fostering Panel) will be contingent on a carer's successful completion of it – and in most instances it should be completed within the specified twelve months. However, where a newly approved carer is without a placement for extended periods of this first year, special dispensation should be available to the Fostering Panel to extend the timeframe for completion. Knowledge and skills expectations will be set out for all carers, but these will be differentiated for 'primary' and 'secondary' carers.

72. The induction course will consist of a number of 'core modules' (each totalling a set number of hours) and a range of optional modules. Ideally the core modules will be based on the eight GIRFEC wellbeing indicators (SHANARRI). The 'core modules' constitute the mandatory element on which re-approval is contingent, but foster carers will be encouraged – through their Personal Learning & Development

Plans – to undertake a number of the optional modules too. Agencies will retain the flexibility to develop their own extra modules, and to impose additional learning requirements (above the core modules) for their foster carers. Agencies will also retain flexibility over how to deliver the course, although a certain amount of multi-disciplinary and group work will be prescribed by the L&D Framework. The organisation responsible for the L&D Framework will – on behalf of the Scottish Government – assess whether agencies delivery of the course meets expected standards.

73. Completion of the full induction course should qualify the foster carer for assessment at 'Level 2' on the expected knowledge and skills of foster carers. (The details of how such an assessment is carried out still need to be decided however, and the Review encourage the Scottish Government to engage with SQA and other relevant partners to identify a solution). 'Level 2' should be recognised on the Scottish Qualification and Credit Framework, either as further credits towards an existing qualification / statement of practice, or as the second stage towards a new 'Foster Carer Award'.

74. Unless they already possess a relevant qualification (as determined by the Scottish Government and SQA), all primary carers will be required to complete the full induction course. This includes existing carers, no matter how long they have been involved in fostering. Timeframes for completion will be set by fostering agencies in partnership with individual carers, but these should not exceed more than 24 months from the date of the L&D Framework's publication. In the case of 'secondary' carers, their re-approval should also be contingent on completion on an induction course, but the learning requirements will be significantly smaller.

75. The L&D Framework will encourage agencies to provide learning and development opportunities to the sons and daughters of potential foster carers, as well all other adults (18+) living in the household. Specific annexes to the induction course will provide relevant materials for these groups.

76. All course materials to be reviewed and updated on a regular basis.

Continuing Learning & Development (Year 2 onwards) Stage

77. The Review recommends that the Scottish Government set out clearly – through the national L&D Framework for Foster Carers – the expected knowledge and skills of foster carers at various stages after their first Panel Review. The Government should also stipulate the minimum number of ‘learning and development’ hours that ‘post-review’ foster carer must complete each year. (For the purposes of these proposals, ‘post-review’ refers to all foster carers who have completed the mandatory induction course and who have been re-approved following their first Panel Review.) Agencies should retain the authority to set a minimum level (of hours undertaken or learning levels achieved) above the national minimum number of hours (to be decided), but all foster carers would have a right (under the National Minimum Standards) to the statutory minimum level of provision.

78. Failure to complete the hours prescribed (and expectations around knowledge and skills at that stage) should lead to a review of training and support arrangements. Persistent failure to complete the hours prescribed (and reach the expected knowledge and skills) should lead to a formal review of the carers registration.

79. Of the minimum number of hours prescribed by the national L&D Framework, a proportion will be set aside for mandatory ‘continuing learning and development’. This will include refresher training, re-examining topics covered during the induction stage. Each year the topics will change, rotating through the core modules. But the ‘continuing learning and development’ will also include new topics, reflecting developments in the wider sector. The content of all the mandatory ‘continuing learning and development’ elements will be developed by the organisation responsible for the L&D Framework, in partnership with Scottish Government and fostering agencies. Delivery will remain the responsibility of fostering agencies.

80. Within the remaining hours available, foster carers should be supported towards achieving the learning goals identified in their Personal Learning and Development Log. Progress on these goals should be monitored regularly, at both supervision and formal Panel reviews. It should be understood then, that the

emphasis ought to lie on achieving the learning goals and improved understanding rather than completion of hours which in essence are a blunt tool that may need further refining.

81. In line with the credit progression established during the preparatory and induction courses, the L&D Framework will encourage foster carers to progress through the remaining 'levels' to obtain a formal qualification (i.e. SVQ) or the new Foster Care Award (if developed). This may require formal assessment of their skills and knowledge, opportunities for which should be made available to all carers.

FINANCIAL & PRACTICAL SUPPORT FOR FOSTER CARERS

82. In light of the increasingly complex needs of children entering the care system, the Scottish Government is determined to enhance the capacity of foster care to provide reparative interventions, including more intensive-treatment and permanent placements. The Review was asked to consider how the support (financial and practical) and fees offered to foster carers can be reformed or improved to help realise this aim.

83. In respect to the practical (day-to-day) support made available to foster carers, no proposals were presented to the Review by the Scottish Government beyond those linked to carers' learning and development. In the course of discussion Review members did identify a number of issues that merit further attention by government, fostering agencies and the Care Inspectorate. These included access to (and the quality of) out-of-hours support and the role of the supervising social worker. The strengthening of the 'learning and development' recommendation to take greater account of the skills needed by supervising social workers should go some way to addressing the concerns raised by stakeholders, but the Review also encourages the Scottish Government to consult with foster carers about their experiences of accessing practical support.

ALLOWANCES

Recommendation: *In order to ensure that the relevant National Care Standard (No. 9: Allowances & Expenses) is being met, work 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, if necessary, an impact assessment) how changes could be introduced over time.*

84. Allowances are financial payments made to foster carers in order to cover the costs of caring for a looked after child or young person. Such costs include food,

clothing, travel, pocket money and other day-to-day expenses. As there is an expectation that foster carers should provide a level of 'reparative' care, Scottish national guidance states that allowances should be set a rate that ensures looked after children and young people can access "opportunities to fill some of the gaps in [their] experience".²⁸ This is often interpreted to mean access to out-of-school activities, trips / holidays, family celebrations, etc.

85. Scottish national guidance goes on to state that "the foster family [should not be] financially disadvantaged by the placement".²⁹ This responsibility on fostering agencies is reinforced by Standard 9 of the *National Care Standards for Foster Care and Family Placement Services*, which states that all foster carers should be: "confident that you receive payments to cover the cost of caring for any children or young people placed with you. Payments are based on their [the child's] need and in line with the cost of caring for them."³⁰

86. To ensure appropriate levels of financial support are available to all foster carers in Scotland (i.e. covering the costs of caring for a looked after child), the Government asked the Review to evaluate its proposal to introduce a 'national minimum allowance'. It is believed that this national minimum rate (on similar lines to those in place in England, Wales and Northern Ireland) will have various benefits, including reductions in the levels of variation (in allowance rates) that currently exist between Scottish agencies, and helping fostering agencies to better control costs (by establishing a benchmark for the basic, generic allowance, and detailing what costs this should cover). The Government is responsible for ensuring that Standard 9 of the *National Care Standards for Foster Care and Family Placement Services* (detailed above) is adhered to; a national prescribed minimum is conceived as one way in which the Government can do this.

87. In the consultation undertaken for the Children and Young People (Scotland) Bill, the public was asked: *Do you think minimum fostering allowances should be*

²⁸ Scottish Government (2011) Guidance on the Looked After Children (Scotland) Regulations 2009 and the Adoption and Children (Scotland) Act 2007, p.121

²⁹ Ibid.

³⁰ Scottish Government (2005) [National Care Standards for Foster Care and Family Placement Services](#), p.21

determined and set by the Scottish Government? What is the best way to determine what rate to pay foster carers for their role – for example, qualifications of the carer, the type of ‘service’ they provide, the age of child? Of the one hundred and thirty nine respondents (47% of total) who answered the ‘allowances’ part of this question specifically, 74% agreed that the Scottish Government should determine minimum fostering allowances, 8% disagreed, and 18% neither agreed nor disagreed but provided relevant commentary. For those respondents in favour of the proposal, the main reason given was that it would promote consistency between local authorities, which in turn would ensure equality for fostered children. The most common argument made by those opposed to the idea was that allowances should be set locally to reflect local needs and circumstances.

88. These positions were quickly replicated within the Review itself. Although all were supportive of the notion that no carer should be ‘out of pocket’ as a result of caring for a looked after child, there was disagreement about the benefits – and financial viability – of a national minimum rate. Some members questioned the equity of setting a nationally calculated ‘allowance rate’ for one group of carers but not others (including birth parents).

89. In light of these concerns – particularly those relating to the financial impact of this change on local authorities – the Review has agreed that further inquiry is needed before any decision (for or against the proposal) is made. Subject to the results of that research exercise, the Review recommends that national and local government evaluate the impact of introducing a ‘national core allowance’ for fostering, and consider how changes in the levels of allowances paid – if necessary – could be introduced over time.

90. The notion of a ‘core allowance’ – in contrast to a ‘minimum’ – was in itself important to the Review. Members agreed that any changes to the current system should concentrate on securing equity for carers on the basis of the core costs associated with fostering, rather than a focus on ‘minimum’ thresholds. In a similar vein the Review debated the principles which should underpin any fostering allowance system in Scotland. Members agreed the following:

- Allowances should cover the costs of caring for the child / young person. No foster carer should be involuntarily out of pocket as a result of caring for a looked after child or young person.
- Allowances should allow the child to participate in creative, cultural, physical, social and educational opportunities.
- Allowances should be clearly and consistently distinguished from ‘fostering fees’, and the purpose of the allowance made clear to all carers and professionals (i.e. to promote the welfare of the child; to cover the day-to-day costs, etc.); any pay element resides solely in the fee.
- Fostering agencies should be transparent about what costs their core allowance covers, and what additional allowances can be accessed by the carer.
- Any national ‘core allowance’ rate should be seen as a ‘floor’; allowances can and should go above it if necessary to cater for an individual child’s needs.

91. Prior to the conclusion of the Review the Scottish Government presented members with details of the proposed research. The research aim is to establish: (a) what costs can be genuinely and universally considered ‘core’ (i.e. applicable to nearly every placement, and encountered regularly (not one-off)); (b) how much it costs to care for a looked after child in foster care (before any additional needs are taken into account); and (c) how this total rate relates to current allowance payments. The Review has approved the terms of reference for the research, publication of which is due at early 2014.

FEES

Recommendation: *Local Authorities – with assistance from their Community Planning Partners and Scotland’s Joint Improvement Team – should initiate a discussion about the future of fostering fees in Scotland (across all settings – LA, 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 participants in that future discussion to make reference to the principles and issues identified in the Review’s final report.)*

92. To ensure greater equity between foster carers across Scotland, improve the capacity of the sector and deliver best value, the Scottish Government tasked the Review with evaluating a proposal for a national ‘fee framework’. The scope and content of this framework were not specified, but the Government wanted to explore how remuneration (fees) could be used to promote skills development and / or greater retention of experienced carers. The Government also invited discussion about whether greater clarity and consistency in the payment of fees could help local authorities (and their community planning partners) to be more strategic in their commissioning of fostering services.

93. In preparation for its discussion the Review received a summary of the available academic research, and was provided with details of the systems governing fee payments elsewhere in the UK. A small number of the respondents to the consultation on the Children and Young People (Scotland) Bill had taken the opportunity to comment directly on ‘fees’³¹, and these comments were shared with the Review. Of particular note were the views of the (73) children and young people who participated in the Fostering Network’s two surveys (undertaken for the Bill consultation), who stated strong support for fee payments for foster carers, on the principle that carers should be available to support children at all times (and not have to work to guarantee an income).

³¹ Scottish Government (2012) [Analysis of responses to the Children & Young People Consultation](#), P.66, Edinburgh

94. Over the course of the Review's discussions (and wider engagement) it became apparent that there is little appetite for a fees framework which dictates how agencies should manage their schemes. The flexibility to vary fees according to an agency's own needs was seen as critical by many Review members. Moreover, while strengths and weakness were found with each potential approach to determining fee rates (i.e. by carer characteristics, by number of children in placement, etc.), the experience of Review members who had already implemented a 'fees linked to learning / qualifications / experience' system was varied. For smaller, specialist providers this approach offered a good way of incentivising and rewarding skills development, but for larger agencies the system had created tensions between carers. The Review also felt that fees linked to a child's characteristics negatively categorised children and young people. The Review concluded, therefore, that agencies should continue to have the right to choose between the various approaches, as best fits their need.

95. On the question of 'nationally prescribed rates', Review members were divided. Some argued that their introduction could reduce the variability in what is currently available to carers across Scotland, and impose some control on rising costs. However the exclusion of a 'preferred approach' to setting fees (i.e. by child or carer characteristics) makes the notion of nationally set fees untenable. Moreover, the Review believes that at this present time the challenges associated with unravelling the current system may outweigh the benefits of introducing an untested, new approach. The reality of acute financial constraint across the sector, combined with on-going developments in the purchasing of foster care (such as the National Framework Agreement), limits the scope for comprehensive reform.

96. However it does not preclude further national guidance being made available. Greater consistency (in respect to the provision of fees) could help resolve some of the problems identified by carers; such as clarity over what monies are for the child and for the carer. A revision – and if necessary an expansion – of the relevant National Care Standards would be the Review's preferred approach. Changes should be identified and agreed through a process of engagement and collaboration between local authorities, independent and voluntary providers, carers and statutory community planning partners. As fees represent an important component in the

debates about ‘purchased’ placements, national organisations (such as the Scottish Government’s Joint Improvement Team) should help facilitate the process, to ensure it is aligned with the strategic commissioning agenda.

97. Unfortunately the Review was not able to get the views of carers and children on its proposed way forward, as the online survey was undertaken before the Review’s discussions on fees had concluded. But on the basis of past engagement exercises, and from the information provided by Review members and others, it is clear that fostering fees are a highly complex and contentious issue. They create tension not only between local authorities and the organisations they purchase placements from, but also between carers, and between carers and agencies. Therefore in the interests of initiating a constructive discussion about the future of fees in Scotland, the Review has identified some basic principles which should – in the opinion of the Review members – be reflected in the fee systems of any foster care provider operating in Scotland.

- All foster carers should be offered a fee payment, in recognition of the skilled job they undertake.
- All fostering providers should have the freedom to determine their own fee structures and rates, giving them the flexibility to meet local / organisational need.
- Foster carers are self-employed.
- Fee and allowance payments should be clearly separated (on all placement documentation and agency materials).
- Foster carers should be clear about their agency’s protocol for fee payments when placements disrupted (i.e. following allegations).

98. In addition, the Review has also identified a number of important questions, which it encourages fostering providers and national government to consider in the course of future discussions:

- In the interests of ensuring securing the best outcomes for children and best value, what are the relative merits of the “1 carer 1 fee” and “1 fee per child” systems?

- Should some element of financial reward be linked to learning and development or experience?
- Should a probationary period for foster carers be introduced, distinguished by a different fee level?
- Should the fees available to carers be advertised openly on all agency websites? Does it make a difference to recruitment if the 'pay' element is not made available without enquiry?
- How do we support carers (financially) in-between placements?
- Can carers without placements be utilised more?

99. An open, collaborative discussion built around these (and other) questions should help to move the debate around fostering fees forward, and in the process help to identify ways in which to enhance the capacity and flexibility of the fostering sector in Scotland.

APPENDIX A

MEMBERSHIP OF THE NATIONAL FOSTER CARE REVIEW

Organisation	Name
Independent Chair	Sandra Paterson
Scottish Government	Isabella de Wit
Barnardo's	Stephanie Stone
Centre for excellence for looked after children in Scotland	Liz Brabender
The Fostering Network	Sara Lurie
Independent and Voluntary Fostering Providers Forum	Kay Gibson
Perth & Kinross Council	Linda Richards
Care Inspectorate	Marjory Booth
Highland Council	Alison Gordon
Glasgow City Council	Clare Hughes
Association of Directors of Social Work	Scott Dunbar
Convention of Scottish Local Authorities	Hayley Wotherspoon

Attending to support and facilitate:

Organisation	Name
Centre for excellence for looked after children in Scotland (University of Strathclyde)	Ben Farrugia

APPENDIX B

REVIEW'S TERMS OF REFERENCE

The Foster Care Review (herein 'the Review') is convened to establish a viable improvement plan for foster care in Scotland, ensuring provision can meet the needs of all children. It will be informed by the work and final report of *Moving Forward in Kinship and Foster Care*, and the views shared during consultation on the Children and Young People (Scotland) Bill.

The Review will consider a number of issues, including (but not restricted to):

- Variability in the standard of management, training and support available to foster carers (including respite arrangements and other practical support).
- Restrictions on the movement of foster carers (due to need for approval from each local authority; lack of nationally recognised training and standards).
- A national register (impact on matching, safeguarding, movement of carers and resource management).
- Recruitment of carers.
- Foster carers place in the 'team around the child' (particularly in relation to involvement in monitoring the child's plan);
- Variability in the quality of carers (between authorities, between sectors).
- Number of placements within one foster care household.
- Variability in the payment of allowances and fees.
- The market and foster care provision; has it delivered improvements in standards in a cost efficient manner?

The Review will seek to consider relevant issues through the following structure.

Organisation and management of foster care. The Review will begin by considering what model(s) for the organisation of foster care services would best deliver the outcomes of early permanency and placement stability. This will be done in reference to the conclusions of *Moving Forward*, which identifies many of the

changes that need to be made. This section of the Review will also encompass questions relating to the introduction of minimum placements and a national register.

Training and standards associated with foster care. To address the issues around skills, respect for the foster care work force and variability of standards (both between individual foster carers and foster care agencies), the Review will consider options for a system of nationally recognised qualifications or training standards. Whatever solution is chosen, however, the aim is to increase the competence and confidence of foster carers, raising their status within the team caring for the child, and ensuring better outcomes for children.

Financial and practical support for foster carers. Depending on the outcome of the consultation on the Children and Young People (Scotland) Bill, the Review will consider whether the SG or another public authority should set minimum child allowances for foster carers. In addition, it will explore whether guidance on fees would be beneficial. The Review will also look at the practical support available to carers, and options for how this can be improved or enhanced.

On the basis of the Review's conclusions, relevant regulations will be examined to establish whether any require updating. Any suggested changes in law or regulation will be subject to public consultation. The Scottish Government will be responsible for drafting any consultation paper.

APPENDIX C

CONTRIBUTORS TO THE REVIEW

The lists below provide details of individuals and organisations who contributed to the Review.

1. Attended Review meetings

Organisation	Name
The Fostering Network	Sarah McEnhill
Association of Directors of Social Work (ADSW)	Russ Paterson
The Fostering Network	Anne Black
Glasgow City Council	Celia Gray

2. Presentations at Review meetings

Organisation	Name
Scottish Social Services Council	Ann McSorely
CELCIS	Claire Burns
Nationwide Association of Fostering Providers	Harvey Gallagher
Nexus Fostering	Sally Pitcher

3. Attended meetings with the Chair (Sandra Paterson)

Organisation	Name
Scottish Social Services Council	Anna Fowlie
Foster Carer	Gloria Potter
Foster Carer	Lesley Aird
ADSW & Glasgow City Council	Mike Burns
The Fostering Network	Sara Lurie
Foster Carer	Lisa Yeaman

Core Assets	David Oldham
Foster Carer	Margaret Murray
Foster Carer	Kay Jackson
ADSW & East Renfrewshire Council	Safaa Baxter
Glasgow City Council	Celia Gray
ADSW & Falkirk Council	Russ Paterson
Action for Children	Matthew Downie

4. Provided comments in response to the Review's Progress Report

Organisation or Name
Scottish Social Services Council
Gloria Potter
Lesley Aird
Fife Council
ADSW (Children and Families Committee)
Margaret Murray
Child Health Commissioners
NSPCC Scotland
Scotland Excel
CELCIS
Anne Black
Fostering Relations

APPENDIX D

CHAIR'S SUGGESTED 'CARE PLAN' PLACEMENT DESCRIPTORS

To assist the Scottish Government and the fostering sector in its future discussions on 'placement descriptors', the Review's Chair has drawn up a list of provisional descriptions. (Please note that this list does not constitute a recommendation from the Review, and is included by the Chair only to stimulate and inform debate.) The suggested descriptions are:

- *Permanent: A placement secured by means of a court order (excluding Adoption Orders). Agencies will be asked to differentiate between the types of order awarded.*
 - *Permanence Order*
 - *Residence Order*

- *Long-term: A placement longer than two years not secured by a court order. Agencies will be asked to differentiate between individual long-term placements where:*
 - *The child's care plan states explicitly that the placement will be maintained into adulthood (18+)*
 - *The child's care plan indicates that alternative placements are being considered*
 - *The child's care plan gives no indication of the placement's expected duration.*

- *Interim / Time-Limited: A placement of any duration up to two years. The child's care plan identifies the placement (and carer) with delivery of certain objectives (or 'tasks'). These may include (and agencies will be asked to differentiate between):*
 - *Part of a concurrency plan*
 - *Working towards rehabilitation with birth parents or permanent carers (not part of a concurrency plan)*

- Working towards permanent care arrangements with current carer (see definition of permanent above)
 - Working towards a permanent care arrangement with a different carer
 - Working towards long-term care arrangements with current carer (see definition above)
 - Working towards a long-term care arrangement with a different carer
 - An intensive therapeutic intervention
 - Emergency (a placement of no more than two weeks)
-
- *Short Break: A placement which forms part of a planned series of short breaks (i.e. one or two overnight stays per month) for a child or young person.*