

Inspection of local authority private fostering arrangements

Consultation document

Ofsted has been asked by the Department for Children Schools and Families to inspect local authorities' private fostering arrangements for a second time. The purpose of this consultation is to seek a wide range of views from those who have an interest in, or expertise relating to, private fostering arrangements in order to ensure that the inspection framework takes proper account of the needs and circumstances of all interested parties but above all the needs of the children and young people who are privately fostered. Therefore we are particularly interested to hear from privately fostered children and young people

The closing date for the consultation is 19 May 2010.

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Introduction

1. This consultation seeks your views on proposals for:

Ofsted's inspection of local authority private fostering arrangements.

Your views will help to refine and develop the inspection framework.

2. Private fostering is legally defined as an arrangement that occurs when a child who is under 16 (or 18 for a child with special educational needs and a disability or disabilities) is cared for by someone other than their parent or a close relative¹ for 28 consecutive days or more, or 14 days at a boarding school during the holiday period. A private foster carer is anyone who looks after someone else's child by agreement with the parent unless they are a close relative. They may be a friend of the family, the child's friend's parents or sometimes someone who is not previously known to the family, but who is willing to foster the child privately. The law² requires parents and private foster carers to tell the local authority about a private fostering arrangement.
3. Following the death of Victoria Climbié local authorities were given a duty to promote public awareness of the requirement to notify them of private fostering arrangements and when possible before they commenced.³ The new regulations and the national minimum standards⁴ on private foster care, published in 2005, provided the basis of the three-year programme of inspections which were carried out by the Commission for Social Care Inspectorate from 2006–2007 and by Ofsted from 2007–2009.
4. Ofsted published the findings from these inspections *Inspection of local authority private fostering arrangements 2007–08* in February 2009 which is available on Ofsted's website at:

[www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Documents-by-type/Thematic-reports/Inspection-of-local-authority-private-fostering-arrangements-2007-08/\(language\)/eng-GB](http://www.ofsted.gov.uk/Ofsted-home/Publications-and-research/Browse-all-by/Documents-by-type/Thematic-reports/Inspection-of-local-authority-private-fostering-arrangements-2007-08/(language)/eng-GB).

¹ A close relative is a grandparent, brother, sister, uncle or aunt (whether of full blood or half blood or by marriage) or a step-parent.

² The Children Act 1989; www.opsi.gov.uk/Acts/acts1989/Ukpga_19890041_en_1.htm.

³ The Children Act 2004 Section 44; www.opsi.gov.uk/Acts/acts2004/ukpga_20040031_en_6#pt5-pb1-11g44.

⁴National Minimum Standards for Private Fostering; www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/safeguardingchildren/privatefostering/LAfosteringinfo/LAfosteringinfo/.

Purpose and background to the consultation

5. The Secretary of State for Children, Schools and Families has asked Ofsted to inspect local authority private fostering arrangements for a second time in order to monitor progress and raise standards in this area. These inspections will be carried out between June 2010 and March 2013.
6. In response to this request, we are developing a new framework for inspecting local authority private fostering arrangements. The proposed framework focuses on the way in which a local authority discharges its duties and functions in relation to privately fostered children and young people, takes account of the lessons learnt from previous inspections and research and is consistent with Ofsted's general principles of inspection. We will test the framework through pilot inspections and will use the information gathered from these pilot inspections and from consultation to develop the inspection framework further.
7. The purpose of this consultation is to seek a wide range of views from those who have an interest in, or expertise relating to, private fostering arrangements in order to ensure that the inspection framework takes proper account of the needs and circumstances of all interested parties but above all the needs of the children and young people who are privately fostered. Therefore we are particularly interested to hear from privately fostered children and young people.

Proposals for inspecting local authority private fostering arrangements

8. The private foster carer is responsible for providing day to day care of a child or young person in a way which will promote and safeguard her or his welfare. Overarching responsibility for safeguarding and promoting the welfare of the privately fostered child or young person remains with the parent or other person with parental responsibility. Local authorities do not approve or register private foster carers. However, it is the duty of local authorities 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, or will be, privately fostered within their area is being, or will be, satisfactorily safeguarded and promoted.
9. The previous inspections of private fostering reported on how local authority arrangements kept children and young people safe and on the organisation of their arrangements.
10. It is proposed that the new inspections will report more widely than this, but will maintain the focus on how well the local authority arrangements ensure that 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 our inspections. Our inspections will assess how well local authorities are meeting these requirements.

11. The new inspections will report on the impact of local authority private fostering arrangements on outcomes for children and young people who are privately fostered, the quality of the arrangements and the quality of leadership and management. This will involve an evaluation of the effectiveness of the local authority in:

- ensuring the welfare of privately fostered children and young people is safeguarded and promoted
- meeting their duty to promote public awareness of the requirement to notify the local authority of private fostering arrangements and
- meeting its duty to assess and support private fostering arrangements.

12. The evaluation of the effectiveness of local authority private fostering arrangements will be based on:

- information from and discussions with children and young people who are privately fostered
- information from and discussions with carers and, when possible, parents of children and young people who are privately fostered
- local authority records, case files, policies and self evaluation
- information from and discussions with those involved in the process of delivering local authority private fostering arrangements, for example social work staff, including any involved in assessment and support of private fostering placements.

13. We propose to make the following eight judgements outlined in the table below:

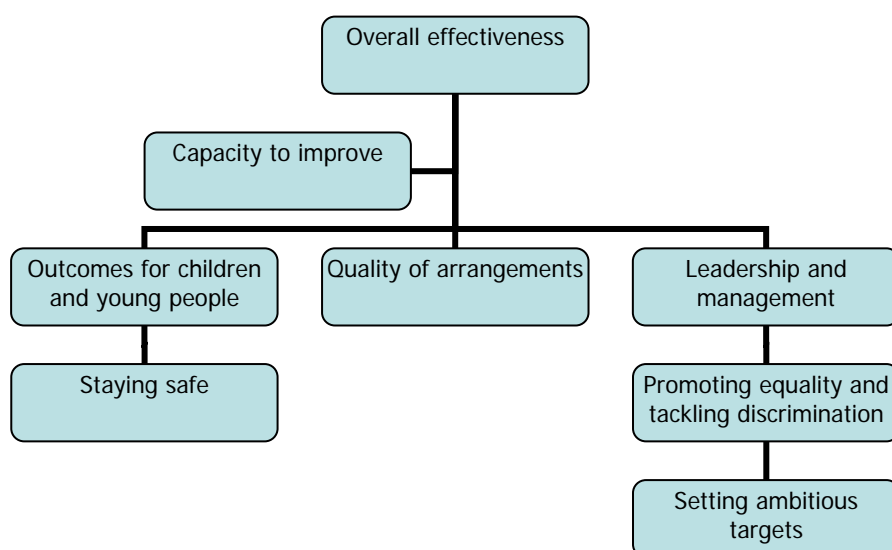


Table 1. Proposed judgments

14. We will evaluate and consider the evidence outlined in the paragraphs below.

15. Overall effectiveness

In reaching the overall effectiveness judgement inspectors will consider all the available evidence:

- How good are the outcomes for privately fostered children and young people?
- Are children and young people safe and do they feel safe?
- How effective are the local authority's arrangements for carrying out its responsibilities in relation to private fostering?
- How well are the arrangements led and managed?
- How effective is the local authority in setting ambitious targets and driving forward improvement and promoting equality and diversity? and
- Does the local authority demonstrate it has the capacity for sustained improvement?

16. Capacity for sustained improvement

Inspectors should evaluate the extent to which the local authority has the capacity to improve the quality of the arrangements and outcomes for children and young people who are privately fostered, based on what it has accomplished so far.

Inspectors should consider the local authority's self evaluation, whether it is an accurate appraisal of strengths and weaknesses and what needs to be done to improve, actions taken since the last inspection, and the priority given to private fostering arrangements.

17. Outcomes for children and young people who are privately fostered

Inspectors should evaluate how effective the local authority is in monitoring outcomes for children and young people and in meeting their statutory obligations to do so under schedule 3 of the regulations. They should evaluate the extent to which privately fostered children and young people:

- are safe and feel safe
- are healthy
- enjoy and achieve
- make a positive contribution
- develop skills for the future.

Inspectors should take into account what children and young people say about:

- feeling safe
- what to do if they are worried about something
- their learning and achievement at school/in education
- leisure pursuits, and
- their needs in relation to their culture, disability, faith and religious belief, gender and race and the actions of the local authority in relation to these.

Inspectors should also take into account the local authority's role in monitoring arrangements to ensure that:

- children and young people are safe
- medical arrangements for children and young people are in place
- children and young people's wishes and feelings are taken into account
- children and young people have contact with their family and friends
- there are appropriate plans for their future developed in consultation with the child or young person.

18. The judgment on whether children are safe and feel safe will inform and have a significant impact on the judgement for outcomes as a whole.

19. The quality of arrangements

Inspectors should evaluate how well the local authority:

- promotes awareness of the notification requirements internally amongst staff, with partner organisations and more widely in the community
- responds to notifications
- ensures the suitability of private fostering arrangements and does so in a timely manner
- advises and supports children and young people who are privately fostered, their parents and carers in order to safeguard and promote their welfare.

Inspectors should take into account:

- what children and young people say about the advice and support they receive
- what private foster carers say about the advice and support they receive
- how the local authority ensures that all staff are kept informed and up to date
- how the local authority engages with local communities in which children and young people may be privately fostered
- the processes for responding to notifications

- the quality of assessments of private fostering arrangements
- the quality and impact of advice and support.

20. The quality of leadership and management

Inspectors should evaluate the effectiveness of local authority leadership and management in:

- ensuring the safeguarding of privately fostered children and young people
- promoting equal opportunity and tackling discrimination
- setting ambitious targets and driving forward improvement
- deploying resources to achieve value for money
- managing performance and deploying resources for the benefit of children and young people
- using partnerships for the benefit of children and young people.

Inspectors should take into account how the leadership and management of local authority arrangements:

- focus on ensuring that children are safe
- ensure that children and young people's needs include those arising from culture, disability, faith and religious belief, gender, linguistic background and race are central to planning for and development of private fostering arrangements
- monitor its functions in relation to private fostering set out in the Children Act 1989, the national minimum standards, and the Children (Private Arrangements for Fostering) Regulations 2005
- evaluate their arrangements for private fostering and their impact on outcomes for children and young people and set targets to improve impact
- develop positive working relationships both within the authority and with partner organisations for the benefit of children and young people.

There will be separate judgements on setting ambitious targets and driving forward improvement, and on promoting equality and tackling discrimination. These judgements will inform and have a significant impact on the overall judgement on the quality of leadership and management.

21. In addition to the areas above inspectors should include in the report:

- any actions which need to be taken by the local authority in order to comply with The Children (Private Arrangements for Fostering) Regulations 2005
- any actions which need to be taken by the local authority in order to meet the national minimum standards for private fostering

- the progress made on recommendations made in the previous inspection report
 - recommendations to improve the quality of the local authority arrangements.
22. We will grade inspections using the four-point scale which is common to all Ofsted inspections:
- outstanding
 - good
 - satisfactory
 - inadequate.
23. Pilot inspections will be carried out in April 2010. They are likely to take no more than four days, two of which would be gathering evidence and making judgements about provision in the local authority.
24. After each inspection, the inspectors will produce a report which will be published on Ofsted's website. It will include evidence and graded judgements in the eight areas above, clearly identify any regulations or standards that are not met and make recommendations for improvement.

Delivery of inspections

25. In line with our commitments that inspection and regulation should be proportionate to risk and provide value for money, we are considering two options regarding the delivery of these inspections. The options are:
- inspecting local authority private fostering arrangements separately from any other inspection
 - inspecting local authority private fostering arrangements separately but at the same time as the three yearly inspection of safeguarding and looked after children services.

The period of notice of the inspection will be as short as possible and currently we are suggesting ten working days in order to ensure that we are able to access the views of children and young people who are privately fostered.

Aspects for consultation

A framework for inspecting local authority private fostering arrangements

26. We believe that the considerations set out in paragraphs 13 to 21 are central to the inspection of any local authority's private fostering arrangements.

Consultation questions

Q1. Do you agree that the key areas suggested in paragraphs 13 to 21 will enable inspectors to appropriately assess the effectiveness of local authority private fostering arrangements?

Q2. In addition to the areas covered, are there any other questions that these inspections should consider? Do you think any of these areas of inquiry are inappropriate?

The views of children, young people

We believe that the views of children, young people involved in private fostering arrangements should be central to our inspections and any judgements we make.

Q3. Do you agree the views of children, and young people who are privately fostered should be central to our inspection judgements about the local authority private fostering arrangements?

We can try to get these views through questionnaires sent before the inspection, however these are often not returned. We would welcome your views on whether we should continue to do this and, if so, how to make them more effective. At the time of the inspection we can obtain these views through face-to-face meetings set up by the local authority, through telephone or email contact with children, young people, parents and carers and with people who have previously been involved in private fostering arrangements. We want to do this in the most effective way possible that is not too intrusive, but also ensures we consider the views and experiences of children, young people, parents and carers. It would be helpful to know what you think is the best way to gather these views and if you have any other ideas about how we might collect the views of the different people involved.

Q4. What do you think would be the best way to access and collect these views?

Using self-evaluation

Self-evaluation is central to our inspections and useful in helping providers assess their services and make improvements. We would expect the local authority to provide an assessment of the effectiveness of their private fostering arrangements. We are considering how to obtain such self-evaluations from local authorities and also keep the burden of inspection to a minimum. National minimum standards require local authorities to provide an annual report on their private fostering arrangements to the Local Safeguarding Children's Board and to the Director of Children's Services, we are considering whether the provision of these reports to Ofsted on an annual basis would provide an accurate self evaluation for the purposes of inspection and would welcome your views on this.

Q5. Do you think that the annual reports to the Director of Children's Services and Local Safeguarding Children Board are sufficient to obtain evidence of self evaluation

or should we ask for a separate self evaluation to be completed for the purposes of the inspection?

The delivery of the inspection

We are considering two options for the delivery of the inspection of local authority private fostering arrangements as outlined in paragraph 27. These relate to our belief that inspection should be proportionate to risk, provide value for money, bring about improvements and take place with little or no notice.

Option a

Inspecting local authority private fostering arrangements separately from any other inspection

The advantage is that this may raise the profile of private fostering arrangements and avoid confusion with any other services. It would also encourage a focus on all aspects of private fostering arrangements rather than just safeguarding. The possible disadvantages are the potential for local authorities to have to duplicate resources and efforts and an increase in the time needed to manage inspections.

Option b

Inspecting local authority private fostering arrangements at the same time as the three-yearly inspection of safeguarding and looked after children services

The advantage is that this approach aligns inspections with safeguarding and may also reduce the time and resources needed by local authorities to manage inspections. The inspection would be the subject of a separate report and separate judgments. The disadvantages are that private fostering arrangements could be seen as being solely concerned with safeguarding, rather than broader outcomes for children. It could mean further pressure on local authorities during what is already a demanding inspection and the inspection may not always be carried out at the same time; some safeguarding and looked after children services will have already been inspected.

Q6. Do you think the inspection should be conducted at a different time from any other inspection?

Q7. Do you think the inspection should be normally conducted at the same time as the safeguarding and looked after children inspection?

Q8. Do you have any other views on the timing of these inspections?

Notice of inspection

Our principle is that the period of notice should be as short as possible. The amount of notice we give before inspection is always as little as possible. In order to ensure that inspectors can meet with children, young people, parents and carers, meetings may need to be arranged beforehand and we are proposing ten working days notice.

Q9. Do you agree that ten working days is an appropriate period of notice? If not please give your reasons and tell us what notice you think would be appropriate and why?

Services judged to be inadequate

The Department for Children Schools and Families has asked for a further cycle of inspections. We believe that those local authorities found in this cycle to be inadequate should receive another inspection within 12 to 18 months. This helps ensure that inspection drives improvement and that it is based on the needs of children, so that we go back when the arrangements are not meeting the national minimum standards or the regulations.

Q10. Do you agree there should be further inspection when a local authority's private fostering arrangements are found to be inadequate?

Q11. If you don't agree that there should be a further inspection please explain why.

Q12. Do you agree that an appropriate timescale for a further inspection should be between 12 to 18 months? If not, what timescales would you suggest and why?

Any other comments?

Q13. Is there anything further you would like to say about our proposed approach to inspecting local authority private fostering arrangements?

Thank you

Annex A. Stakeholders consulted

The organisations listed below have been specifically invited to respond

Association of Directors of Children's Services
Barnardos
British Association of Fostering and Adoption
Cafcass
Chief executives of primary care trusts
Chairs of Local Safeguarding Children's Boards
DCSF
Government Offices
National Association of Head Teachers
National Children's Bureau
National Society for the Prevention of Cruelty to Children
Private Fostering Special Interest Group
Social Care Institute for Excellence
UK Borders Agency

Annex B. The consultation

Consultation questions

We welcome your responses to this consultation paper. The consultation remains open until 19 May 2010.

There are three ways to complete and submit the questionnaire and any other comments:

- online electronic questionnaire
- print and post
- download and email.

Online electronic questionnaire

Visit our website to complete and submit an electronic version of the questionnaire: www.ofsted.gov.uk/publications/100010.

Print and post

Visit our website to print a Word version of the questionnaire that can be filled in by hand: www.ofsted.gov.uk/publications/100010. When you have completed the questionnaire, please post it to:

Alison Bailey
Inspection of private fostering arrangements consultation
c/o Inspection Development, Social Care
National Business Unit
Royal Exchange Buildings
St Ann's Square
Manchester
M2 7LA.

Download and email

Visit our website to download a Word version of the questionnaire that you can complete on your computer: www.ofsted.gov.uk/publications/100010. When you have completed the questionnaire, please email it to: enquiries@ofsted.gov.uk. Please put 'Inspections of private fostering arrangements consultation' in the subject line.

What happens next?

Who will be involved in developing the proposals and how?

We will publish a summary of the key responses on our website in June. Please let us know if you would like this sent to you.

Publication of responses

We will publish a summary of the key responses on 31 July 2010.

The consultation response

Confidentiality

The information you provide will be held by us. It will only be used for the purposes of consultation and research to help us to become more effective, shape policies and inform inspection and regulatory practice.

We will treat your identity in confidence, if you disclose it to us. However, we may publish an organisation's views.

Are you responding on behalf of an organisation?

- No Please complete Section 1.
Please complete the 'Additional questions about you' section at the end if you wish as it provides us with useful information
- Yes Please complete Section 2

Section 1

If you are completing the consultation as an individual, please tell us which description is most applicable to you.

I am:

- a child or young person
 - a parent or carer
 - a private foster carer
 - a social worker
 - other
(please specify)
-
- prefer not to say

Section 2

If you are filling in the consultation on behalf of an organisation and would like us to consider publishing the views of your organisation, please say so below.

Organisation:

I represent:

- a local authority
- a school
- a primary care trust
- a community organisation
- a voluntary sector organisation
- a faith group
- another type of organisation (please specify)

Consultation questions

For each of the following questions, please select the option which most closely fits your view and include any additional comments in the box provided

Q1. Do you agree that the key areas suggested in paragraphs 13 to 21 will enable inspectors to appropriately assess the effectiveness of local authority private fostering arrangements?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q2. In addition to the areas covered, are there any other questions that these inspections should consider? Do you think any of these areas of enquiry are inappropriate?

Q3. Do you agree the views of children and young people who are privately fostered should be central to our inspection judgements about the local authority private fostering arrangements?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

Q4. What do you think would be the best way to access and collect these views?

Q5. Do you think that the annual reports to the Director of Children's Services and Local Safeguarding Children Board are sufficient to obtain evidence of self evaluation or should we ask for a separate self evaluation to be completed for the purposes of the inspection?

Q6. Do you think the inspection should be conducted at a different time from any other inspection?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Q7. Do you think the inspection should be normally conducted at the same time as the safeguarding and looked after children inspection?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Q8. Do you have any other views on the timing of these inspections?

Q9. Do you agree that ten working days is an appropriate period of notice? If not please give your reasons and tell us what notice you think would be appropriate and why?

Q10. Do you agree there should be further inspection when a local authority's private fostering arrangements are found to be inadequate?

Strongly agree <input type="checkbox"/>	Agree <input type="checkbox"/>	Neither agree nor disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>	Strongly disagree <input type="checkbox"/>	Don't know <input type="checkbox"/>
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Q11. If you don't agree that there should be a further inspection please explain why.

Q12. Do you agree that an appropriate timescale for a further inspection should be between 12 to 18 months? If not, what timescales would you suggest and why?

Q13. Is there anything further you would like to say about our proposed approach to inspecting local authority private fostering arrangements?

What did you think of this consultation?

One of the commitments in our strategic plan is to monitor whether our consultations are accessible to those wishing to take part.

Please tell us what you thought of this consultation process by ticking the box for that which most closely represents how you feel about each of the statements below.

I found the consultation information accessible and easy to find.

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

I had enough information about the consultation topic.

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

I would take part in a future Ofsted consultation.

- Agree
- Neither agree nor disagree
- Disagree
- Don't know

How did you hear about this consultation?

- Ofsted website
- *Ofsted News*
- *talisman*
- Ofsted's email alerts service
- Ofsted conference
- Another organisation (please give details if you know them)

- Other (please give details)

Is there anything you would like us to improve on or do differently for future consultations? If so, please tell us below.

Thank you for taking part in our consultation.

Additional questions about you

Your answers to the following questions will help us to evaluate how successfully we are communicating messages from inspection to all sections of society. **We would like to assure you that all responses are anonymous and you do not have to answer every question.**

Please tick the appropriate box.

1. Gender

Female <input type="checkbox"/>	Male <input type="checkbox"/>	Prefer not to say <input type="checkbox"/>
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2. Age

Under 14 <input type="checkbox"/>	14–18 <input type="checkbox"/>	19–24 <input type="checkbox"/>	25–34 <input type="checkbox"/>	35–44 <input type="checkbox"/>	45–54 <input type="checkbox"/>	55–64 <input type="checkbox"/>	65+ <input type="checkbox"/>
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3. Ethnic origin

(a) How would you describe your national group?

British or Mixed British	<input type="checkbox"/>
English	<input type="checkbox"/>
Irish	<input type="checkbox"/>
Scottish	<input type="checkbox"/>
Welsh	<input type="checkbox"/>
Other (specify if you wish)	<input type="checkbox"/>

(b) How would you describe your ethnic group?

Asian		Mixed ethnic origin	
Bangladeshi	<input type="checkbox"/>	Asian and White	<input type="checkbox"/>
Indian	<input type="checkbox"/>	Black African and White	<input type="checkbox"/>
Pakistani	<input type="checkbox"/>	Black Caribbean and White	<input type="checkbox"/>
Any other Asian background (specify if you wish)	<input type="checkbox"/>	Any other mixed ethnic background (specify if you wish)	<input type="checkbox"/>
Black		White	
African	<input type="checkbox"/>	Any White background (specify if you wish)	<input type="checkbox"/>
Caribbean	<input type="checkbox"/>	Any other ethnic background	
Any other Black background (specify if you wish)	<input type="checkbox"/>	Any other background (specify if you wish)	<input type="checkbox"/>
Chinese			
Any Chinese background (specify if you wish)	<input type="checkbox"/>		

4. Sexual orientation

Heterosexual <input type="checkbox"/>	Lesbian <input type="checkbox"/>	Gay <input type="checkbox"/>	Bisexual <input type="checkbox"/>
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5. Religion/Belief

Buddhist	<input type="checkbox"/>	Muslim	<input type="checkbox"/>
Christian	<input type="checkbox"/>	None	<input type="checkbox"/>
Hindu	<input type="checkbox"/>	Any other, please state:	<input type="checkbox"/>
Jewish	<input type="checkbox"/>		

6. Disability

Do you consider yourself to have a disability?	Yes <input type="checkbox"/>	No <input type="checkbox"/>
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