

# Responses to Ofsted's consultation on the inspection of local authority private fostering services

A report on the responses to consultation

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In 2009 the Secretary of State for Children Schools and Families asked Ofsted to inspect local authorities' private fostering services for a second time. Beginning in February 2010, Ofsted undertook a wide-ranging consultation on the proposals for these new inspection arrangements. The consultation included the publication of a consultation document and a formal three-month online consultation process. This evaluation report summarises the responses to Ofsted's consultation on the proposals for local authority private fostering inspections from November 2010.

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Royal Exchange Buildings  
St Ann's Square  
Manchester  
M2 7LA

T: 0300 123 1231  
Textphone: 0161 618 8524  
E: [enquiries@ofsted.gov.uk](mailto:enquiries@ofsted.gov.uk)  
W: [www.ofsted.gov.uk](http://www.ofsted.gov.uk)

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## Introduction

1. This report summarises the responses to Ofsted's consultation on the proposals for Ofsted's inspection of local authority private fostering responsibilities and duties from November 2010.
2. The summary of the responses received through the consultation process resulted from a formal three-month online consultation and consultation events, seminars, discussions and focus groups.

## Background to the consultation

3. 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/or disabilities) is cared for by someone other than their parent or a close relative<sup>1</sup> 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 usually by agreement with the parent, excluding children looked after by close relatives. 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 law requires parents and private foster carers to tell the local authority about a private fostering arrangement.<sup>2</sup>
4. 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.<sup>3</sup> The new regulations and the national minimum standards<sup>4</sup> 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.
5. The Commission for Social Care Inspectorate produced a summary of its findings on 40 private fostering inspections. Overall, this concluded: 'Whilst all councils have strategies in place, they are very variable in quality and councils are at very different stages in implementing them.' Of the 82 inspections carried out by Ofsted between 1 April 2007 and 11 December 2008 approximately 25 percent were judged inadequate. This contrasted very poorly with other social care inspections conducted by Ofsted and highlighted a

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<sup>1</sup> 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.

<sup>2</sup> The Children Act 1989; [www.opsi.gov.uk/Acts/acts1989/Ukpga\\_19890041\\_en\\_1.htm](http://www.opsi.gov.uk/Acts/acts1989/Ukpga_19890041_en_1.htm).

<sup>3</sup> The Children Act 2004 Section 44; [www.opsi.gov.uk/Acts/acts2004/ukpga\\_20040031\\_en\\_6#pt5-pb1-l1g44](http://www.opsi.gov.uk/Acts/acts2004/ukpga_20040031_en_6#pt5-pb1-l1g44).

<sup>4</sup> National Minimum Standards for Private Fostering; [www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/safeguardingchildren/privatefostering/LAfosteringinfo/LAfosteringinfo/](http://www.dcsf.gov.uk/everychildmatters/safeguardingandsocialcare/safeguardingchildren/privatefostering/LAfosteringinfo/LAfosteringinfo/).

continued and substantial variation in the quality of oversight of private fostering arrangements by local authorities.<sup>5</sup>

6. The inspections showed that even the most proactive local authorities found it difficult to increase the level of notifications of private fostering arrangements. Health services, schools and other generalist services did not appear to be sufficiently aware of their responsibilities to identify privately fostered children and there was evidence of poor understanding about, or resistance to, self-notification by private foster carers and parents.
7. Given the concern raised by these inspections the former Secretary of State for Children, Schools and Families asked Ofsted to inspect local authority private fostering services for a second time in order to monitor progress and raise standards in this area. These inspections will be carried out between November 2010 and October 2013, with an early review in the spring of 2011 to take account of any recommendations arising from the Munro review of child protection.<sup>6</sup>
8. In order to carry out another cycle of inspection we developed a new framework for inspecting local authority private fostering responsibilities and duties. Since February 2010 Ofsted undertook a wide-ranging consultation including the publication of a consultation document, a formal three-month online consultation process and a series of consultation events including one specifically for privately fostered children and their carers.

## The consultation methodology

### Formal meetings, conferences, seminars, discussions and focus groups

9. Between February 2010 and April 2010 we met and consulted with:
  - a group of privately fostered children and their carers
  - representatives from the then Department of Children, Schools and Families
  - a local authority focus group
  - attendees at two private fostering awareness raising conferences organised by the British Association for Adoption and Fostering
  - members of the private fostering advisory group.
10. In addition local authorities were consulted as part of five national Comprehensive Area Assessment conferences.

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<sup>5</sup> *The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2007/08*, p.51, Ofsted, 2008; [www.ofsted.gov.uk/Ofsted-home/Annual-Report-2007-08/\(language\)/eng-GB](http://www.ofsted.gov.uk/Ofsted-home/Annual-Report-2007-08/(language)/eng-GB).

<sup>6</sup> Munro review of child protection; better frontline services to protect children.

11. These events gave participants the chance to comment on the proposed inspection arrangements. In particular the following aspects were focused on:
  - how the inspection should be carried out
  - the timing and notice period of the inspection
  - if the local authority's annual reports to the Local Safeguarding Children Boards and Directors of Children's Services should replace a specific private fostering self-evaluation
  - when and how the views of children, young people, carers, parents and stakeholders can be sought.

The responses have been included in this report.

## **Consultation document and formal online consultation process**

12. On 24 February 2010, Ofsted published the proposals for the new arrangements for the inspection of local authority private fostering responsibilities and duties and launched a three-month consultation. The online consultation closed on 19 May 2010. A total of 47 responses were received. The majority of the responses were from local authorities although there were also responses from professional associations, individual social workers and parents. Six consultations were submitted containing no information. These were not included in the analysis. A summary of respondents can be found in Annex B.
13. The proposals for the new arrangements were set out in some detail in the consultation document and linked to 13 questions. For five of these questions respondents were asked to record whether they strongly agreed; agreed; neither agreed nor disagreed; disagreed; or strongly disagreed. The other seven questions required respondents to add free text comments.

## **Key findings**

14. Overall the consultation proposals were received very positively with many respondents welcoming the new inspection approach.
15. The very large majority of all respondents were in agreement that the key judgements proposed in the consultation document would enable inspectors to assess appropriately the effectiveness of local authority private fostering responsibilities and duties. In particular, the emphasis on outcomes for children and young people was seen as a positive move. However it was felt to be important that inspectors take into consideration the context that led to the children and young people being privately fostered, the length of time of the private fostering placement and the number of privately fostered children in a local authority.
16. The privately fostered children and young people who we consulted, their carers and a very large majority of respondents to the online consultation felt

that the views of children and young people who are privately fostered should be central to our inspection judgements on the local authority private fostering services. It was generally felt that a range of arrangements should be used to access and collect these views including questionnaires, email, Facebook, texting and interviews. Several respondents said that Ofsted needs to be flexible and tailor the way we seek views of the children and young people in question, however most respondents said that face-to-face interviewing is crucial. In addition comments were made that it is important that children and young people are seen without their parent or carer being present. However, seven out of the ten children or young people at the discussion group considered that they should be talked to in the company of their carer and only two said they should be talked to alone.

17. Respondents to the online consultation were divided over the need for a discrete self-evaluation form with 18 agreeing and 17 considering that the annual reports to the Director of Children's Service and Local Safeguarding Children Board should be used. The views from the Comprehensive Area Assessment conferences generally agreed that the annual report to the Local Safeguarding Children Board and Director of Children's Services should be used rather than a self-evaluation specific to private fostering. However most of those that considered that the annual report should be used also felt additional guidance and structure to this section would be needed.
18. The majority of respondents to the online consultation and at the Comprehensive Area Assessment conferences disagreed with the option of inspecting local authority private fostering responsibilities and duties separately from any other inspection (22 out of the 37 that answered the question). Of the online respondents, Twelve agreed or strongly agreed and three neither disagreed or agreed. In addition, 23 of the 36 that responded agreed that private fostering services should be inspected at the same time as the inspections of safeguarding and looked after children. Ten disagreed and three neither disagreed nor agreed. However, the majority of local authority staff directly concerned with private fostering services who responded to the consultation, and those at the local authority focus group, felt that private fostering should be inspected separately from any other inspection.
19. The privately fostered children and young people who were consulted were strongly in favour of a shorter notice period with nine out of the 11 considering that a period of five or fewer days notice is appropriate. Of the online respondents 23 were in agreement with the proposed 10 day period of notice; 12 felt that this was not an appropriate period of notice and five gave no opinion.
20. Respondents at all the consultation events and 35 of the online respondents either agreed or strongly agreed that there should be a further inspection when a local authority's private fostering services were found to be inadequate. The majority agreed that the appropriate timescale should be between 12 to 18 months.

## The way forward

21. Following our face-to-face consultations and the analysis of the online responses, we intend to take action on the proposals in the following way. We will:
- base the evaluation schedule on the areas for inspection outlined in the consultation document but more clearly reflecting the nature of local authorities' duties and responsibilities
  - provide clear guidance for inspectors to ensure that when they are judging how a local authority safeguards and promotes the welfare of children and young people that are privately fostered they take into consideration:
    - the context that has led to the children and young people being privately fostered
    - the length of time of the fostering placement
    - the number of privately fostered children in a local authority
  - distribute to local authorities the final framework and guidance
  - seek the views of children and young people during the inspection and, where possible, prior to the inspection
  - explore the introduction of a range of approaches for inviting children and young peoples' views prior to inspection; where possible using text, email, web pages and other media
  - ask local authorities to submit their annual reports to the Director of Children's Services and to the Local Safeguarding Children Board prior to inspection in place of a separate self evaluation form
  - inspect all local authority private fostering services in the next three years
  - carry out a number of inspections of local authority private fostering services from November 2010 – April 2011 both as stand alone inspections and alongside the Safeguarding and looked after children inspections and review this in spring 2011 in the light of any recommendations arising from the Munro review
  - give 10 days notice for the inspection
  - re-inspect local authority private fostering services that are found to be inadequate between 12 to 18 months after the initial inspection.

## **Annex 1. Analysis of the online consultation responses**

**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?**

Of the 36 respondents who answered this question, 31 agreed or agreed strongly with the proposals. Three disagreed and two neither agreed or disagreed. Many respondents and delegates at consultation events welcomed the approach and considered that it gave weight to raising the profile of private fostering.

Most agreed that it was appropriate that Ofsted focused on the areas suggested in the consultation document. They generally welcomed the emphasis on measuring outcomes for children who are privately fostered. The responses in the online consultation were supported by the discussions at consultation events and meetings.

Some respondents, while agreeing with the increased emphasis on outcomes, expressed concerns about making judgements on outcomes for children and young people in short term placements. For example, one respondent noted, 'All local authorities would need to have a shared understanding of the outcome measures Ofsted would be looking for in relation to short term placements. For example, in an arrangement lasting six weeks there would probably be a clear indication of where attendance, behaviour, demeanour and homework had improved but possibly no indicator regarding what academic progress had been made.' In addition, some respondents queried the validity of the judgement in local authorities, with very small numbers of privately fostered children, and also queried what approach would be used, to take into account the wide range of circumstances leading to a child being privately fostered.

### **Proposals for the way forward**

- Having considered the consultation responses, and in particular the range of views on the best ways to consider outcomes for privately fostered children and young people, we have decided to make judgements on:
  - the overall effectiveness of the private fostering service
  - the quality of the service
  - how well the local authority ensures that privately fostered children and young people's welfare is safeguarded and promoted
  - how equality is promoted and discrimination tackled
  - the quality of leadership and management
  - the local authority's capacity to improve.

- We will provide clear guidance for inspectors to ensure that when they are judging how the welfare of children and young people that are privately fostered is safeguarded and promoted they take into consideration:
  - the context that has led to the children and young people being privately fostered
  - the length of time of the fostering placement
  - the number of privately fostered children in a local authority.
- We will disseminate to local authorities the final framework and guidance.

## **The views of children, young people**

**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?**

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

Of the 38 respondents who answered the question, 34 agreed or strongly agreed with the proposal that the views of children and young people who are privately fostered should be central to the inspection judgments. Three neither disagreed or agreed and one disagreed.

It was generally felt that a range of arrangements should be used to access and collect these views including questionnaires, email, Facebook, texting and interviews. Several respondents said that Ofsted needs to be flexible and tailor the way we seek views of the children and young people in question, however most respondents said that face-to-face interviewing is crucial. In addition several commented that it is important that children and young people are seen without their parent or carer being present. However, seven out of the ten children or young people at the discussion group considered that they should be spoken to in the company of their carer and only two said they should be spoken to alone.

## **Proposals for the way forward**

- Seek the views of children and young people prior to and during the inspection where appropriate.
- Explore the introduction of a range of approaches for inviting children and young peoples' views prior to inspection using text, email, web pages and other media.

## **Using self-evaluation**

**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?**

In the online consultation respondents were given the opportunity to reply using free text. All but six respondents commented. 18 respondents' explicitly felt that a separate self-evaluation form should be completed for the inspection. Seventeen felt that the annual reports to the Director of Children's Service and Local Safeguarding Children Board should be used. Two were undecided.

Many of those that supported the use of a separate self-evaluation commented that this would give added depth, information and gravitas to the report. Some commented that the section on private fostering in their annual report was frequently brief and not reflective. For example a typical comment was 'The diverse scope and nature of the current annual reports across all local authorities means that these should not be used as the only self-assessment tool in their current form as criteria for inspection'.

Among those that felt that the annual report should be used, many added a caveat that additional guidance and structure to this section would be needed. One respondent commented 'there is a need to ensure that all reports to LSCB (Local Safeguarding Children Board) cover the same areas and that information is given in similar way. Formal guidance and a format for these would be useful.'

## **Proposals for the way forward**

- Ask local authorities to submit their annual reports to the Director's of Children's Services and to the Local Safeguarding Children Board in place of the self-evaluation document in order to reduce the demands of the inspection. This recognises the concerns about the pressure of additional inspection yet will give a good picture of the local authority's current arrangements.
- We will give further consideration to the need for additional guidance for these reports.

## **The delivery of the inspection**

**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?**

These questions received a mixed response.

Of the 37 respondents who answered question six, 22 disagreed or strongly disagreed that private fostering inspections should be conducted at a different time from any other inspection. The great majority of these also agreed that the

inspection should be conducted at the same time as the safeguarding and looked after children inspection. Twelve either agreed or strongly agreed with this proposal and three neither agreed or disagreed.

Conversely, of the 36 respondents who answered question seven, 23 agreed or strongly agreed that the inspections should be conducted the same time as the safeguarding and looked after inspections. Ten disagreed or strongly disagreed and three neither agreed or disagreed.

Again the great majority of these respondents disagreed with the inspections being at the same time as the safeguarding and looked after children inspection. These proportions were similarly reflected in the views taken at the Comprehensive Area Assessment conference. However, all delegates, this included private fostering specialists and generic childcare managers, at the local authority focus group expressed strong preference to deliver the inspection as a stand alone inspection.

General comments, in support of inspecting private fostering at the same time as the safeguarding and looked after children inspection, included giving the inspection and thus private fostering an emphasis on safeguarding. In addition delegates at the Comprehensive Area Assessment events felt that single events would be time-consuming and wasteful of resources duplicating inspection activities; a joined-up approach would reduce the burden on local authorities, particularly small ones. One reply on behalf of a public regulator commented that 'although we would want to keep the burden of inspections to a minimum, we recognise that the inspections of safeguarding and looked after children services are already tight in terms of resources.... our preferred option would be that the fostering inspection should be carried out at the same time as those for safeguarding and looked after children but we would want to see guarantees about sufficient resourcing.'

Those respondents that disagreed with private fostering inspections being at the same time as the safeguarding and looked after children inspections were concerned that the focus on this specific group of children and young people would be lost, particularly in local authorities where numbers were small. Typical of this view was this comment 'if undertaken separately to other inspections, it will raise the profile and significance of private fostering.'

## **Proposals for the way forward**

- Since the consultation on these proposals, the establishment of the review by Professor Eileen Munro of frontline child protection has been announced. Professor Munro has been specifically asked to consider what approaches to inspection would better capture the quality of frontline practice and lead to better services for children. We have agreed to carry out a small number of inspections of local authority private fostering responsibilities and duties from November 2010 to April 2011 both as stand alone inspections and alongside the Safeguarding and looked after children inspections and to review this in April 2011 in the light of any recommendations arising from the Munro review.

## Notice of inspection

**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?**

In the online consultation this question required respondents to reply using free text. Thirty six respondents replied to this question. Of those that responded one replied saying that they had no comment; 23 responses were in agreement with the proposed 10-day period of notice; 12 felt that this was not an appropriate period of notice. In general the views from the consultation events and focus groups agreed with the 10-day proposal.

Those in agreement mostly commented that this is the current notice period for the safeguarding and looked after children inspection and were generally the same respondents that were in favour of the inspections being concurrent. Those that disagreed had concerns that ten days was insufficient time for local authorities to coordinate meaningful consultation with children, parents and private foster carers. As one commented 'we think it would be very difficult for a local authority to be able to have adequate time to get the agreement of carers/young people if the period of notice is 10 days.'

## Proposals for the way forward

- Give 10 days notice of the inspection but keep this under review.

## Services judged to be inadequate

**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?**

Of the 38 respondents who answered this question, 35 either agreed or strongly agreed that there should be a further inspection when a local authority's private fostering services are found to be inadequate. The three respondents that disagreed felt there was more merit in monitoring the local authority's action plan to allow focus on those areas which need improvement and to evaluate the ability of the authority to meet targets and manage change. Most respondents also agree that an appropriate timescale for a further inspection should be between 12 to 18 months although a few were concerned that this was too short a time period if the issues were surrounding safeguarding.

## Proposals for the way forward

- Re-inspect local authority private fostering services that are found to be inadequate between 12 to 18 months after the initial inspection

## **Annex 2. Respondents**

Twenty eight out of the 41 completed online consultations were from respondents representing a local authority. The rest were a mixture of social workers, parents or another type of organisation. One chose not to specify who they represented.