

NORTH YORKSHIRE CHILDREN'S TRUST

Agenda Item Cover Sheet

TITLE OF PAPER: Annual Report on Private Fostering arrangements 2010

DATE OF MEETING: 17th May 2010

ORGANISATION/SUB GROUP: LSCB; Private Fostering sub-group

RELATED CYPP IMPROVEMENT PRIORITY:

- 2.1: Safeguarding children

RELATED PERFORMANCE INDICATOR(S):

- PF1, which contains number of notifications, visiting requirements, new arrangements, number of endings and number at year end.

MAIN RECOMMENDATIONS OF PAPER:

- Note national planned developments around private fostering arrangements
- Plan work to consider implications in North Yorkshire of national changes
- Note information about activity over past 12 months
- Note new Ofsted inspection arrangements

IMPACT ON RESOURCES:

Recommendation	Resource Type	Cost	Benefit
1	information	Nil	
2	Planned work		Improve services for private fostering
3	information	Nil	
4	information	Nil	

AUTHOR:

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NORTH YORKSHIRE CHILDREN'S TRUST BOARD
NORTH YORKSHIRE SAFEGUARDING CHILDREN BOARD

May 2010

Annual Report on Private Fostering arrangements 2010

1.0 Purpose:

- 1.1 To inform the Children's Trust Board on proposed developments in relation to private fostering requiring a greater leadership role from Children's Trusts and LSCBs.
- 1.2 To provide the annual report to the Local Safeguarding Children Board (LSCB) on private fostering arrangements in North Yorkshire, required by regulation 16, **Children (Private Arrangements for Fostering) Regulations 2005**, and by paragraph 2.45 of the **Replacement Children Act 1989 Guidance on Private Fostering 2005**. This report also constitutes the annual report to the Director of Children's Services.
- 1.3 To advise of the second round of Ofsted inspections of local authority private fostering arrangements, to be carried out between June 2010 and March 2013. The period of notice is likely to be 10 days.

2.0 Introduction:

- 2.1 Private fostering is where children and young people up to the age of 16 are looked after by someone other than a parent or close relative.
- 2.2 Private fostering is covered by a set of legislation, regulations and guidance:
 - Section 44 Children Act 2004
 - The Children (Private Arrangements for Fostering) Regulations 2005
 - Replacement Children Act 1989 Guidance on Private Fostering 2005
 - National Minimum Standards for Private Fostering 2005
 - Working Together 2010
 - North Yorkshire Private Fostering Procedures (reviewed 2009)
 - Performance management information
- 2.3 The 2004 Children Act introduced a 'sunset' clause, allowing government until November 2008 to introduce regulations to make registration compulsory. In 2008, ministers decided they had had insufficient time to decide on whether to introduce a registration scheme. The Children and Young Persons Act 2008 extended until 2011 the timescale to make decisions on whether to introduce a compulsory registration scheme. An Advisory Group was set up to inform what action should be taken to improve the notification scheme

and to advise on whether to introduce a registration scheme. Their Report was published in March 2010. The Report has not recommended establishing a registration scheme, finding the existing notification scheme essentially robust and fit for purpose. Accordingly, the recommendations look to make the existing notification scheme more effective and to improve the quality of practice with private fostering arrangements.

- 2.4 ***No Simple Answers: Report of the DCSF Advisory Group on Private Fostering 2008 – 2010*** was published in March 2010. Government published its response to the Advisory Group report in the ***Government Response to the report of the DCSF Advisory Group on Private Fostering***, 25 March 2010, essentially accepting their recommendations.

DCSF published detailed research into private fostering in England, ***Research into Private Fostering***, DCSF, March 2010 which helped inform the Advisory Group's findings.

All three documents are available at:

<http://www.dcsf.gov.uk/everychildmatters/resources%2Dand%2Dpractice/IG00707/>

- 2.5 The key challenge is to ensure private fostering arrangements are notified to local authorities to enable them to carry out their duty to promote the welfare of children privately fostered. Key to strengthening the notification system will be improving the knowledge, awareness and readiness to act of all professionals who come into contact with children and families. There will be a renewed emphasis on awareness raising and on multi-agency working, with a strong focus on promoting good practice.
- 2.6 This paper does not set out a response to the recommendations at this stage. Instead, it proposes that more detailed work is undertaken to consider carefully the full implications before looking at how North Yorkshire should respond. A summary of the recommendations is at appendix 1.

3.0 Context:

- 3.1 Figures for private fostering arrangements in England for year ending March 2009 were released in July 2009. 1530 children were reported to be accommodated in private fostering arrangements in England at 31st March 2009, compared with 1330 in 2008 and 1250 in 2007 (*National Statistics, first release* 30 July 2009). This gives a national rate of approximately 1.4 children in 10,000 who are privately fostered. This rate would equate to 17 children in North Yorkshire. There is no agreed estimate of how many children are actually privately fostered although

there is a widespread concern that the actual number is likely to be higher.

- 3.2 Recorded figures for North Yorkshire have been erratic over the past 2 years linked to the implementation of the Integrated Children's System (ICS) and continuing glitches (including double-counts, over age records or incorrectly recorded). This means records have been mechanically corrected but may still not be full and accurate.
- 3.3 This table outlines activity since 2005 / 06:

Year	On-going at 31 March	Notifications during year
2006	6	6
2007	8	10
2008	11	14
2009	27	17
2010	19	19

All figures during or end of year to March; 2009 figures from ICS, unable to confirm. Broadly, there has been an improvement of notifications over time but numbers are really too small to draw conclusions about effectiveness of awareness-raising activity locally. Also, the accuracy of information, particularly in earlier years, can not be relied upon.

- 3.4 National research found few notifications come from parents or carers themselves. In North Yorkshire, local research into 20 notifications (since 2008 and not including from Social Care professionals) indicates that 4 notifications came from schools, 2 from police officers, 3 from health (including a hospital, a community psychiatric nurse and a CAMHS professional), a youth worker, a neighbouring local authority and 5 from private foster carers themselves (in at least one case prompted by the leaflet drop).

4.0 Actions to improve private fostering in North Yorkshire:

12 months ago detailed actions were set out to improve the functioning of the overall service in response to a critical Ofsted inspection. This section details what responses have been made.

4.1 Awareness-raising amongst professionals and public:

Activity over the past 12 months has seen articles in newsletters, mail drops, sections on the Council intranet (for all council staff, prompting enquiries), articles and adverts in County Talk, Changing Times and an article and half-page advert in the North Yorkshire Times distributed to all households in the authority. This information reaches professionals and the public.

A press release coincided with the national awareness raising campaign in February 2010 and was used by local newspapers; a radio interview went out with Minster FM.

Leaflets and letters have been sent to all Health Visitor managers and GP's surgeries and a briefing has been provided for the internal PCT newsletter with an article and leaflets. Briefing sessions have been held with Integrated Service Managers and with Early Years managers and training materials provided.

A paper copy of the article has been sent to all head teachers and some have requested the electronic version. A 60,000 leaflet drop was sent to all school-age children in the authority (and resulted in notifications from carers). A further letter is to be sent to all head teachers (including independent schools) reminding them of their responsibilities to identify privately fostered children and safeguard their wellbeing.

The awareness raising campaign will continue, extending to include all major organisations and agencies in North Yorkshire, including third sector organisations. Very modest sums have been used to support awareness-raising during the past 12 months. Partners in the Children's Trust will be encouraged to become more active through internal briefings and information giving.

4.2 **Increase notifications to Children's Social Care:**

There has been some increase over time including from a wide-range of professionals / agencies and carers. However, numbers remain low, particularly when compared with high-performing authorities.

Noting views in the **Advisory Report** and the Government's response, targeted activity must focus on **raising knowledge and awareness amongst all professionals who come into contact with children and families**. Activity must focus on ensuring that there is a **culture of notification** amongst professionals, at all levels. The North Yorkshire LSCB has said for some time that any professional who becomes aware of private fostering arrangement *must* notify Children's Social Care, although this has no statutory authority. The LSCB has a crucial role to promote this culture of notification.

".. if notification numbers are to rise, agencies other than social care must do more"

(No Simple Answers, page 35)

4.3 **Improve quality of assessments for carers and children:**

Children's Social Care has updated assessment procedures for private fostering arrangements. These was the first set of procedures to be ICS compliant: North Yorkshire uses the assessment template included with

the ICS system that has been installed, meaning that North Yorkshire uses the same material as many other authorities, approved by the DCSF. Decision-making on the suitability of the proposed arrangement has been raised to the level of General Manager (there are three people in this role across the county). Further work is required around continuing problems with the ICS system on private fostering and this has been logged with the suppliers.

4.4 **Improve services for carers, children and their families:**

Plans to introduce an independent reviewing system were delayed. However, two additional Independent Reviewing Officers have now been appointed, part of whose remit will be to oversee and review private fostering arrangements. Draft reviewing arrangements have been developed and will be completed when the two new post-holders take up their new roles. Advice on reviewing arrangements for private fostering arrangements was sought from DCSF but North Yorkshire was advised that it was not possible to provide any advice. Advice was sought from the BAAF Special Interest Group on Private Fostering but, again, no authority came back with experience of this approach.

Support arrangements for children and carers will also be reviewed, in the light of other work looking at improving support for others who care for children, such as special guardians and kinship carers. It has been planned to change the system for scrutinising the suitability of arrangements by developing a kinship care panel, to include private fostering arrangements. Authorities that have developed this approach report positive results. The DCSF circulated ***draft statutory guidance for local authorities on family and friends care*** in March 2010: North Yorkshire will need to consider carefully the new guidance and how this can be incorporated into local practice with a panel. The Special Guardianship Panel, in existence for over 12 months, provides a useful working model to build upon.

4.5 **Improve training for staff:**

A training strategy has been developed by the LSCB which sees private fostering included in all basic safeguarding training. The LSCB runs a level two multi agency course on Private Fostering. A session on private fostering was provided at the annual Independent Schools Safeguarding Conference at Ampleforth last June, with Sir Roger Singleton and Ofsted in attendance.

There has been a problem with poor take-up of specific private fostering training. Half days organised for Social Care staff have been cancelled because of lack of take up. In response, training materials have been circulated to each team in the county requiring confirmation that all staff have attended briefing sessions. Training materials have been provided to staff at Children's Centres and to Early Years staff.

Further work is required to develop summary guidance on private fostering and training materials for agencies to run through with their staff.

5.0 Reporting and review of local arrangements:

- 5.1 This report provides the annual overview of activity and planned activity over the next 12 months.
- 5.2 North Yorkshire is represented on the regional BAAF **Private Fostering Special Interest Group** which provides a national forum for local authorities to share views and learn about practice from each other and from DCSF. North Yorkshire was one of 5 local authorities that supported the work of the Advisory Group.

6.0 Ofsted inspection:

- 6.1 The proposed framework will focus on how local authorities discharge their duties and functions in relation to privately fostered children and young people, taking account of lessons learned from previous inspections and research, consistent with Ofsted's general principles of inspection.
- 6.2 Local authorities have a duty to promote public awareness of the requirement to notify them of arrangements and also to satisfy themselves that the welfare of children or young people who are privately fostered within their area is being satisfactorily safeguarded and promoted.
- 6.3 It is proposed that the new inspections will report more widely than this, but will maintain the focus on how well local authority arrangements ensure the welfare of privately fostered children and young people is safeguarded and promoted. The National Minimum Standards for Private Fostering and The Children (Private Arrangements for Fostering) Regulations 2005 set out minimum expectations and will underpin the inspections.
- 6.4 North Yorkshire's statement is set out on the internet (both the Safeguarding and the County Council websites, the latter being commended by DCSF last year as an example of good practice during the national awareness-raising campaign).
- 6.5 Internal arrangements will be put in place for self-evaluation and preparation for inspection.

7.0 Recommendations:

- 7.1 The Children's Trust Board is asked to note planned developments with private fostering arrangements as a result of the Advisory Group report,

in particular to improve partnership working around awareness-raising and notification, and to improve the quality of practice in this area.

- 7.2 The Board is asked to support the proposal that more detailed work is undertaken to consider carefully the full implications of the Advisory Group report and Government's response for North Yorkshire.
- 7.3 The Children's Trust Board is asked to note private fostering activity in North Yorkshire over the past 12 months and planned activity.
- 7.4 The Board is asked to note new arrangements for private fostering inspections (currently being consulted upon) commencing in June 2010, primarily looking at how Children's Social Care deals with notifications and safeguards and promotes the welfare of children living in private fostering arrangements. This will focus on a whole system response to private fostering and the behaviour of Children's Trust organisations, about the effectiveness of awareness raising and training, and about all professionals taking action to notify arrangements to Children's Social Care.

Report Author:

David Molesworth
General Manager and officer responsible for Private Fostering
4TH May 2010

Appendix 1:**No simple answers: Report of the DCSF Advisory Group on Private Fostering 2008–2010****Summary of recommendations (pages 64 – 69):**

The Advisory Group on Private Fostering was asked to advise the Department for Children, Schools and Families on raising awareness of the strengthened notification scheme; assessing the evidence of impact; options for strengthening the notification scheme in the long term; and developing models of registration. We approached the task always from the point of view of promoting children's wellbeing as well as seeking ways to increase notifications. Every privately fostered child should have contact with family and friends where appropriate, someone to talk to about their circumstances if they wish, and have access to education, health and leisure activities that support their development.

We do not believe that numbers of notifications should be the only measure of the system's effectiveness, also important is the quality of safeguarding and support to children and their families and carers. However reaching more children in need of support should be a priority for local authorities.

We believe that the current notification system is robust, proportionate and fit for purpose if it is implemented effectively. We do not believe that a registration scheme is the way to remove the barriers that inhibit notifications and high quality local authority practice. Indeed implementing such a scheme would produce yet more churn in the system and work against the progress now being made. Cultures not structures need to change. We do not therefore recommend implementing a registration scheme for private fostering.

The evidence we saw revealed that the strengthened notification scheme is showing results in both increasing the numbers of children notified and the priority that local authorities and LSCB's are giving to private fostering. There is evidence that national and local awareness-raising work has increased professional awareness, though it has yet to penetrate public awareness to any great degree. There is unacceptable variability in local authority private fostering services but there are also examples of excellent and innovative practice. There is, as always, much further to go.

There is no easy, straightforward, magic bullet. Rather we must build on and embed what exists, encouraging and accelerating the progress being made if we are to reach and offer a good service to even more privately fostered children, their carers and families, without transgressing onto the responsibilities of parents. We need to place a particular emphasis on improving awareness, knowledge, and readiness to act among the professionals in children's centres, schools and clinics on whom children

depend to notice their circumstances and notify local authorities. We, therefore, make the following recommendations, which, if implemented, we believe will strengthen the notification scheme in the long term.

7.1 Recommendations

Improving children's outcomes

Recommendation 1 – Supporting children

That Government should remind Children's Trust boards and LSCBs of the need to develop a clear strategy for the safeguarding and promoting the welfare of local privately fostered children; and that local authorities ensure that their private fostering service operates so as to fulfil their responsibilities and build on recognised good practice in identifying privately fostered children and safeguarding their wellbeing.

Recommendation 2 – Supporting families

That local authorities ensure that they inform the parents and carers of privately fostered children of the range of advice and support available. This might include information on child development and children's emotional and behavioural reactions to separation; parenting advice and relationship support; financial support; access to children's centres, child care, education and health; and support, through meetings, family group conferencing or family mediation, to facilitate family contact and future planning.

Proportionate regulation

Recommendation 3 – Developing a coherent proportionate regulatory Framework

That the DCSF should consider reviewing the private fostering regulatory framework in the context of the regulatory framework on schools and the Vetting and Barring scheme, to identify whether action can be taken to reduce the regulatory burden on families and on local authorities in respect of short educational and cultural exchange placements and of secure family and friends private fostering arrangements.

Recommendation 4 – The Children (Private Arrangements for Fostering) Regulations 2005

That the DCSF should consider reviewing The Children (Private Arrangements for Fostering) Regulations 2005 with the aim of enabling local authorities to exercise greater discretion to vary their service in response to need, for example, to consider amending:

a) the visiting requirement under regulation 7 so as to relieve local authorities of the need to visit every notification of short cultural exchange or language school homestay placements where the arrangements and the carers are well

known to the authority, the arrangement is made by an accredited agency and the child has access to other responsible adults, and the carers are ISA registered;

b) the requirement under regulation 7 that the local authority officer visit within seven days of notification, to give local authorities greater discretion in appropriate circumstances;

c) the requirements on frequency of visiting in regulation 8 when the local authority assessment (in consultation with child, parents and private foster carers) demonstrates that the child, parents and carers are not in need of supervision and support so that local authorities may be granted discretion to visit as they think appropriate;

d) on the requirements in regulation 8 on subsequent visits so as to enable use of new technology when appropriate; and

e) regulation 8 (4) so as to prescribe how local authority officers may carry out their functions of

- (i) establishing whether the child, the private foster carer, the parents of the child, and any other person with parental responsibility for the child are in need of assistance in order to safeguard the child's wellbeing, and
- (ii) considering whether any services should be provided to safeguard and promote the welfare of the child or children.

Recommendation 5 – Revision of Guidance and Standards

That the DCSF consider revising the Private Fostering Guidance and the National Minimum Standards for Private Fostering to:

- emphasise in statutory guidance that LAs have a duty under the Children Act 1989 to establish which children are in need of assistance and to consider whether any services should be provided to safeguard and promote the welfare of the child or children;

- take account of changes in the Regulations and recent changes in the safeguarding framework;

- advise local authorities of the circumstances to be taken into account in exercising their discretion; and

- produce summary guidance to address the concerns of practitioners for succinct, clear guidance on their responsibilities, appropriate to the range of professionals who need to know what to do when they encounter private fostering.

Recommendation 6 – Working Together Guidance

That the DCSF ensures that *Working Together to Safeguard Children* Guidance encompasses private fostering and offers guidance to Local Safeguarding Children Boards in respect of private fostering, local authority duties and reporting.

Increasing the number of notifications: raising knowledge, awareness and readiness to act

Recommendation 7 – Local Safeguarding Children Boards

That LSCBs should be encouraged to include private fostering in their local safeguarding strategies and develop policies, protocols, plans and training in order to raise awareness of private fostering across all partner agencies, particularly education and health services, and including Third Sector Organisations and commissioned services, so as to promote a culture of notification within their area, paying attention to the need to reach ‘hidden’ and trafficked children.

Recommendation 8 – Children’s Trust Board and Local Authority structures and processes

That children’s trust boards and local authorities review their structures and processes, in the light of NCB/BAAF research evidence, to ensure that professionals working in statutory, voluntary and commissioned services, particularly schools, children’s centres, early years services, family support services, primary care trusts, and midwifery, health visiting and school nurse services, are aware of guidance on their responsibility to notify authorities about private fostering arrangements and that there are clear referral routes to enable them to do so.

Recommendation 9 – Professional awareness

That the DCSF supports awareness-raising activities that target practitioners in statutory, community and voluntary services, who are likely to encounter private fostering arrangements, using a range of marketing routes and materials, including social networking.

Recommendation 10 – Public awareness, information and advice

That the DCSF and local authorities ensure that government and government-supported sources of information and guidance for parents, carers, children and young people have appropriate references to private fostering, explaining what it is, what the law is, and what local authorities can do to promote children’s safety and wellbeing and assist with their care, with a particular emphasis on the benefits of notification so as to incentivise parents and carers to notify the authorities. And that the DCSF reviews the contribution that national awareness raising campaigns may have to raising public awareness of private fostering

Professional and post qualification training

Recommendation 11 – Professional training

That the Children's Workforce Development Council and other relevant training councils for teachers, service leaders, health visitors, and GP's, among others, should ensure that basic information on private fostering is provided in professional training.

Recommendation 12 – Local Authorities

That local authorities should ensure that officers dealing with notifications are appropriately qualified and trained not only in the requirements of regulation but also competence in assessment of children's needs, use of the common assessment framework, and working with children and families.

Recommendation 13 – Local Safeguarding Children Boards

That the DCSF encourage LSCBs to include private fostering in their training strategy using the methods most highly valued by practitioners: multi-agency practical training and web-based and intranet information resources.

Developing good practice

Recommendation 14 – Disseminating good practice

That the relevant improvement agencies and initiatives, for example, the Centre for Excellence in Children's Outcomes, Safe Network, Together for Children, Local Government Association, and commissioning support initiatives, should disseminate good practice on private fostering.

Recommendation 15 – Resources

That the DCSF should support the development and dissemination of good practice toolkits based on models of good practice emerging from research, practice experience and inspection findings that address local authority and LSCB structures, processes, governance and leadership as well as assessment and support models.

Monitoring and Development

Recommendation 16 – Local Safeguarding Children Boards

That LSCBs should be encouraged to include in their annual reports, an account of their private fostering service, drawing upon the Director of Children's Services report on the safeguarding of privately fostered children.

Recommendation 17 – Ofsted

That Ofsted continue to inspect local authorities on their work to identify privately fostered children, to ensure private fostered children have contact with family and friends where appropriate, someone to talk to if they wish, and have access to education, health and leisure activities that support their development.

Recommendation 18 – Political challenge and encouragement

That politicians responsible for local and national children's policy and services should encourage high quality performance by:

- the Minister for Children, Schools and Families writing to local authority chief executives annually to remind authorities of the importance Government places on support for privately fostered children, to inform them of any new initiatives or guidance, and to encourage them to report on their performance; and
- the lead member for children in local authorities being sufficiently informed to equip them to challenge local authority performance on private fostering.

Recommendation 19 – Standing advisory group

That the DCSF consider establishing an advisory group, with representatives from across relevant government departments and key outside agencies to monitor and drive forward the implementation of these proposals to strengthen the notification system through:

- maintaining a high profile for private fostering;
- advising Ministers on progress at local and national level; and
- encouraging a programme of national research and development that would focus on researching children's outcomes and on developing risk assessment tools and checklists.