

# Cabinet

Date: **4 April 2022**

Time: **10:00am**

Venue: **Council Chamber, County Hall, Martineau Lane,  
Norwich NR1 2DH**

## **SUPPLEMENTARY A g e n d a**

### **Advice for members of the public:**

This meeting will be held in public and in person.

It will be live streamed on YouTube and, in view of Covid-19 guidelines, we would encourage members of the public to watch remotely by clicking on the following link:

[https://www.youtube.com/channel/UCdyUrFjYNPq5psa-LFIJA/videos?view=2&live\\_view=502](https://www.youtube.com/channel/UCdyUrFjYNPq5psa-LFIJA/videos?view=2&live_view=502)

However, if you wish to attend in person it would be most helpful if, on this occasion, you could indicate in advance that it is your intention to do so. This can be done by emailing [committees@norfolk.gov.uk](mailto:committees@norfolk.gov.uk) where we will ask you to provide your name, address and details of how we can contact you (in the event of a Covid-19 outbreak). Please note that public seating will be limited.

Councillors and Officers attending the meeting will be taking a lateral flow test in advance. They will also be required to wear face masks when they are moving around the room but may remove them once seated. We would like to request that anyone attending the meeting does the same to help make the event safe for all those attending. Information about symptom-free testing is available [here](#).

- 4. Addendum Report to “Matters referred to Cabinet by the Scrutiny Committee, Select Committees or by full Council: Fostering Review”**  
(Recommendation from Scrutiny Committee)

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Report by the Executive Director of Children’s Services

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# **Cabinet**

**Item No: 4, Addendum**

**Report Title: Fostering Review**

**Date of Meeting: 4<sup>th</sup> April 2022**

**Responsible Cabinet Member: Cllr John Fisher** (Cabinet Member for Children's Services)

**Responsible Director: Sara Tough, Executive Director Children's Services**

## **Executive Summary / Introduction from Cabinet Member**

The fostering review was presented to Cabinet on 7<sup>th</sup> March 2022, where the decision was made to approve the proposals 1 and 2 below;

- 1) To change how we determine allowances and fees to be paid to foster carers, moving from an accreditation-based system to one solely determined by the needs of the child. Cabinet resolved to approve an investment of £700,000 into the fostering service for fostering allowances and fees paid to foster carers, including increased fees for placements for enhanced needs to take effect for new placements from April 2022
- 2) To implement a scheme where foster carers support children in care by saving a modest amount each week to provide them with a lump sum when they reach independence and enabling them to learn how to budget and save. Cabinet resolved to approve the savings scheme

In relation to 1 above, this decision was 'called in' by Scrutiny Committee on the 23<sup>rd</sup> March 2022. Scrutiny Committee voted to return the matter to Cabinet to reconsider some areas of the proposal, with 5 recommendations made as set out below

This paper will provide factual information on each of those recommendations to assist members of Cabinet in their deliberations.

## **Recommendations (from Scrutiny):**

1. **Any reassessment of a child's needs should not adversely affect the payments to the foster carer by reduction of need.**
2. **All existing placements that would be adversely impacted by the new policy should continue at the same level of payment until the placement ends to provide certainty for the foster carer.**
3. **The new proposals should be re-examined by either an in house or independent legal team to ensure nothing has been missed or overlooked to ensure Norfolk County Council's position as an innovator of progressive change is robust.**
4. **To consider an informal peer review by other relevant local authorities to help spot or advise on unforeseen consequences or changes that would need to be addressed.**
5. **To establish a rolling programme of review so that fosters carers are aware of when and how changes to fees and allowances are considered and implemented. The programme should also address the governance framework of the review and clearly set out the consultation process and the governance components that would be involved.**

## **1. Background and Purpose**

- 1.1 The proposals arising from the fostering review was considered by Cabinet and agreed on 7th March 2022. Following Cabinet, the decision was called in to Scrutiny Committee, where a number of questions were explored. Scrutiny Committee voted to send the matter back to Cabinet for reconsideration of certain elements of the report. See original Cabinet report and Scrutiny Committee recommendations that were published on Friday 25th March 2022.
- 1.2 The proposal to Cabinet was a recommendation to approve a new scheme for supporting children in care to make and have access to savings whilst placed with in-house foster carers. This decision was not subject to the call in
- 1.3 The proposal to Cabinet also recommended additional investment of 700k recurring, to increase the budget available to pay in house foster carers. In order to;
  - i) Introduce allowances and fees paid to foster carers based solely on the needs of the child,
  - ii) Move away from a foster carer accreditation system.
  - iii) Utilise the established assessment of need completed for all children in care to recognise and resource carers with the right level of fees and allowances.
  - iv) Pay the same level of fee regardless of how many children are looked after by foster carers, where previously carers received a reduced fee for second and subsequent placements.

- v) Implement a recognition scheme for those carers looking after harder to place young people, and to simplify the payments made to Link Family carers.
- 1.3 Underpinning the proposals was a need to strengthen and grow the local authority's commitment to provide more family-based care and reduce residential care as a long term option. Whilst the needs of children and young people coming into care are increasing in complexity all children and young people are fosterable.
- 1.4 This proposal sought to incentivise carers to consider caring for more than one child, children with additional and/or complex needs, special cohorts of children such as parent/child placements, Unaccompanied Asylum Seeking Children and Children With Disabilities.
- 1.5 Alongside the proposed changes to allowances and fees paid to foster carers, laid out in the cabinet report at paragraph 3.5 is increased support for foster carers, including access to clinical psychology, supporting resilience. occupational therapy, specialist training and development, a better system to make placements with the introduction of a duty team, and a commitment to promote and maintain the important foster carer relationship with their supervising social worker.

## **2. Scrutiny recommendations**

- 2.1 **Any reassessment of a child's needs should not adversely affect the payments to the foster carer by reduction of need.**
- 2.2 This refers to the review of needs of children every 6 months, with the expectation that payments to carers would change dependent on any significant changes in need. This part of the fostering review proposal was designed in order to recognise any significant increase in need experienced by children to ensure that the fostering allowances and fees paid would reflect this. We know that a very small proportion of looked after children may experience a significant reduction in need over time. However, for the vast majority of children in care, their needs increase as they grow and develop.
- 2.4 The original modelling undertaken was based upon a snapshot of placements upon the assumption that, on any given day, the profile of need of the cohort would remain relatively static, as such increases in complexity of need within the whole cohort has been reflected within budget adjustments for demographic growth.

- 2.5 Whilst the original proposal implied and sought to provide reassurance that the payments to carers would not reduce within the 6 month review cycle, the paper did not overtly set this out. (section 2 of the cabinet report .
- 2.6 **All existing placements that would be adversely impacted by the new policy should continue at the same level of payment until the placement ends to provide certainty for the foster carer.**
- 2.7 The proposal explained that all Level 5 carers with existing children in placement would have their allowance protected for 18 months. If a child moved on and another child was placed during that period, they would then receive the new allowances and fees in accordance with the child needs. Assuming no placement changes and based on children's assessed need currently, 81 of our level 5 carers (22% of all foster carers) would have their allowances and fees adjusted to a lower rate, . The 18 month period was deliberately built in to provide protection to those carers who might be in that position to allow time for ongoing work with their social workers to explore personal circumstances and other care options they could consider.
- 2.8 The financial impact of the recommendation made by scrutiny as explained in 2.6 above is difficult to estimate due to the nature of placements and that they could vary between 1 day and nearly 18 years depending upon circumstances. However, using recent data regarding the average length of placements currently open and closed within the preceding 12 months, it can be estimated that the cost of protection for Level 5 carers for the full duration of every child's placement beyond 18 months would be within the range of £1.3m-£2.9m over a number of years, though this could be higher depending upon the specific circumstances of each child and each placement.
- 2.9 If this proposal was implemented, the need for an 18 month protection period as explained in 2.7 above would no longer be required. All carers currently known as level 3 and 4 carers with children currently placed with them would rightly expect to receive the relevant allowance based on the childrens assessed needs from the point the new framework would be implemented.
- 2.10 If this were to be the case, the cost of implementing the increased payments from April 2022 would be a total of £2.25m (Section 3.3.1 of the cabinet paper) An additional £1.5m in Year 1, and an additional £0.75m in Year 2.
- 2.11 Therefore, the total cost of this recommendation of Scrutiny Committee would be £3.55m - £5.15m. This is not affordable within the current Children's Services budget envelope and cannot be offset with cost avoidance or cost savings within Children's Services. This £3.55m - £5.15m would be in addition to the £700,000 set out in the March 7<sup>th</sup> Cabinet report .

- 2.12 **The new proposals should be re-examined by either an in house or independent legal team to ensure nothing has been missed or overlooked to ensure Norfolk County Council's position as an innovator of progressive change is robust.**
- 2.13 This will be covered within the legal implications section of this paper
- 2.14 **To consider an informal peer review by other relevant local authorities to help spot or advise on unforeseen consequences or changes that would need to be addressed.**
- 2.15 We have been able to approach CoramBAAF, the British Association of Fostering and Adoption. CoramBAAF is an independent membership organisation for professionals, foster carers and adopters, and anyone else working with or looking after children in or from care, or adults who have been affected by adoption. It is a successor organisation to the British Association for Adoption and Fostering (BAAF).
- 2.16 CoramBAAF has adoption agency and fostering service members across the UK from local authorities and the voluntary and independent sector. Other organisations that also work in the field, for example legal practices and children's organisations, benefit from associate membership. They also have almost 900 individual members, including independent social workers, trainers, adopters, foster carers, therapists, lawyers, looked after children nurses, researchers and more. They work on behalf of their members and with the government and other stakeholders to ensure the very best outcomes for children in care.
- 2.17 CoramBAAF has played a leading role in shaping adoption and fostering policy and practice in the UK, influencing the introduction of positive legislative changes and securing better opportunities for children in care. Due to their extensive membership of Local Authorities and Independent Fostering Agencies (IFA) and their position as the experts on best practice for Looked After Children, their review of the proposal submitted to Cabinet gives an independent perspective on Norfolk's plans, taking into account knowledge of many different approaches to fee payments across the sector nationally.
- 2.18 CoramBAAF reviewed the fostering proposal submitted to Cabinet, they shared their views on the proposal on Friday 25th March 2022. Their views were:
- They were very pleased we had consulted with foster carers for two weeks, extending to four when considering views. They were of the view that we had been transparent and open.
  - Norfolk's proposed allowances and fees are very high now, and even higher moving forward, they were in line with and above Local Authorities and IFAs.

- They celebrated the new approach advising that they particularly like that it is a child focused approach.
- They believe this improves the local offer to Looked After Children, providing more family based placements closer to children's families, communities and network.
- They believe this proposal will improve sufficiency as the level of payment available to foster carers is likely to result in improved recruitment and retention and more carers choosing to extend the number of children they care for.
- They were pleased that the category of placement would not be available to view on a child's record to prevent stigma attached to the types of placement and that the Valuing Care assessment will be used as this is an assessment already embedded in social work practice; they advised against using a different assessment that social workers are not familiar with.
- They felt that Norfolk's proposal is both innovative and showing promising (best) practice.

**2.19 To establish a rolling programme of review so that fosters carers are aware of when and how changes to fees and allowances are considered and implemented. The programme should also address the governance framework of the review and clearly set out the consultation process and the governance components that would be involved.**

2.20 This is underway, and we already have 3 monthly internal reviews built in to make sure the new proposal is carefully monitored. We also report to Cabinet each year on the performance and impact of the fostering service. We would propose that moving forward our annual report to Cabinet includes a review of the new proposal and any recommendations arising from that review. In addition, we would complete a full, detailed evaluation of the new proposal 2 years after implementation, providing a report to the People and Communities Select Committee before reporting to Cabinet within the annual review process. Allowing 2 years before the first full formal review will allow time for the 18 month protection period to conclude.

2.21 It is important to note that the discussions regarding the children in care savings requirement occurred at the same time as the discussions regarding a new way of approaching allowances and fees. Whilst carers were clear that they felt re-designing allowances and fees was too great a task, they worked alongside us in full co-production on the savings scheme, providing valuable insight and feedback.

2.22 Consultation with foster carers is not required when setting allowances and fees paid, as noted by CoramBAAF. However, we recognised that as this is a policy change, consultation was, and remains, essential to understand the views of our foster carers and to continue the dialogue with them regarding proposed



changes. The proposal affects a small number of residents, approx 1800 children, young people and foster carers (Norfolk's population is approx. 900,000), representing 0.2% of Norfolk's population. As such, the consultation was targeted with a number of forums for views and discussions throughout the consultation.

2.23 Although not part of the scrutiny committee recommendations, consultation is included in this report for information to Cabinet. We provided a summary of responses at Section 3.1 of the Cabinet paper, this provides further detail.

2.24 All Members were briefed on the proposal on 27th January 2022 to ensure they were aware and able to deal with any correspondence received.

2.25 The views of carers were shared and sought in a number of different ways through a planned approach to consultation:

- Discussion with foster carer task and finish group in respect of allowances and fees paid to foster carers. The task and finish group is a sub group of the Fostering Advisory Partnership (FAP) consisting of members of the FAP. Members of FAP are foster carers who represent the wider foster carer cohort
- Discussion with Fostering Advisory Partnership regarding the proposed changes
- Discussion with Fostering Network Advisor
- Emails to the transformation mailbox
- Emails to senior officers, managers and social workers
- Discussions within support groups of foster carers including within training sessions
- Direct meetings with foster carers, including with supervising social workers, team managers, Head of Fostering, Assistant Director Children's Social Care (Corporate Parenting)

The chronology of consultation efforts has been provided with this report, however below are some details of the consultation

- The proposal was shared with the Fostering Advisory Partnership on 18th January 2022, their views were considered as part of finalising the engagement document sent to all Foster Carers on 25th January 2022; the document was emailed to every carer and placed on the foster carer Hub which all carers have access to. Carers were asked to share the engagement document with any carers who may not receive the email or access the fostering Hub
- The proposal was shared and discussed with the Fostering Network advisor on 14th January 2022. It was also shared with all fostering staff on that date.
- The foster carer engagement document was sent to foster carers on 25th January 2022

- We received a total of 151 responses (41% of all fostering households) via email to the transformation mailbox, with 109 (72%) received by 8th February and 36 (28%) received between 9th February and 22nd February, and 6 were received after 22nd February 2022
- There were 18 discussions between foster carers and fostering managers, which includes team managers, Head of Fostering and Assistant Director Children's Social Care between 25th January 2022 and 22nd February 2022.
- There were discussions at a number of support group meetings and at a training session which included a significant number of foster carers estimated at about 25 – 30 fostering households. These discussions were fed back to those working on the proposal following these meetings
- There were 193 individual conversations with supervising social workers in that time with 97 taking place between 9th and 22nd February 2022
- There were a number of responses sent to Members between the dates of 25th January 2022 and 22nd February 2022
- Once the Cabinet paper was published, a total of 54 questions were received from foster carers to Members
- Consultation hasn't ceased and as is shown on the attached chronology, views of foster carers have continued to be considered up to the date of publication of this report and the communication and discussions will continue through the implementation period and into the future.

### **3. Impact of the Proposal**

- 3.1 See section 2 for the impact of the recommendations made by Scrutiny Committee.
- 3.2 There remains a significant need to implement the proposed changes to fostering allowances and fees swiftly due to the priority needs of Norfolk children. We continue to experience challenges with sufficiency, in particular for family-based placements, with sibling placements proving challenging to source from in-house or external foster placements. We know from the responses of many carers that the proposed changes will improve sufficiency with many carers already discussing and agreeing to take additional placements and others considering taking young people from special and harder to place cohorts.
- 3.3 Recruitment remains a priority, not only to ensure we maintain the current number of foster carers, but also to increase further the level of family based placements available to Norfolk children. The new proposed allowances and fees, along with the support, training and development available to foster carers represents a robust 'New Deal' for foster carers which will energise and strengthen our recruitment of carers. CoramBAAF's response to the proposal evidences that we would have one of the best offers in England, to support and accelerate recruitment.

## **4. Evidence and Reasons for Decision**

4.1 This is a factual paper considering the Scrutiny recommendations

## **5. Alternative Options**

5.1 This is a factual paper considering the Scrutiny recommendations

## **6. Financial Implications**

- 6.1 For Scrutiny recommendation 1, analysis demonstrated a £0.19m annual cost to provide protection to the payments for these 25 placements. This cost can be absorbed within the annual fostering budget - £0.19m represents less than 2% of the annual budget for payments made to foster carers. Whilst the original proposal implied that the payments to carers would not reduce within the 6 month review cycle, the paper did not overtly set out this element of the proposal.
- 6.2 For Scrutiny recommendation 2, the total cost of this recommendation of Scrutiny would be £3.55m - £5.15m. This is not affordable within the current Children's Services budget envelope and cannot be offset within cost avoidance or cost savings within Children's Services. This £5.15m would be in addition to the £700,000 already noted in the original Cabinet paper.

## **7. Resource Implications**

7.1 **Staff: None identified**

7.2 **Property: None identified**

7.3 **IT: There is a significant amount of systems work to complete to implement the fostering review proposal. This work has been completed inhouse with changes awaiting final approval before going ahead. No new resources are required.**

## **8. Other Implications**

8.1 **Legal Implications:**

The proposal has been reviewed internally, with elements discussed externally as appropriate.

The law is clear on payments for carers but there is local discretion as to how this is applied.

This represents a change for Norfolk, and as a result the proposals have been discussed with carers so that impacts can be understood. Legally, the consultation has been appropriate, and the changes made are permissible within the current case law and legislative framework.

## **8.2 Human Rights Implications: As original paper**

## **8.3 Equality Impact Assessment (EqIA) (this must be included): This was completed for the original Cabinet and is a live document which will be reviewed in line with the review process described above**

## **8.4 Data Protection Impact Assessments (DPIA): None identified**

## **8.5 Health and Safety implications (where appropriate): None identified**

## **8.6 Sustainability implications (where appropriate): None identified**

## **8.7 Any Other Implications: None identified**

# **9. Risk Implications / Assessment**

9.1 This paper sets out the recommendations of Scrutiny along with information regarding those recommendations including the impact, and therefore any related risks, of each.

9.2 The main risk, in addition to those risks identified within the original Cabinet report, is that the needs of Norfolk Looked After Children will not be met. They require more family-based placements and this need is acutely felt, not least each time a child is placed in a children's home because of the ongoing shortage of placements. Siblings continue to be hard to place. Without accelerated recruitment starting urgently, this shortage will likely increase, however we are unable to focus on recruitment and the 'New Deal' for foster carers unless the fostering allowance proposal is approved.

9.3 Whilst Level 5 payments are enticing to IFA foster carers, this does not increase the number of placements available, instead transferring those beds

from one fostering service to another. Without a change in the way we remunerate foster carers, we will continue to struggle to identify new foster carers who are needed to increase the number of beds available.

## **10. Select Committee Comments**

10.1 Please see notes from Scrutiny meeting

## **11. Recommendations from Scrutiny**

- 1. Any reassessment of a child's needs should not adversely affect the payments to the foster carer by reduction of need.**
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- 3. The new proposals should be re-examined by either an in house or independent legal team to ensure nothing has been missed or overlooked to ensure Norfolk County Council's position as an innovator of progressive change is robust.**
- 4. To consider an informal peer review by other relevant local authorities to help spot or advise on unforeseen consequences or changes that would need to be addressed.**
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## **12. Background Papers**

- 12.1 Cabinet paper from 7<sup>th</sup> March 2022
- 12.2 Feedback to foster carers from the consultation process
- 12.3 Brief chronology of consultation process
- 12.4 Scrutiny notes from meeting on 23<sup>rd</sup> March 2022

### **Officer Contact**

If you have any questions about matters contained within this paper, please get in touch with:

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## Engagement and consultation process for fostering review

### Chronology of events

Date	Type of engagement	Number of carers/others
December 2020	Foster Carers advised that accreditation levels frozen pending design of new allowances	All carers
May 2021 – December 2021	Discussion at task and finish group regarding the need to design a new approach to fostering allowances	Sub group of Fostering Advisory Partnership
14 <sup>th</sup> Jan 2022	Discussion with Fostering Network representative regarding proposal and discussion with all fostering staff	
18 <sup>th</sup> Jan 2022	Proposal shared and discussed at Fostering Advisory Partnership meeting and minutes made available to all foster carers via the hub.	10 – 15 fostering households (3-4%)
25 <sup>th</sup> Jan 2022	Engagement document sent to all carers (via email) and placed on Fostering Hub	All fostering households received email and all have access to hub
26 <sup>th</sup> Jan 2022 – 22 <sup>nd</sup> Feb 2022	Responses received via email in respect of the engagement document and plans proposed	145 (39%) of all fostering households
25 <sup>th</sup> Jan – 22 <sup>nd</sup> Feb 2022	Discussions between foster carers and individual supervising social workers to understand how the proposed changes would impact on the foster carer and for the foster carer to share their informed view	193 (52%) Fostering households

25th Jan – 22nd Feb 2022	Meetings with managers within the Fostering service	18 (5%) fostering households
2 <sup>nd</sup> Feb	Support group discussion regarding the proposal and seeking views of carers	5 fostering households
3 <sup>rd</sup> Feb 2022	Email sent to all foster carers encouraging them to continue to share their views, to speak to their Supervising social workers and their managers. Email also placed on the fostering hub	All foster carers
21 <sup>st</sup> February 2022	Training event, however session was given over to discussion regarding the proposal and seeking the views of carers	18 foster carers (5%)
Ongoing consultation		
23 <sup>rd</sup> Feb – 24 <sup>th</sup> March 2022	Carers discussions with their supervising social workers	211 carers (57%)
23 <sup>rd</sup> Feb – 30 <sup>th</sup> March 2022	One to one discussions with managers and senior managers	28 foster carers (8%)
25 <sup>th</sup> Feb – 4 <sup>th</sup> March 2022	Responses received via email in respect of the engagement document and plans proposed	6 – 2% of all fostering households
8 <sup>th</sup> and 15 <sup>th</sup> March 2022	Support group discussions	10 – 13 fostering households (3-4%)
16 <sup>th</sup> March 2022	Meeting with DCS, Director, AD, Children's Members and Foster carers to seek their views	Approx. 50 fostering households (14%)