

Committee: Lead Cabinet Members for Children’s Services

Date: 26 February 2014

By: Interim Director of Children’s Services

Title of Report: Revised fostering allowance structure for related foster carers

Purpose of Report: To note and agree the revised allowance structure for foster carers

Recommendation:

The Lead Member is recommended to:

1. Approve the policy and procedure in relation to making payments to related foster carers (Family and Friends); and
2. Authorise the Director of Children’s Services to make payment of fees to all related foster carers from the 1 April 2014

1. Financial Appraisal

1.1 Payments to non related foster carers are paid in two parts, a basic maintenance payment plus an additional fee element. The maintenance element is set nationally by the National Minimum Standards for Fostering Services. In addition to the basic maintenance payment, a general fee element of £121.68 per child per week is paid to all approved non related foster carers, this figure increases with the child’s age. All non related carers will receive this payment if they have attended the ‘Skills to Foster’ training course and been approved via the Fostering Panel process. (See appendix 1 for the current rates payable within ESCC).

1.2 Hitherto within ESCC the additional fee element has not generally been paid to related foster carers. In addition to the wider pool of non related foster carers, at present East Sussex has 13 fully approved related foster carers with 17 Looked After Children (LAC) in placement. If the LAC cohort remains static and if the authority were to pay the fee element to these related foster carers this would add an additional £90k per annum to the spend on fostering allowances. This will add further pressure to an already pressurised LAC budget.

2. Supporting information

2.1 Until now payments to related and non related foster carers have been paid at a different rate, with related carers generally just receiving the basic maintenance allowance. Relevant statutory guidance has now been issued which requires local authorities to treat related foster carers as if they were stranger foster carers. Recent case law has also emphasised that related foster carers and stranger foster carers must be treated equally with regard to both the maintenance and fee elements of their payments.

2.2 In 2013 a complaint by a related foster carer to the Local Government Ombudsman (LGO) led ESCC to concede that the payment of the fee element of the foster carer allowance cannot be restricted to fully approved non-related foster carers. This concession is compliant with the recent changes in case law and in national guidance The LGO’s judgement in this case asked the local authority to:

- produce clear guidelines for relevant staff explaining the criteria for paying fees on top of the basic maintenance allowances and ensure that these comply with national guidance.
- include information about the criteria in all its policy documents, public information and leaflets provided to foster carers.

- make it clear in these documents that the fee element is not restricted to non related professional carers.
- remind all relevant staff of the criteria, the policy, and the requirement not to discriminate between related and non related foster carers.

3. Conclusion and Reason for Recommendations

3.1 In order to be legally compliant, it is clear that ESCC must agree a transparent policy and procedure in relation to the payment of the fee element of the fostering allowances that does not differentiate between related and non related foster carers, that is to say both related and non related carers must be paid equally.

3.2 A revised policy has been drafted and will need to be made available as public information to all existing and prospective foster carers. (See appendix 2).

3.3 In order to ensure that related foster carers develop their skills as they would be required to do were they non related carers, the requirement of additional training within a timescale will be introduced. If related carers are unwilling to complete the training then they will revert to being paid just the maintenance allowance and not the additional fee element for LAC within their care.

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Local Members: All

Background Documents:

Family and Friends Care; Statutory Guidance for Local Authorities

National Minimum Standards for Fostering Services- standards 28 and 30

Case R on the application of X and LB [Tower Hamlets] 2013

Foster Care Weekly Payments April 1st 2013

Basic Maintenance Allowance

0-4 £122.89

5-10 £139.98

11+ £174.26

General Fostering -Basic Maintenance plus Professional Fee

Less than 2 years service

0-4 £244.57

5-10 £272.97

11+ £306.98

After 2 years service (+£10)

0-4 £254.57

5-10 £282.97

11+ £316.98

After 5 years service (+£20)

0-4 £264.57

5-10 £292.97

11+ £326.98

Payment of the basic Fee Element of Foster Carer Allowances Payment of a professional fee above and beyond the basic maintenance allowance to foster carers

- Acknowledges that foster carers are key member of the 'Team Around the Child'
- Acknowledges that foster carers have agreed to professionally develop themselves to be able to give the best possible care to children by undertaking:

CWDC standards

Post Approval Training

Specialist Training

QCF (Optional)

- The basic fee element is payable to all foster carers who have

Completed "Skills to Foster"

Are fully approved as foster carers for East Sussex County Council following a robust assessment, recommendation of full approval at Fostering Panel and ratification of the panel's recommendation by the Agency Decision Maker

Payment of the basic element continues if foster carers agree to continued personal development.

Following Approval supervising social workers will ensure that foster carers enrol on relevant post approval training and any other training that their foster carer assessment indicates is necessary. The CWDC standards workbook will be commenced immediately post approval.

Connected persons (Kinship Carers) have 18 months from approval to complete the CDW standards. Non-related carers have 12 months.

Progress should be assessed at 3 months, 6 months and 9 months following approval. If there is an avoidable delay in the commencement of CDWC and Post Approval training highlighted by the foster carer assessment then consideration will be given to withdrawing the fee element until training is commenced. Any reasonable delay at any time in the first 9 months of an approval will be taken into consideration when the fee element is being reviewed.

Following the foster carers' first review which will be presented to panel, a personal training programme will be agreed for the following year and reviewed at the next foster carer's annual review. If there has been avoidable delay in completing the agreed training then consideration will again be given to withdrawing the fee element until such time as the foster carer or carers begins to access the agreed training.

Foster carers who take their professional development seriously should embrace this policy which East Sussex believes is fair, equitable and leads to better skilled and professional foster carers.

