

Getting it right for every child

IN KINSHIP AND FOSTER CARE



**one
scotland**
SCOTTISH GOVERNMENT

Getting it right
for every child
IN KINSHIP AND FOSTER CARE

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FOREWORD



Adam Ingram
Minister for Children
and Early Years



Councillor Isabel Hutton
COSLA Spokesperson on Education,
Children & Young People

Removing a child of any age from their parents, whether for just a brief period or with a possibility of permanence away from home, is an enormous step and places a huge responsibility on both the local authority as the corporate parent, and on the carer of the child.

The Scottish Government and local government want to strengthen and support those families which may be struggling to care for their children. In 2008, the Scottish Government will publish an Early Years strategy which will set out its proposals for ensuring that every child gets the best start in life. One of the aims of this strategy will be, over time, to reduce the number of children who need to be looked after away from home.

Nevertheless, we know that some children will continue to live away from their birth families. If this has to happen they need an alternative warm, loving, nurturing and sustained home environment. As politicians with newly-found responsibilities we have been repeatedly impressed by those who take on the responsibility for such children. Some of them have chosen the route. Others are pressed into the role by circumstance, but what they all have in common is their desire, sometimes fierce, to do the best they possibly can for the children and young people in their care. In order to do that they look to Government at a national and local level to provide them with clear direction and support. This demands that we take seriously our role as corporate parent.

The purpose of this kinship and foster care strategy is to demonstrate the commitment of the Scottish Government and local government, firstly to the children and young people concerned and secondly, to those who care for them. It takes forward the major challenges identified by the consultation exercise earlier this year and summarised at Annex B.

We aim to achieve this by developing work in two key areas:

1. Delivering a child-centred approach to kinship and foster care

Ensuring children and families receive personalised care, which meets their complex needs over time, requires a range of kinship and foster carers with skills to provide care in a flexible way. This could be a carer providing support to the child within their family home, a planned short-term break or a permanent care arrangement. There may also be many more people willing to become kinship or foster carers, if the care can be designed in a way which meets the child's needs and also the experience, skills and circumstances of the individual carer.

Children living away from home need safety, security and stability throughout childhood, and support in sustaining relationships that will continue to be significant to them as adults. We are determined to help end the drift and uncertainty that characterises the experience of too many looked after children.

We share a joint view that all the plans and services for children looked after away from home should focus on achieving permanence – whether by returning to the birth parents or with permanent kinship or foster carers, or through a stable residential placement, or adoption. Our implementation programme for permanence orders will aim to reduce the number of placements experienced by a looked after child and will help provide the stability they need to thrive. This strategy does not deal directly with adoption, but is developed within the context of the implementation of the reforms contained in the Adoption and Children (Scotland) Act 2007, which strengthens this key strand in the spectrum of care for looked after children.

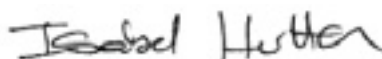
We are also committed to strengthening the residential care sector. Many children move between foster and residential care – indeed many older children prefer residential care. We are confident many of the principles of this strategy will apply to the improvements which can be made in residential care – principally, the importance of providing a range of care settings for children to thrive and flourish in an environment that is safe and tailored to their needs.

2. Supporting high quality kinship and foster care

Most children in kinship and foster care receive an excellent standard of care, but the results of the consultation have confirmed that considerable improvements can be made to the current arrangements for the recruitment, training and support of carers. We think there is scope for greater mobility between various care settings; for transferring existing skills to become a foster carer, and to move from being a foster carer to other career opportunities. But the right package of support needs to be available from local authorities and other providers. National and local systems also need to be flexible to support this mobility and to ensure that all carers are valued and empowered to play a full role in designing and delivering the level and range of care which the child requires.

This strategy is ambitious. We both want to see it fully and successfully implemented. The partnership approach we are adopting represents a new style of working for the Scottish Government and local government, and reflects our shared commitment to achieve national and local priorities. We intend to consolidate and extend recent developments in kinship and foster care to achieve a transformation in the range and quality of choices and opportunities for children who need to be looked after.

This strategy sets the joint vision. We will work together in close partnership with children who are looked after away from home, their families, their kinship and foster carers, local authorities, voluntary and independent care providers and others to make that vision a reality.



1

INTRODUCTION

Context and content

1. The Scottish Government and local government are committed to embedding the principles of prevention and early intervention across all services which have an impact on children and family life.
2. This means giving every child the best start in life. Through the Early Years strategy, we will work to ensure that universal services effectively meet the needs of all, including those children and families who are most at risk of disruption. Our aim is that all children will get the support they need, with extra help provided to those who face barriers as a result of disadvantage of any kind.
3. Everyone in a child's life has their part to play in early intervention. Children's first source of support is the family and the wider community in which they live. Indeed, the focus of service delivery, whether by the statutory, voluntary or independent sector should be on empowering individuals and communities to maximise the extent to which they are able to manage their own needs, across issues such as health, education and safety.
4. Of course, the need for some children to live away from their parents, for however long or short a period, will remain. We believe that many children could remain with their parents or return more quickly and permanently to their birth families, if fostering and kinship care were better integrated within children's services.
5. A consistent theme in relevant research¹ and the consultation on this strategy of kinship and foster care provision can deliver a flexible, child-centred spectrum of care. The Scottish Government and local government want to build on this potential. At one end of this spectrum, this strategy signals a detailed and comprehensive implementation programme for the introduction of permanence orders. This permanence status, introduced by the Adoption and Children (Scotland) Act 2007, will end drift and bring a sense of stability to many hundreds of looked after children who are not able to return to their birth parents. At the other end of the spectrum, we believe there is considerable scope to strengthen the role of kinship care and the contribution of foster care to achieve the long-term goal of keeping families together when it is safe to do so.

¹ The key research publications on which the proposals in this strategy are based is at Annex A.

Principles

6. In this context the guiding principles of this National Kinship and Foster Care Strategy are that:

- The needs of the child must be paramount and the child's preferences should be taken into account.
- Unless there are clear reasons why placement within the family would not be in the child's best interests, care within the wider family and community circle will be the first option for the child.
- If that is not possible, the child should be placed with foster carers with a specific purpose and plan, designed as **(a)** as part of a planned short-term arrangement; **or (b)** a planned process that will result in a return home or to a more suitable temporary care arrangement; **or (c)** in care with a permanent substitute family arrangement underpinned by a permanence order or an adoption order or other relevant court order.

7. This strategy considers what needs to be in place to provide a truly child-centred response and approach to the provision of foster and kinship care. It then considers what improvements are needed in the support provided to carers that will in turn enhance the quality of care provided to children. Finally, it addresses the improvements that can be made to the quality assurance systems that govern these types of care.

8. The transformation in outcomes for Scotland's vulnerable children that we are seeking will not be delivered by this strategy alone. It needs to be seen and implemented as part of the wider vision for children which is at the heart of this Government's work programme.

- **The Scottish Government and local government partnership will work with other delivery partners to ensure the proposals in this strategy translate to improved outcomes in practice.**

2

DELIVERING A CHILD-CENTRED APPROACH TO KINSHIP AND FOSTER CARE

Our vision for children

9. Our vision for all children in Scotland is that they will be responsible citizens, effective contributors, successful learners and confident individuals.

10. If they are to achieve this, they need to be:

Safe: protected from abuse, neglect or harm at home, at school and in the community.

Nurtured: having a nurturing place to live, in a family setting with additional help if needed or, where this is not possible, in a suitable care setting.

Healthy: having the highest attainable standards of physical and mental health, access to suitable healthcare, and support in learning to make healthy and safe choices.

Achieving: being supported and guided in their learning and in the development of their skills, confidence and self-esteem at home, at school, and in the community.

Active: having opportunities to take part in activities such as play, recreation and sport which contribute to healthy growth and development, both at home and in the community.

Respected: having the opportunity, along with carers, to be heard and involved in decisions which affect them.

Responsible: having opportunities and encouragement to play active and responsible roles in their schools and communities and where necessary, having appropriate guidance and supervision and being involved in decisions that affect them.

Included: having help to overcome social, educational, physical and economic inequalities and being accepted as part of the community in which they live and learn.

Getting it right

11. Both the Scottish Government and local government support the stated intention in *Getting it Right for Every Child* that every child who needs it has the right package of support at the right time to achieve the outcomes set out above. In the case of looked after children, there will be an additional level of support provided by the local authority as corporate parent to help them achieve this vision.

12. *Getting it Right for Every Child* means ensuring children are supported in being involved and enabled to play a leading part in the assessment and decision-making processes in a manner which best fits the circumstances, their abilities, age, stage and best interests. Family members and those in the wider network are the main contributors but even when a child is looked after away from home, parents and carers are necessary contributors to any plan, unless there are good reasons to the contrary.

Getting the planning right

13. The child's plan should be centred on the views of the child, wherever possible, and draw on the strengths and contribution of the foster or kinship carer. It must identify the specific support required by the child and any additional support required by the carer to meet the child's needs. Research and good practice shows clear benefits of a back-up plan if the placement were to break down, or if the carer or child simply needs a short break.

14. The response to the consultation with young people on this strategy, backed up by several other research publications, highlights one clear message: they crave stability and security while in foster care. The child's plan should therefore focus on achieving an end goal of a permanent sustainable solution, whether a return to the birth parents, or a permanent kinship or foster care placement, or within residential care or through adoption; and on providing clarity, transparency and effective communication throughout.

15. In addition, the planning process must be flexible enough to incorporate changes that arise. For example, as children grow older, the more say they should have in their care plan to express preferences about who they are placed with; the nature of the household; where they go to school; the nature of contact with their parents, siblings and other family and friends, etc.

16. In summary, the child's plan and the decision-making process will be built on a shared set of general principles, which are:

- The child's needs at the centre.
- The child's views, wishes and experience are taken into account with the child engaged and involved in the planning process as far as appropriate and possible.

THE ROLE OF ADVOCACY

Sally, 16, has lived in various care settings for five years. She is now in weekend foster care and lives at college during the week. Sally self-harmed when stressed. It recurred when the social worker reduced the weekday contact with her foster carer without Sally's consent. Her foster carer arranged advocacy in consultation with Sally.

With the advocacy worker's intervention, her social worker reinstated the weekday contact with her foster carer, arranged a care planning meeting and the overdue Looked After and Accommodated (LAAC) review. He also agreed to consult Sally about her care plan. Sally was happy with the outcome and would contact the advocacy provider (Who Cares? Scotland) if she needed support in the future.

- Assessment and planning involves parents and those who care about the child, as far as safely possible.
- Strengths within the child's network are brought to bear in addressing needs and risks.
- Assessment and care planning in early prevention, in short break planning, in child protection, in reunification and in permanency planning is a collaborative exercise between the child, parent where possible, the carer and any other relevant professionals.
- Consideration of an independent advocate for the child. A range of models could be appropriate depending on the needs of the child and the strengths and capacity of the other relevant people in the child's life.

Strengthening the capacity of the family to look after a child if she or he is at risk of becoming looked after

17. Identifying at the earliest stage that the birth parents of a child may be struggling to look after the child in their care and building in support to prevent risks becoming realities, will be a cornerstone of the Early Years strategy that will be published next year.

18. We know that some local authorities already recognise the relevance of foster carers' skills to developing and strengthening family capacity and this is an area that could be further developed and where good practice could be shared amongst authorities and other agencies.

- **The Scottish Government and local government will work together to explore how to build on best practice to strengthen the links between foster care and support for families.**

19. In the context of making decisions about the type of care that is needed to meet the needs of children and young people who may need to live away from their parents for a period of time, or even permanently, the Scottish Government and local government support fully the principle that at the earliest stage, the role of family members is considered as the first option for supporting and caring for the child, prior to a local authority providing foster care.

20. As we have stated above, the precise role of family members will need to be determined in collaboration with all relevant parties, primarily the child and in line with the capacity and circumstances of the child and the potential carers. The extent to which other family members are able to help achieve the aim of achieving satisfactory permanent arrangements, (that is, a permanent return to the birth parents or to an alternative permanent carer) will be a key criterion.

21. Planning a child's future can be a complex and emotionally fraught process. Family Group Conferencing (FGC) can provide an effective forum for many children and their family members to discuss the capacity of the family to care safely and permanently for the child and to agree the additional support that might be needed by the carer and wider family. FGC is currently used in 17 local authorities to complement and sometimes streamline statutory decision making processes. It can provide a vehicle for building partnership and trust between family members and professionals.

22. We believe that the case for a FGC could routinely be considered when:

- a child needs any form of help which depends on co-ordinated planning between professionals and the child's family
- a child requires an integrated professional and family plan for rehabilitation to the care of his/her birth family
- a kinship care arrangement is being considered
- a child in kinship care needs a permanent plan.

23. The advantages of a FGC are that a child's wishes and feelings are a central consideration; that their needs for their wider family to be taken into account takes precedence over the wishes of any one member of the family, for example a parent, to exclude the rest of the family; and, if properly conducted and managed, FGC can reduce the number of meetings held for a sequence of overlapping purposes for the same children – a source of concern for many looked after children.

CASE STUDY – HOW A FAMILY GROUP CONFERENCE CAN HELP A CHILD

Reasons for Referral

Amy (14) is subject to a referral to the Children's Panel mainly as a result of her increasingly poor attendance at school. It is agreed to defer a hearing until a FGC is held. Her mum has taken her two siblings to live with her new partner. Amy's father has severe MS and lives in sheltered accommodation. Amy is living with gran. Gran has a poor relationship with mum and dad.

Issues/Decisions

- Amy needs a clear message about where she is going to live and for how long.
- Contact and access arrangements need to be made between Amy and family members with whom she's not living.
- Amy needs to get back to school.

Summary of Family Plan

- Amy is going to stay with gran for the foreseeable future. Everyone is happy. When mum and mum's partner get suitable accommodation, Amy and the family will decide whether she would like to go with them.
- Amy will see her mum and brother and sister at least once per week. Gran works late one evening so mum will call at the house after school and spend the evening with Amy.
- Amy will visit her dad on Sunday mornings. Every other weekend her brother and sister will go too. His home-help will be there to let them in.
- Amy has an appointment with her school guidance teacher for Monday at 3 pm when they will plan to get Amy back to school. Gran will check that she attends school and will meet the guidance teacher with Amy.
- Amy's social worker will see her twice a month until the next FGC Review.
- Amy's aunt Pat is always available by phone and she calls in on gran at least twice weekly.
- The Family Plan will be taken to the Children's Hearing.

24. However, at the heart of any method used, whether FGC or any other, must be active and effective engagement with the wider family. Even when an FGC is not feasible, the principles underpinning FGC as set out above still apply across the spectrum of kinship and foster care.

The role of kinship care

25. This strategy has emphasised the central role of the child and their family in the decisions made about their care. The starting-point in considering kinship care arrangements should be:

- It is the right of every child to have their family and friends explored as potential carers if they need to leave the care of their parents.
- Any arrangement for care by family or friend must be in the best interests of the child.
- The safety and needs of the child in any assessment of family or friends as carers must be paramount.
- A child's needs for good family and friends carers should take precedence over the wishes of a parent to exclude the family from care.
- Support to a family or friend placement should be available when needed.

Informal kinship care arrangements

26. Government in Scotland at national and local level does not intend to distort existing and future family relationships by any unnecessary interference in the majority of kinship care arrangements, i.e. those where the arrangements have been arrived at by the family themselves, with or without the use of Family Group Conferencing².

27. For the majority of these children, any formal intervention by a local authority or any other relevant agency is neither required nor desirable and the arrangements in such cases could be seen as part of normal family and societal arrangements. It is possible however that many of these carers would find it helpful to know that information and advice is available if and when this might be necessary.

- **The Scottish Government therefore intends to fund, for a 3-year period, the introduction of a service for all kinship carers to be delivered by Citizens Advice Scotland, through their bureaux across Scotland. Each bureau will provide advice, information and support on the income, tax and benefits entitlements when a child joins the household and it will identify the appropriate legal status of the kinship carer's relationship with, and responsibility for, the child.**

² Some of these arrangements may fall into the category of Private Fostering (see para 29)

28. As part of the consultation on this strategy, the Scottish Government commissioned a report from Citizens Advice Scotland. This report sets out clearly the impact on the weekly income of a household of a child joining it. It was published in July 2007 and is available at www.scotland.gov.uk/Resource/Doc/181297/0051506.pdf. It identifies a number of improvements that could be made to ensure that kinship carers are more easily able to access the benefits to which they are entitled when a child joins their household.

- **As entitlement to benefits is a reserved matter, the Scottish Government will work with others such as the UK Government to identify the improvements that are required and seek to ensure that kinship carers receive efficiently the benefits to which they are entitled.**
- **COSLA agrees to recommend to its members that they discuss their approach and criteria for payment of discretionary support to kinship carers with their local partners and others, such as Citizens Advice Scotland. This will ensure, as far as possible, that there is consistent local advice and approaches to supporting kinship carers.**

Other family-led arrangements – private fostering

29. Private fostering is where parents make arrangements with people who are not close relatives³ to care for their children for more than 28 days. Parents have a duty to report the arrangement to the relevant local authority, who must inspect and monitor the accommodation and other aspects of the arrangements, although they do not assess and approve the carers as such.

30. In Scotland the Care Commission inspections cover the extent to which local authorities meet the relevant legislation in overseeing private foster care in their area. Its November 2007 inspection report *The quality of fostering and adoption services in Scotland* states there are only 25 known private fostering arrangements across Scotland. The number of private fostering arrangements is likely to be much higher.

³ 'Relative' is defined in s.21 of the Foster Children (Scotland) Act 1984 as a grandparent, brother, sister, uncle or aunt by full or half blood or by affinity.

31. In 2005 the Scottish Executive issued leaflets in CD-ROM format to all local authorities. The accompanying letter requested the local authorities to distribute the leaflets to schools and other premises to highlight the respective legal responsibilities of parents, private foster carers and local authorities.

32. In rare cases, private fostering may be a cover for child trafficking. The UK Government is currently developing strategies, as part of its reserved responsibility for immigration, to tackle the problem of human trafficking. Within this there is a specific workstream on child trafficking. The Scottish Government will be liaising closely with the UK Government on this issue, including making the links to the regulation of private fostering.

- **The Scottish Government will update its information and redistribute to local authorities. We will also ask relevant children's and family agencies; Citizens Advice Bureaux; the NHS; and other relevant bodies to join us in a determined campaign to remind parents of their duty to inform local authorities.**
- **In addition to the above, the Scottish Government will ask the Care Commission to continue to pay particular attention to this issue in their next inspection round (2008-9) and to bring forward recommendations on how it should best be addressed.**
- **The Scottish Government will work with the UK Government to tackle the issue of human trafficking and to ensure that our policies on private fostering tie in with the strategies being developed.**

The role of foster care

33. If it is not possible, or safe, or in the child's best interests to stay for however short or long a period with a family member, an alternative will be required. Foster care is a key strength within the range of services available for children who need to be looked after. In the next chapter, we discuss how we intend to strengthen the support available to foster carers and seek to increase the number of carers available.

34. Foster care has the potential to deliver a broad spectrum of support to children and families, in the spirit of *Getting It Right For Every Child*. It can include providing:

- planned short breaks for a child or young person
- immediate but temporary care for a child or young person with the aim of supporting him or her to return permanently to their birth family or to move to a permanent substitute family; to support throughcare or aftercare arrangements in residential care; or to support him or her in transition to independent living
- specialist care, for example, intensive fostering for young people with behavioural problems as an alternative to secure care
- a permanent substitute home for a child who cannot return to live with their birth family, by means of a permanence order or other legal provision.

Planned short breaks

35. In the context of taking a child-centred approach to developing the role of foster care and foster carers, planned respite can give a child time away from his or her family circumstances, to the benefit of both. Such services can be invaluable alongside services provided to the rest of the family, to enable the child to continue to live at home. In some cases, the continued involvement of the foster carer could be desirable to support the child and family.

Immediate but temporary care

36. A child-centred approach will mean that the child's safety, security and needs are of paramount importance. Foster care will sometimes have a temporary role on the road to a more permanent solution for the child. However, temporary must not mean unplanned or unimportant and agencies and carers will need to be aware that even temporary placements in foster or kinship care must contribute to achieving the vision for the child.

37. Such carers can and do provide valuable input, support and nurture to a child at what can clearly be a difficult and traumatic time in his or her life. There is considerable potential for the foster carer to be involved in the planning of the return home for the child and in some circumstances for direct and supportive engagement with parents.

FOSTER CARE – MEETING A RANGE OF CHILDREN'S NEEDS

Children who are disabled

Linda Baldry has looked after more than 100 children:

"I had a one-year-old arrive with cerebral palsy, and at that time he couldn't even sit up without assistance. He's four now, and goes horse riding, swimming and to gym club. He's talking about starting ballet and is always doing little pirouettes and twirls. It's just such a privilege to share in his life."

Teenagers

John and Belinda Swansbury's decision to become foster carers was influenced by **Belinda's** experience of being in care when she was younger. They have been fostering teenagers for over four years:

"I personally feel that teenagers are just very exciting young people. There's never a dull moment. While you get your ups and downs, I feel it's a privilege to be a part of their lives.

"Training is crucial because fostering is a job, but a job from the heart. It is extremely hard work but the rewards overwhelm this."

Alison and Andy Siddons have been fostering for over 15 years. Currently they care for teenagers:

"Teenagers are sweet, and have such good qualities. Sometimes you can build up a friendship, you can see yourself in them and they are able to express emotions and ambitions to you which younger children can't do.

"One girl came to live with us at the age of 11. She's now 23 years old, happily married, and has two children of her own, so I'm a foster nana. She says she has taken away the experience she found with us to be a good parent."

Jeanette Donnelly started fostering by offering respite care while keeping on her job as an accountant. She recently decided to give fostering a go full-time and cares for teenage girls:

"It can be quite exciting having new kids coming in, wondering what they're going to be like and watching how they fit in and how they learn things from me.

"When you go to bed at night and you know that they're safe and they're well and they're looked after and well fed it gives you a sense of achievement."

Short-term breaks

Sharon and Stuart Okin recently became foster carers but had been thinking about it for years:

“The type of care we offer at the moment is short-term and emergency care, so we will offer maybe one weekend a month or maybe two weekends a month for a child where needed. Juggling our careers with foster care isn’t hard – you just have to be really organised and you need to have lots of energy. The children often need a lot of support so I think the key is to be organised.”

Josephine McClelland: “I have provided respite to over 40 children in 8 years. It’s enjoyable. I feel complete.”

Unaccompanied asylum seekers

Elaine Hopkins-Smart and Keith Hopkins have been fostering for 12 years and at the moment look after unaccompanied asylum seekers:

“We find that when children come to us they have lost their confidence – their self esteem, their identity. By the time they’ve been here for a while, and we’ve gone through a lot of listening and talking they move on to become more accepting of everything.

“They gain a role in life. They might pass exams and be absolutely thrilled. It’s fantastically satisfying for us to see that. It’s about turning them round that’s the buzz we get from fostering.”

On fostering

“Myself, my husband and our 3 children started fostering 10 years ago.

“We saw and continue to see our role as carers as one which requires a professional approach, a setting of standards, contributing to a team, undertaking our tasks and responsibilities with the seriousness and diligence that the lives of these children and young people merited.

“I am regulated, monitored, assessed and standardised.

“I write reports, attend meetings, submit forms, keep my paperwork in order, record my days, attend training, as well as wipe noses and bottoms, sing songs and read stories, and act as mother, teacher, taxi driver, counsellor, therapist, nurse, spiritual advisor, confidante, rule giver, cook, nutritionist, careers advisor, pillow, whipping boy, moderator, IT consultant, advocate, bank manager, librarian, encyclopaedia, legal advisor, and just be there.”

38. It is important that foster carers are properly engaged in planning for the child's care. Foster carers cannot meet the specific needs of each child in their care unless they have an understanding of the circumstances of the child, the plan for the child's return to their family and a clear role in delivering this plan. Furthermore, unless the foster carer is involved in the review of the plan and has a clear role, as appropriate, in supporting contact between the parent and child, the chances of a successful return home are reduced. In short, the full potential of foster carers is not being used, if their unique knowledge and understanding of the child is not taken into account in the plan to return the child home. The lack of involvement in planning is consistently mentioned by foster carers as a key source of frustration in their work to provide the best possible care that meets the child's needs.

39. Foster placements need to be appropriate to the circumstances of the child and carer. Placements are more likely to succeed where the child's needs are matched to the carer's skills and experience. As part of planning provision, agencies will want to consider how to attract and develop the range of specialist skills required to meet identified need.

Transitions – temporary and permanent

40. Similarly, there will be other circumstances where a child or young person will be placed in foster care as part of a temporary, but planned transition to independent living or as a contribution to a residential care placement, both during and after the time within residential care. There are several examples of such projects and the success factors again centre on the clarity of role and purpose for foster care in supporting the child or young person to move to a permanent home.

What do children and young people say will improve life in foster care?

41. All children and young people need support at transition times in their lives and kinship and foster care can provide a secure base for a child or young person at these key times. This was highlighted in the strategy consultation with young people aimed out by the Fostering Network's Young People's Project and the Scottish Throughcare and Aftercare Forum.

42. We will introduce two changes which this consultation with children in foster care said would improve their experience.

- **Government in Scotland will work together with other foster care providers to ensure that all young people who wish to remain with their foster carer up until their 18th birthday, will do so. This will meet the Scottish Government's commitment in We Can and Must Do Better⁴ that 'we will encourage local authorities to ensure that young people are able to remain in their established foster placement beyond 18 if appropriate'.**
- **We know it is a source of great concern and embarrassment to young people in foster care, when they are told they cannot stay overnight with friends or that a stay is dependent on a disclosure check. It also undermines the responsible foster carer who has considered the needs of the child and believes it would be safe for the child to stay overnight at a friend, but is not empowered to give permission. The Scottish Government will issue guidance on overnight stays in January 2008.**

Achieving stability in a permanent alternative family

43. Government in Scotland believes that achieving a permanent, stable, secure home for children with the minimum of delay, needs to be the ultimate goal of those providing fostering services.

44. Too often, vulnerable children can drift between placements and unsuccessful attempts to return home permanently. Equally, children can remain in one placement in foster care or even in residential care for many months, even years, without any conclusive decisions about their future. Every disrupted placement adds to the difficulty of forming trusting and secure relationships and this only increases the likelihood of future placement breakdown or decreases the chance of a successful transition back to the birth family, or on to independent adulthood.

45. Planning is vitally important for the child. Improving the planning and decision-making process and involving the family fully in that process, should make it more straightforward to develop options for permanence, if it becomes clear that a safe and successful return home is not possible.

⁴ Looked after children – We can and must do better; www.scotland.gov.uk/laceducationaloutcomes

46. For many children in these circumstances, particularly those under school age, adoption will be the preferred option. This strategy does not deal with adoption, but is developed in the context of, and designed to complement, the reforms being implemented through the Adoption and Children (Scotland) Act 2007. It is clear that if fostering services are working effectively during the early stages of the child's time in care, the decision-making process for adoption will be improved. Less trauma will have been experienced by the child and therefore the adoption is more likely to lead to a positive outcome for the child.

Permanence orders

47. For some children who cannot return home and for whom adoption is unrealistic, a permanent substitute alternative must be found. An important and potentially transformational legal tool is now in place to help deliver this ambition. The permanence order will be introduced by the Adoption and Children (Scotland) Act 2007 when it comes into force in 2009. It is a flexible vehicle to promote stability, continuity and support in permanent placements. The introduction of a permanence order into Scottish legislation is recognition that vulnerable children must have stability to develop attachments to their carers. It is also flexible enough to recognise that a child's existing attachments to their parents or other kin must be respected. Where appropriate, conditions relating to contact and other parental responsibilities and rights can be provided for in the permanence order arrangements.

48. The introduction of permanence orders will provide the opportunity for those who are already foster or kinship carers to become permanent carers for a particular child or children. It also provides the potential to attract those who think that becoming a permanent carer would suit their skills and aspirations better than shorter-term foster care. The implications for broadening the range of people who may wish to become carers for looked after children is discussed in the next chapter.

49. Above all, if appropriately used, the permanence order will empower the foster or kinship carer to take decisions and care for the child in the way they think best.

- **The Scottish Government will review the existing regulatory framework to ensure that legislation supports the proposals in this strategy.**
- **The Scottish Government will commission a revision of the Guidance to the Children (Scotland) Act 1995 to embed our vision of how we achieve improved outcomes for children who are looked after away from home. As part of this, the revised guidance will emphasise both the importance of strengthening the capacity of the family to look after the child and of achieving the aim of permanence and stability for the child, in whatever care setting.**
- **The Scottish Government will introduce permanence orders by January 2009. To achieve this successfully, work will begin immediately on the consultation on the necessary changes to the regulations and other statutory mechanisms.**
- **A national training, information and communication programme on the Adoption and Children (Scotland) Act 2007 more generally will be commissioned and delivered during 2008 for practitioners, looked after and accommodated children, kinship and foster carers and others.**

3

SUPPORTING HIGH QUALITY KINSHIP AND FOSTER CARE

50. The Government in Scotland intends to support improvements which will aim both to encourage more people to become foster carers and to support and develop kinship and foster carers to provide the best possible care to looked after children.

51. In this context, the definition of kinship carer when used in this chapter is *“a relative or close friend who cares for a child or young person where:*

- *the local authority places the child or young person with the relative; or*
- *an order by the court or children’s hearing requires the child or young person to live with them”.*

52. Our long-term vision is that kinship and foster care will attract a wide range of people with a broad set of skills, knowledge and experience, which will help children benefit from the more child-centred, flexible approach, which we have set out in chapter 2. Kinship and foster carers should increasingly become recognised and respected for their equal value and status among all professionals looking after children. The support and development available to them should reflect this status.

53. If this is to be achieved, a range of improvements are required. We see these as being:

- 1) transforming the current arrangements for attracting people to the role of foster carer;
- 2) improving the support and development available to kinship and foster carers by:
 - recognising kinship and foster carers as equal members of the team responsible for the child
 - strengthening training and development for kinship and foster carers
 - improving the status of kinship and foster carers
 - providing kinship and foster carers with short breaks from caring;

- 3) ensuring consistent and fair financial support for kinship and foster carers by promoting consistent financial support for foster carers and parity of financial support for kinship carers of looked after children;
- 4) strengthening the systems that quality assure kinship and foster care by
 - using approved carers appropriately
 - dealing with complaints and allegations.

1. Transforming the current arrangements for attracting people to the role of foster carer

54. The Scottish Government has already taken a number of steps towards strengthening recruitment of foster carers.

The British Association for Adoption and Fostering (BAAF) and The Fostering Network (TFN) have been commissioned to lead a reference group, to consider the need to update current recruitment and assessment processes, together with ongoing training requirements in the light of this strategy and the implementation of permanence orders.

At the time of publication, the proposed remit of this reference group is:

- To update current recruitment processes for foster carers, building on existing good practice.
- To revise current assessment processes for foster carers, building on existing good practice.
- To assess the training requirements for kinship and foster carers in the light of the strategy and the introduction of permanence orders.
- To consider any improvements to current organisational arrangements within local authorities and enable them to make more efficient, child-centred decisions for looked after children and to ensure that plans for their care and progressed in timescales relevant to their needs. This will include looking at the current difficulties and barriers to good planning.
- To develop assessment guidelines for kinship carers of looked after children.
- To consider existing models of good practice for kinship carers of non-looked after children and, if necessary, prepare relevant guidance.

55. The Scottish Government will support this group by completing an analysis of the demographics of foster carers. Based on population projections for the next twenty years, it will help to identify the likely skills, experience and demographic profile of the carers for the future and help with conclusions on what would make foster care an attractive option, for example training requirements. It could also be used to advise with targeting future recruitment and retention campaigns.

- **We will ask BAAF and TFN to report to the Scottish Government and COSLA by August 2008 and to work towards implementation of any recommendations for change by the end of 2008.**

56. There is further scope for individual local authorities and those authorities already part of a local consortium to improve further some of their foster care services, by combining resources and expertise.

- **Government in Scotland will identify the scope for improved joint arrangements between local authorities to support aspects of foster care services, such as recruitment, assessment, out of office hours support; training, and matching of children with specific needs to carers with specific experience and expertise or standardising of definitions and processes. A report with conclusions on the way forward will be produced by the end of 2008.**

We have invited TFN to work with local authorities and other providers to run a national campaign, which links into local arrangements for recruiting and training foster carers. This will be based on the model for the annual recruitment of children's panel members and will build on TFN's current recruitment drives during Fostering Fortnight.

- **TFN will report its recommendations to Ministers, COSLA, ADSW and others by August 2008.**
- **The Scottish Government will consult on removing statutory barriers to flexibility within the children's services workforce, for example, between foster carers and adult care providers for those foster carers who need to remain carers of children in their care beyond the age of 18, who are in education or employment. Our amendments to regulations, including the removal of the current prohibition on fostering by couples of the same sex, will also lead to improved flexibility and a more child-centred approach within kinship and foster care.**

2. Improving the support and development available to kinship and foster carers:

57. *Carers want respect, efficiency, reliable, warm support from social workers, good information on foster children, responsive out of hours services, relief breaks when they need them, information on entitlements, fair remuneration, appropriate training and an “absence of avoidable hassles”⁵.*

58. This is a challenging list to achieve but the Scottish Government’s consultation suggests that many carers believe good progress is being made. Effective support enables them to provide a good quality of care to children.

59. While there are some distinctions between the support required by both kinship and foster carers and we make these clear in this section, there are many improvements which should be introduced for both kinship and foster carers.

- **Government in Scotland will work together with other providers to help maximise opportunities for all carers of looked after children to receive similar support and development opportunities.**

3. Recognising kinship and foster carers as equal members of the team responsible for the child

60. The full potential of carers is not being used if their unique knowledge and understanding of how children leaving home suddenly can best cope within a family setting is not used. Similarly, their understanding of the children in their care needs to be built into the child’s plan and review. It should also be taken into account when planning the return home or the move to a permanent care setting or in transition to independent living.

61. Local authorities and other providers should also consider how the role of the carer could be strengthened within children’s services teams. These issues have been addressed in *Changing Lives*, the 21st century Social Work Review, which stated:

“Social work services should be delivered by effective teams designed to incorporate the appropriate mix of skills and expertise and operating with delegated authority and responsibilities.”

5 Fostering Now – Messages from research – Ian Sinclair – Jessica Kingsley 2005

62. It may be that there is considerable scope for strengthening a team's approach of involving the carer in the care planning and review of the children in their care, in a more systematic way. Kinship and foster carers will also have an important contribution to make in the development of local recruitment and retention strategies.

4. Training and development for foster carers

63. For foster carers, the starting-point for consideration of training needs will be the annual review. This aspect of fostering support services is inspected as part of the Care Commission's inspection programme. Its report, published in November 2007, shows that assessment and training of foster carers is well established across most agencies. However it was found that about half of the agencies did not review all of their carers each year and, where reviews did occur, there was no discussion of training needs in 35% of the cases.

64. Fostering regulations require an annual review for each carer and no amendment to this requirement is proposed. We recognise this may be a challenge for many providers but an annual review is of considerable importance if the quality of care provided to children is to improve and if the recruitment and retention of foster carers is to be strengthened. We expect future Care Commission inspections of foster care services to continue to focus on delivery of this requirement.

65. Foster care providers should be able to aggregate the common themes and gaps identified in individual annual reviews to enable the provider to develop its local training policy. This training policy needs to address three challenges:

- A. Offering the right combination and range of training courses to meet the specific needs of looked after children.

In the consultation, foster carers suggested a long list of training requirements with the top few being:

- Child protection, including dealing with allegations
- Attachment, loss and resilience training
- Child development
- Safe caring
- First aid
- Managing challenging behaviour, anger management or conflict resolution.

B. Increasing the take-up of training by improving access and the quality of the training offered.

Is the training that is available appropriate for the foster carer? Is there consistent evaluation of training courses to ensure foster carers agree they are relevant, useful and interesting? Are foster carers able to access the training, e.g. is child care provided? Is it held in a convenient location? Have alternative training and development opportunities been offered to foster carers in remote locations, for example, through IT? Does some training have to be compulsory? If so, how could that be enforced?

C. Ensuring that the foster carer gets access to wider training and development opportunities.

This needs to be considered as the role of foster care broadens to include permanence and taking a more proactive role in returning the child to their birth family. Have they been trained to participate fully in a Looked After Child Review or attendance at a children's panel? How prepared are they to work with the families of children in their care? Can they deal effectively with providing a permanent home for the child while also supporting contact with the birth family?

66. Similarly, a training policy needs to address the development needs of those foster carers who may want to develop some career mobility through using their foster carer skills to train as a social worker, for example. Others may wish to specialise using their specific skills and experience, for example foster carers who care for teenagers or children with learning difficulties.

Training and development for kinship carers

67. Many of the principles set out in paragraphs 63-66 will apply to kinship carers. They will have many of the same development needs as foster carers and the training policy should either be expanded to include kinship carers or a separate policy developed. It is important that best practice of enabling kinship carers to access training programmes is extended more widely. However, the findings from the distribution of the Government's grant of £6.2m to provide £1,000 for training and development for each foster and kinship carer suggest that local authorities struggled to find appropriate and accessible training opportunities for many, although not all, kinship carers. We will ask the BAAF/TFN reference group to address this challenge as part of their proposals for training of foster and kinship carers.

68. The findings of the Care Commission and SWIA inspection process for foster carer services, should also be used to inform local authorities' approaches to supporting the training and development needs of kinship carers.

- **The BAAF/TFN reference group, proposed at paragraph 54 will recommend how these proposals for both kinship and foster carers can be taken forward.**

CASE STUDY – EXAMPLES OF GOOD PRACTICE IN TRAINING AND SUPPORT

Care Commission: The quality of fostering and adoption services in Scotland.

This inspection identified several examples of good practice in training and support.

Highland Council – monthly drop-in groups for foster carers, training from STRADA (Scottish Training on Drug and Alcohol) on the impact of drugs and alcohol on children for foster carers.

Aberdeenshire Council – training for carers living in rural and remote areas via AKAMAS to provide on-line training for foster carers.

South Lanarkshire Council – training to carers on recovering from trauma, attachment and resilience.

Moray Council – use experienced foster carers delivered some of the training programmes – described as invaluable by carers.

Sycamore Families and Moray Options – as part of initial preparation for prospective foster carers required their attendance at the local residential homes for young people and the Moray Options youth club/centre for children with disabilities, to give them a realistic idea of what foster care entailed.

Foster Care Associates – The use of experienced foster carers throughout the preparation sessions was found to be particularly valuable to prospective carers.

Short breaks from caring for kinship and foster carers

69. Fostering agencies should consider offering short-term breaks as part of the package of support they provide to kinship and foster carers. Short-term care breaks are identified as one of the essentials in providing good support for foster carers and kinship carers. Birth children in fostering families say their experience could be improved if they could get some planned time alone with their parents. Some carers say they could provide improved care to the children in their household if they could be certain that they could receive a break.

70. Breaks should generally happen in a planned way. They may come in the form of a planned break from the child in their care, as a one-off or, possibly, a routine part of the care of the child. The needs of the child and the person caring for them need to be assessed, taking into account the impact of disruption to the looked after child. Identifying a foster carer or an appropriate member of the child's family who could provide a short-term break and who can become a known and regular part of the child's life, could minimise disruption to the child and prove to be a valuable and nurturing part of the child's life.

71. TFN works to support the sons and daughters of carers as well as the foster carers themselves. They have made a number of recommendations for improving the support offered to these young people.

- **Local authorities and other providers should ensure they consider these recommendations, drawing on the TFN Young People's Project resource materials.**

Ensuring consistent and fair financial support for kinship and foster carers

72. Findings suggest that many foster carers depend on financial allowances to sustain their fostering role. Most however, are not attracted to fostering by its financial rewards.

Allowances

73. Allowances are intended to reflect the cost of caring for a child. Standard 9 of the National Care Standards for foster care and family placement services states *'You can 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 needs and in line with the cost of caring for them'*. We know that the level of allowances paid to foster carers varies across the country. Scottish Ministers took powers to make regulations with regard to allowances during the passage of the Adoption and Children (Scotland) Act 2007, although there are no immediate plans to use those powers.

- **Government in Scotland will continue to support the introduction of a minimum allowance based on TFN's recommended rate of allowances by all fostering schemes in Scotland. This will reflect the current practice within the majority of local authorities in Scotland.**

74. We would not envisage payments being reduced in areas where authorities already pay more than the minimum. The national minimum allowance will relate to the basic core allowance that foster carers receive to cover the costs involved in looked after any fostered child. Specific needs or local circumstances that would make caring for a particular child more costly would require additional funding.

Fees

75. The fee element paid to foster carers is seen as the personal, financial reward for the carer. It is sometimes paid according to the level of skills the foster carer has. TFN's document *Extending the role* argues that there should be a minimum fee payable across Scotland for a number of reasons:

- to recruit and retain sufficient foster carers with the necessary skills and experience;
- to ensure continuity of payment and financial stability for foster carers;
- to recognise that foster carers are not just volunteers, but are providing a service.

76. Responses to the consultation were equivocal about whether there should be either minimum or a standard fee set at national level, or indeed any fee paid at all. The Government believes local authorities, voluntary and independent providers should consider carefully the payment of fees as part of their wider approach to the effective recruitment, retention and support for foster carers.

Financial support for kinship carers of looked after children

77. At 31 March 2007 2,094 children were looked after and living with a kinship carer. There are a variety of statutory routes through which these children and young people will have been placed with their kinship carers. The local authority will therefore have agreed that these children and young people are not able to live safely with their parents, however temporarily, and there will need to be a continued involvement of, and support from, the state, given their specific circumstances.

78. Government in Scotland believes that there is a clear case for providing kinship carers of looked after children with support, including allowances, equivalent to that provided for foster carers. This will help to remove financial barriers that might prevent a child being sustained within the family network, where that is the best option for the child. It will also support kinship carers to provide high quality care to the child.

79. Some councils already provide allowances for kinship carers. In their Concordat published on 11 November 2007, the Scottish Government and COSLA agreed that allowances be paid to all kinship carers who have been approved as carers of looked after children, to treat them on an equal basis to foster carers.

- **If the kinship carer is approved (see para 85 below) and if a kinship care arrangement has been established for a looked after child, an allowance will be paid, as it is for every looked after child in foster care. Any child benefit contribution to the household income will be deducted from the kinship carer's allowance, prior to payment by the local authority. (Foster carers do not receive child benefit.)**

80. In conclusion, financial resources are important, but we know kinship carers, and foster carers, need other types of support. This could include help with providing support to enable contact arrangements with parents to work in the best interests of the child; and practical approaches to dealing with any tension that may arise within the family as a result of these arrangements. Resources should also include support for the family if crises occur and help with making difficult decisions.

KINSHIP CARE

Highland Council – meeting needs and keeping a child in the community

Jamie,* aged 13, had a history of poor school attendance like his older brothers and sisters. One contributory factor was that Jamie's family lived in a very isolated area where school was a long way from his home. Another was that Jamie's mother had mental health problems.

Several multi-agency problem solving meetings were held at school with Child and Adolescent Mental Health Services (CAHMS), the Educational Psychology Services, school staff and social workers from both the Children and Families and the Fostering and Adoption teams.

Friends of the family who lived closer to the secondary school offered to help. Jamie and his mother agreed. They were assessed and approved as kinship carers under Section 70 of the Children (Scotland) 1995. They are financially supported by the council and have a social worker.

Jamie now lives with his kinship carers during the week and returns most weekends to his mother.

Jamie's school attendance is now 100%. His mental well being is much improved and his time at home with his mother at weekends is less stressful.

*Not the real name

4

STRENGTHENING THE SYSTEMS WHICH SAFEGUARD CHILDREN AND ASSURE QUALITY CARE

81. Effective quality assurance comes down, in the end, to how systems and processes are applied at a local level. The Care Commission's November 2007 report, found good evidence of quality assurance systems being in place in most services but with worrying examples of processes such as the required annual review of foster carers; meeting training needs of carers; and safe recruitment of agency staff and panel members not being consistently applied. More than one third of services needed to improve how they monitor and evaluate key indicators.

- **The reference group mentioned at para 54, will identify where the National Care Standards and/or regulations may need to be adapted to provide more flexible care and to identify improvements at a national level, which may arise from their annual inspection of foster care providers.**

82. There is already a variety of practice in this area, differing from authority to authority and from local authority to voluntary agency. Local decision-making will agree the support required to deliver the best quality of care and to attract and retain the required number of foster carers. Financial support may form part of the package but local authorities and other providers should also consider other elements of a support package for foster carers. Best practice in this area includes:

- an annual training entitlement with childcare, travel, attendance and any loss of salary costs paid;
- access to financial support to take a relevant qualification, if desired;
- an annual "retainer fee" for a number of days, where the foster carer needs a holiday or short break away from their care responsibilities;
- a 24-hour support service, able to give relevant advice and support at the time that it is needed;
- access to a "one-off" fund to respond speedily to foster carers' need for replacements and repairs and where investment in larger, one-off items would enable the carer to provide an improved service to the children in their care.

Elements of this package should be considered for approved kinship carers.

Registration of foster carers

83. The responses to the consultation indicated that foster carers generally wanted to:

- raise the status of and improve the quality of foster care and foster carers
- gain access to and entitlement to appropriate training
- have the opportunity to work for more than one authority or organisation
- be enabled to transfer between authorities and organisations
- offer an element of child protection.

84. There was general support for registration as a means to achieve these goals. The Scottish Government believes all these are desirable and appropriate goals. It wants foster carers to be consistently valued as equal partners with all those providing children's services. However, it does not agree that a formal registration system is the most effective way to meet these goals because many of the benefits of registration can already be achieved by improving the existing legislative and regulatory framework. These include:

- strengthening the existing regulatory framework as discussed earlier in this document
- the Care Commission's inspection programme of foster care and family placement services against the relevant Regulations and the National Care Standards for Foster Care and Family Placement Services, which has now begun. Over time, inspection will lead to improvements, building on the recommendations for strengthening the assessment and training of foster carers to be developed by the BAAF/TFN group
- foster care being regarded as regulated work within the terms of the Protection of Vulnerable Groups (Scotland) Act 2007 once that is implemented, which will go some way to addressing the issues of child protection and public confidence in the workforce more generally. It should also help remove some of the difficulties of carers being able to work for more than one agency or being able to transfer between agencies
- the Scottish Social Services Council (SSSC), in its role as the Sector Skills Council for the social care sector, will consider whether foster carers can be included in the 'footprint' for the Sector Skills Council when determining training requirements and provision.

Approval of kinship carers

85. This strategy seeks to promote kinship care as an important part of the range of care available to looked after children. Accordingly, we believe it is important that kinship carers undergo an approval process broadly equivalent to that required for foster carers, to ensure both safety and quality of provision for the child, and that the carer's support needs are identified and addressed. An approval system is also likely to contribute to improved status for kinship carers. This process will be shorter and more streamlined than the approval process for foster carers to reflect the different nature of the relationship of kinship carers.

86. In addition, the Protection of Vulnerable Groups Act 2007, once implemented, will require that any foster or kinship carer of a looked after and accommodated child is a member of the Vetting and Barring Scheme.

87. A kinship carer who is approved in this way will in turn be entitled to an agreement with the local authority setting out the support, development and training which will be provided.

- **The Scottish Government will introduce regulations that clarify that such kinship carers must be assessed and approved by the appropriate local authority and given the requisite support by the local authority. Regulations will also set out the statutory framework for the assessment and approval process of such kinship carers. We have asked the BAAF/TFN-led reference group to develop recommendations for this approval process.**

Unapproved carers

88. As stated above, high quality care depends on quality assurance systems being followed. We believe that the amount of time that a looked after child is placed with an unapproved carer should be kept to the workable minimum.

- **The Scottish Government will amend the relevant regulations to ensure that no looked after child is placed with an unapproved carer for longer than necessary, regardless of whether the carer is a relative or friend. A simplified assessment should still be completed for emergency placements and allowances paid for the child to the carer during this period.**

Placement limits

89. The Government in Scotland has considered the case for a statutory blanket placement limit (that is the number of children that a carer is approved to look after). However, a flexible approach to provision recognised that the appropriate limit will depend on the circumstances of the individual carer. Accordingly we propose to continue with the current system of carer specific approval limits but strengthen adherence to those limits. The new regulations will address the issue of placement of a child that takes a carer over his or her approval limit. This should become part of SWIA's and the Care Commission's inspection of fostering agencies. We believe that this will ensure that kinship and foster carers are better protected, whilst also giving them and authorities discretion as to the numbers of children placed.

- **The Scottish Government will amend the relevant regulations to ensure that any placement that takes an approved carer over his or her approval limit must be authorised.**

Dealing with complaints and allegations

Complaints

90. The current Fostering of Children (Scotland) Regulations 1996 state that the procedure for handling complaints made against foster carers will be covered by the Foster Carer Agreement and this will be retained in updated regulations. Councils and other fostering agencies are required to have procedures and guidelines for dealing with complaints under the Social Work (Scotland) Act 1968 and the Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002.

91. In addition, the National Care Standards: Foster care and family placement services require that information is made available to both children and carers about their statutory right to complain to the Care Commission about concerns they have about the fostering service and how these complaints will be investigated.

Allegations

92. Allegations differ from complaints in that they have a legal context and legal consequences for those concerned.

93. The responses to the consultation demonstrated that carers need a national protocol to ensure a sensitive and efficiently handled investigation into allegations made against them or their family, covering the following areas:

- Information to foster carers about the way investigations are proceeding. While there may be restrictions on what information can be disclosed by the police or the social worker, general information can be provided.
- Indicative timescales, backed up by local commitments by agencies to meet and even exceed these, if possible.
- Financial issues: foster carers could suffer financial hardship if they are suspended from fostering during the period that an allegation is being investigated. Most local authorities make a retainer payment during a foster carer's suspension. Unless there are very good reasons, this should be standard practice.

94. Where an investigation has not resulted in the person being charged, or if the person is charged and acquitted, the police may retain details of that allegation. Information that the police hold is subject to standard rules that are in place about retention, review and deletion. Problems for the carer can arise if the police force holding the information considers information about the charge might be relevant and should be shared. Foster carers need to understand this aspect of the process and any impact it may have on their future employment prospects or voluntary activities.

- **The Scottish Government has funded TFN to develop a national protocol, capable of being adapted to fit local circumstances and to include the needs of kinship carers, to be available by Spring 2008.**
- **The Scottish Government has also funded, for a 3-year period, an expansion of TFN's advice and mediation service, which provides independent support to foster carers who are subject to an allegation. TFN will be asked to identify the scope for also providing support to kinship carers.**

95. The Scottish Government has advised TFN that it wants the protocol to demonstrate to the child that their concerns are taken seriously; that there is a process which gets to the heart of the reasons for the complaint and takes swift action to protect the child; and ensures the complaint or allegation is thoroughly, swiftly and fairly investigated. It will have as its starting-point the importance of protecting the child and ensuring they are not exposed to abuse or neglect of any kind, whether emotional, physical or sexual.

96. The procedure should also take into account the child's circumstances. Even if an allegation proves to be unfounded, the child may be trying to draw attention to their underlying needs, for example their previous experience of abuse; to gain a measure of control over their own lives; or looking for a reason to end their current foster placement

97. TFN's publication *Safeguarding children in foster care* details examples of good practice in handling allegations.

98. If a foster carer is charged and convicted, local authorities and other fostering agencies will need to have policies in place for referral to the Disqualified from Working with Children List. Furthermore, if one of their carers is charged and convicted of an allegation, the fostering agencies will want to review their approval processes to seek to identify any shortcomings in the process.

99. Kinship carers and their families may also face allegations. Indeed, some research suggests that kinship carers experience more unsubstantiated allegations than unrelated carers. While there will be different approaches required for supporting kinship carers, there are still basic principles which should be applied to provide support to kinship carers when faced with an allegation.

Conclusion

100. At the time of writing, this is the first strategy to be published jointly by the Scottish Government and COSLA, following the Concordat agreed as part of the Spending Review. This strategy, along with the freedoms provided through the local government spending settlement, herald a new approach to joint working between national and local government to deliver on shared objectives. It is fitting that a subject so close to the hearts of those working in government at every level – the care of our most vulnerable children – should be the first beneficiary of this collaboration.

101. This strategy sets out the key principles and proposals that underpin the commitment of government in Scotland to Getting It Right For Every Child in kinship and foster care. It describes the support which will be available to the carers that help our most vulnerable children to fulfil their huge potential.

102. In publishing this strategy, the Scottish Government and COSLA have committed to provide the political leadership to deliver change. Our partner organisations, including the Care Commission, SWIA, ADSW, TFN and BAAF have a vital role to play. However, it is only through the continuing commitment of individual social workers, kinship and foster carers and their families, other volunteers, and looked after children and young people themselves, that the full benefits of this strategy will be realised.

ANNEXES

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Looking after the family: a study of children looked after in kinship care in Scotland Jane Aldgate and Miranda McIntosh – (Social Work Inspection Agency 2006)

Managing allegations and serious concerns about foster carers’ practice or standards of care: a guide for fostering services (TFN 2006)

Managing Allegations of Abuse Against Carers by Martin C. Calder in the RHP Companion to Foster Care edited by Ann Wheal, Russell House Publications

Model procedure for fostering service providers appendix 1: independent support for foster carers (TFN 2006)

Modernising the foster care service in Scotland – (TFN 2002)

People involved in the allegations process speak out about things that need to change – comments from the allegations workshop at TFN annual conference, *Private Lives, Public Care* Glasgow 2006

Protecting Children – Supporting Foster Carers Dealing With an Allegation – DFES (April 2006)

Safeguarding Children in Foster Care (TFN 2006)

Safer caring by Kate Rose and Anne Savage in the RHP Companion to Foster care edited by Ann Wheal, Russell House Publications

Secure and Safe Homes for Some of our Most vulnerable Children Scottish Executive proposals for actions (SE publication 2005)

Steps forward – issues arising from TFN focus group meetings Nov 2005

Support for foster carers a discussion paper – (TFN 2004)

Relevant Legislation and Regulations

- Social Work (Scotland) Act 1968
- Children Act 1975
- Foster Children (Scotland) Act 1984
- Children (Scotland) Act 1995
- Regulation of Care Act 2001
- Protection of Children (Scotland) Act 2003
- Adoption and Children (Scotland) Act 2007
- Protection of Vulnerable Groups (Scotland) Act 2007
- Foster Children (Private Fostering) (Scotland) Regulations 1985
- Arrangements to Look After Children (Scotland) Regulations 1996
- Fostering of Children (Scotland) Regulations 1996
- Regulation of Care (Requirements as to Care Services) (Scotland) Regulations 2002
- Support and Assistance of Young People Leaving Care (Scotland) Regulations 2003

Summary of Responses to Consultation on a National Fostering and Kinship Care Strategy⁶

1. There were a range of responses from a variety of viewpoints; both from organisations and from individuals acting as carers. Of those commenting at most questions, there were generally higher numbers of consultees answering positively than negatively, although high proportions of consultees did not provide definitive responses to questions.
2. Comments on the need for financial support occurred frequently across most questions in the consultation. Funding for the provision of training and support by local authorities as well as increased assistance for carers was one of the key themes in the consultation responses. When asked about standard versus minimum fees and allowances, consultees voiced more support for standard rates and the greatest support was for a standard rate of allowance.
3. The need for both respite and 24 hours support for carers was another theme which appeared often in responses and consultees again commented on the need for increased funding and staffing levels to provide these.
4. Consultees identified a need for an increased pool of available carers; as well as more social work or other professional staff to provide assessment and support to both carers and to children and young people. Word of mouth was seen as the best method of recruitment.
5. Parity with foster carers in terms of financial assistance, support and recognition for kinship carers emerged in responses and event reports. This was not only seen in comments from kinship carers themselves but also from local authorities and other organisations. There were also comments on the very different nature of these two caring roles and, while consultees agreed that kinship carers should be entitled to more support these differences would necessitate different methods of delivery.

6 Full document is available at www.scotland.gov.uk/Publications/2007/07/05133153/0

6. There was widespread support for enabling young people to stay in care for as long as they, and their carers, required. Support for carers to enable them to continue to care for young people reaching adulthood would be required, comments were mainly on the need for continuing financial arrangements but there were also some on the need for extra training in dealing with young people moving on.

7. On the subject of registration, comments indicated that training, development and assessment were more important in improving the foster care service rather than simply a process of registration. While more consultees felt that registration would improve the service than did not, local authorities disagreed.

8. In relation to the protocols surrounding allegations, the main comments were on the need for speedy resolutions and for support for all involved.

9. Looking at the main respondent groups the main focus of comments for each group was as follows:

- **kinship carers:** the need to be given access to the same financial and other support normally given to foster carers but with an understanding and consideration of the differences between the two types of care. Some of the individual carer responses and reports from the events for kinship carers gave details of the hardship and difficulties they face.
- **foster carers:** foster carer responses include calls for the professionalisation of their role. Associated with this were comments that they do not feel their opinions and experience are valued by professional staff. Extra funding to provide an adequate, realistic standard allowance and to provide money for repairing and replacing household items and transport seen as necessary.
- **local authorities:** agreed with the need to provide extra support to both foster and kinship carers but pointed out that extra monies would have to be made available from central funds to allow this to happen. The “other” group of individuals made broadly similar comments to those seen in local authority responses; this may indicate that many of those in this category perhaps work within the foster care service.

- **voluntary/charity organisations along with fostering organisations and carer's groups:** tended to make comments similar to those given by carers.
- **young people:** wanted to have more say in their placements and also demonstrated considerable understanding of the needs of foster carers. They were strongly supportive of changing the current system to allow young people to remain with their carer after the age of 18.

10. Looking across questions, those responding positively to one question generally gave a positive response to other questions in the same section. This was, however, not the case in relation to mandatory training. While 68 consultees were in favour of mandatory training for foster carers, less than half (31) of those saying yes were also in favour of mandatory training for kinship carers.

11. It is clear that this consultation has given individuals and organisations the opportunity to present a wide range of views on the development of the National Fostering and Kinship Care Strategy. While the strategy was generally welcomed across all categories of respondent, many felt that the details and financial implications needed for carers, both foster and kinship, play a crucial role in helping some of the most vulnerable children and young people in society and young people themselves when asked what makes for an ideal carer gave many answers; patience, caring, forgiveness and good listening skills were mentioned most frequently.

ANNEX C

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