

AGENDA ITEM NO: 8

Report To: Health and Social Care

Committee

Report No: SW/45/09/SM/BK

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Report By: Robert Murphy

Acting Corporate Director Social

Care

Contact Officer: Robert Murphy

Acting Corporate Director Social

Care

Contact No: 01475 714040

Subject: Integrated Family Placement Strategy

1.0 PURPOSE

1.1 The purpose of the report is to outline the proposals for an integrated family placement strategy for Looked After Children in Inverclyde and to seek approval for this development.

2.0 SUMMARY

- 2.1 A full and comprehensive review of family placement services has been undertaken in response to a number of national and local drivers.
- 2.2 The outcome of that review is a proposal for an integrated family placement strategy for Looked After Children in Inverclyde.
- 2.3 The strategy outlines the steps necessary to modernise the fostering service and to ensure the council is enabled to recruit and retain the foster carers necessary to meet the needs of Looked After Children in the authority.
- 2.4 The strategy includes a proposal for payment of Kinship Care Allowances and for improved support to kinship carers and the children placed with them.
- 2.5 The implications of the Adoption and Children Scotland Act 2007 are outlined and plans identified for the modernisation of adoption services are noted.

3.0 RECOMMENDATION

3.1 The Committee is asked to approve the overall strategy for an integrated family placement service for Looked After Children as follows: -

Foster Care

- To agree a revised scheme for the payment of allowances and fees for Foster Appendix 1 Care to be implemented on the 1st April 2010.
- Agree an annual and recurring recruitment budget
- · Agree an annual and recurring training and support budget
- Agree the provision of a respite scheme at a projected cost

Kinship Care

- Agree the provisions of a Kinship Care Allowance scheme under the arrangements outlined
- Agree that all outstanding Kinship Care referrals are progressed and approved from 1st October 2009, in accordance with the present linked carer scheme.
- Agree that Kinship Care allowances are set at rates equivalent to the revised level 1 fostering allowances effective from the 1st April 2010

Adoption

- To note the introduction of legislation intended to modernise adoption in Scotland
- Agree the service plans to implement the changes necessary alongside national benchmarking data as it becomes available
- Note the existing budgetary pressure in the adoption service
- Agree the proposed increase in post adoption support projected at £8,000
- Request a further report on the modernisation of the adoption service
- 3.2 In conjunction with the above, Committee are further requested to remit this service development to the budget setting process for consideration, for next financial year and beyond.
- 3.3 Committee are further requested to approve a three year review of funding in respect of family placements.
- 3.4 That Committee notes the implementation of the Adoption and Children (Scotland) Act 2007, on the 28th September, 2009, and remit to the Acting Director of Social Care the responsibility to report back to Committee in January 2010.

Robert Murphy Acting Corporate Director, Social Care

4.0 BACKGROUND

- 4.1 The aim of social work intervention in the life of a child is to ensure that children can live and grow up in their family of origin, where it is safe for them to do so. This is indeed the outcome for the majority of children with whom social work services are involved.
- 4.2 Some children's needs go unmet to such an extent that their health, wellbeing and development are affected. In these situations social work services may need to provide alternative care. This will either be of a temporary nature, until the issues in the birth family can be resolved or, in extreme circumstances, a child may be at such a level of risk that they require permanent alternative care.
- 4.3 Where a child requires alternative care, research evidence would overwhelmingly support. The view is that positive outcomes for children are maximised where that care takes place in a family setting.
- 4.4 Where a child cannot live with their birth family, the Local Authority will always look next to the child's extended family (kinship network) and where it is safe to do so would look to place the child in such a placement. This recognises that these placements are in the main, valued by birth parents, represent minimum intervention in the child's life and assist in the development of the child's identity and heritage.
- 4.5 Where kinship care is not available or possible, foster care or adoption are the other types of family based care that can be explored. For the majority of children who will return to the care of their parents, foster care is provided. For those children who are unable to return home, adoptive placements will be sought.
- 4.6 There are, and will continue to be some children who's assessed needs are such, that family based care is not appropriate. For these children good quality residential care with skilled residential staff can be the best alternative.
- 4.7 During the past 2 years there have been a number of key factors that have impacted on family placement services. These include the growth in the numbers of Looked After Children requiring family placement, the publication of the National Kinship and Fostering Strategy and the introduction of the Adoption and Children Scotland Act 2007, to be implemented in September 2009. This has resulted in a comprehensive review of family placement in Inverclyde from which this report is drawn.
- 4.8 The key outcomes of this review are that:
 - 1. The current link carers allowance scheme requires to be updated and renamed as kinship care allowance with eligibility criteria established and allowances brought into line with those of foster carers.
 - 2. The growth of the independent sector fostering in Scotland is providing a challenge to Local Authority fostering services and in order to retain our existing carers and recruit new carers it will be necessary to provide foster carers with improved support and allowances.
 - 3. Further work to modernise the adoption service is required. This should take place over the next six months in line with the implementation of new legislation and national benchmarking which is underway.

5.0 CONTEXT

5.1 There are 19,035 children in the 0 – 19 age range resident in Inverclyde. Table 1 represents the number of formally looked after children involved with social work services throughout the financial year 2008 – 2009 and also provides information on the number of children looked after at 31.08.2009.

Table 1

	As at 01.04.08	Admissions	Discharges	As at 31.03.09	Total for Full Year 2008/09	As at 31.08.09
Secure Accommodation	1	3	3	1	4	0
Residential Schools	19	14	17	16	33	13
Residential Unit Ind. Sector	2	0	0	2	2	2
Residential Unit Local Authority	20	35	34	21	55	22
Sub total Residential	42	52	54	40	94	37
Foster Placement LA	38	74	55	57	112	49
Foster Placement Ind.	4	5	2	7	9	2
Sub total Foster Care	42	79	57	64	121	51
With Friends/Family	55	6	6	55	61	42
Looked After At Home	135	57	37	155	192	161
Sub Total Family	190	63	43	210	253	203
Total LAC	274	194	154	314	468	291

6.0 FOSTER CARE

- 6.1 The National Kinship and Fostering Strategy published by the Scottish Government in December 2007 stressed the need for Local Authorities to promote and encourage family based care. The strategy highlighted the need to develop robust fostering services to meet the needs of the growing number of Looked After Children in Scotland. The need for sustained activity to recruit and retain foster carers was identified. The National Strategy highlighted the need to improve the support available to foster carers as essential to recruitment and retention. However, as a key aspect of the strategy, the Scottish Government also stated their support for the introduction of a minimum allowance for foster carers based on The Fostering Network's recommended rates of allowance.
- 6.2 In Inverciyde the fostering allowance scheme was last comprehensively reviewed in 2000. This report lays out a proposal for revising the way foster carers are paid and for increasing the allowances and fees.
- 6.3 Over a three year period, utilising the Scottish Government specific grant allocation, we have made significant progress in the recruitment of carers. The table below shows the increase in the number of foster carers in Inverclyde during that time and the impact of that relatively modest investment, supplemented by staff commitment and energy, is reflected in the increased number of carers.

At the same time, however, the increase in the number of foster carers has been matched by the increase in numbers of children requiring placement. This is also represented in table 6.

Table 6

Year	No. of Carers	No. of Children (as at 31.03)	Admissions
03/04	11	19	34
04/05	15	34	25
05/06	24	47	33
06/07	26	42	51
07/08	30	42	80
08/09	31	64	82
09/10	33 (as at 31.08.09)	51 (as at 31.08.09)	-

- 6.4 At present, there are 31 foster carer households registered to provide 48 placements for children. At the point at which foster carers are approved, their approval states the number of children and the age range they are approved for. The service manager with responsibility for foster care has discretion, following full assessment of needs and matching considerations, to exceed the approved registration level. In the last year, such a decision was taken in respect of 16 children. These children would otherwise have required placement in the independent sector. In addition, 10 children under the age of 12 required to be placed in a local children's unit who otherwise should have been considered for a fostering resource.
- 6.5 During the period 08/09, a further 5 children were placed in the independent sector placements. This was necessary as there was no available bed space in either foster or residential care in Inverclyde. This was in addition to 4 children already placed in voluntary sector placements.
- 6.6 In summary the proposals for foster care are
 - 1. That a revised scheme of allowances and fees be introduced. This scheme would consist of four levels. Level 1 carers would be foster carers in their first year following approval. (This would be at the same level of allowance as Kinship Carers). After this foster carers would be able to progress through levels 2 and 3 by attending training, acquiring skills and qualifications. Level 4 carers will be professional carers who will already have relevant qualifications and previous related experience in the caring field.
 - 2. Each newly approved foster carer will receive a set up grant which will cover the cost of purchasing the equipment necessary to enable them to foster e.g. cot, pram, baby equipment.
 - 3. A start up grant will be awarded for each child placed. This recognises that when children are accommodated, they almost always lack basic necessities such as clothes, school uniform, shoes, nightwear and underwear.
 - 4. All other discretionary and one off payments to carers will be discontinued. This will include payments for telephones, holidays etc. The enhanced allowances and additional weeks are set at a level which would allow carers to meet the needs of children place with them. Only a very small budget should be retained to purchase items of an exceptional nature.
 - 5. Mileage allowances should be paid at Inland Revenue rates but can only be claimed after 100 miles has been completed in any one week.

- 6. An annual and recurring recruitment budget of £8,500 is proposed.
- 7. An annual and recurring training and support budget of £15,000 is proposed.
- 6.7 The proposals outlined above are designed to meet a number of needs.
 - to ensure the availability of good quality fostering resources for looked after children.
 - to support recruitment of foster carers by paying competitive allowances and fees.
 - to assist in the retention of foster carers by ensuring they are adequately trained and supported.

7.0 KINSHIP CARE

- 7.1 Children and Kinship Carers receive the full range of traditional social work services. In addition they will be referred to the kinship care worker who will provide services specifically in relation to the provision of substitute care, on issues such as attachment, separation, and conflict in family relationships. Kinship Carers are often grandparents, who assume the role of primary carers for their grandchildren and this can lead to conflict not only with the child's parent, but can affect relationships within the entire extended family. As children are likely to have had poor parenting, additional support is provided to carers by way of training and support groups.
- 7.2 In December 2007 the Scottish Government and COSLA introduced a National Strategy entitled "Getting it Right for Every Child in Kinship and Foster Care". That National Strategy was launched here in Inverclyde in recognition that the Council was aware of the needs of Kinship Carers and had attempted to put strategies in place to meet some of these needs.

The national strategy stated that the following was to be implemented:

- A minimum allowance to be paid to all approved kinship and foster carers of looked after children.
- Approved Kinship Carers of looked after children to be paid an equivalent rate to foster carers.
- 7.3 In order to address specifically the issue of equivalency of allowances a specific allocation was identified as part of the concordat. In Inverclyde this has meant a specific allocation of £85k in 2009/10 and a further £85k in 2010/11.
- 7.4 This report proposes a series of changes to Kinship Care services in light of the national strategy. These changes include:
 - 1. The revision of the Link Carer Allowance scheme to a Kinship Care Allowance scheme.
 - 2. The creation of eligibility criteria for a Kinship Care Allowance scheme
 - 3. It is proposed that such allowances be paid under section 22 of the Children (Scotland) Act 1995 on the basis that allowances paid will meet the child's social, emotional, educational and recreational needs and be in addition to any benefit allowances available to the carer.
- 7.5 The specific financial proposals here are:

- That the council agree the provision of a Kinship Care allowance scheme under the legal arrangements outlined above.
- That Kinship care allowances are set at the equivalent to level 1 Fostering Allowance.
- The Kinship care allowance at the revised rates are implemented from the 1st April 2010.
- A kinship care training and support budget is established at a rate of £9,000 per annum.
- 7.6 The financial implications of this are:

For Financial Year 2009/ 2010

Cost Centre	Budget Heading	Budget for Year	Proposed Spend this Report	Virement From	Other Comments
0041 000 60054	Kinship Care	122190	77923	N/A	Includes £85k additional budget allocation

For Financial Year 2010/ 2011

Cost Centre	Budget Heading	Budget for Year	Proposed Spend this Report	Virement From	Other Comments
0041 000 60054	Kinship Care	207190	204499	N/A	Includes £85k additional budget allocation

8.0 ADOPTION

- 8.1 For a minority of children it can become apparent that their needs cannot now or at any point in the future be met by their family of origin. In such cases the Local Authority has a statutory duty to assess the child's needs and to progress a plan to meet these needs throughout childhood and into adult life. Where this is the case the aspiration would be for the child to be placed with adoptive parents. Research would indicate that adoption would provide the best outcome for most children in this situation.
- 8.2 It is not possible to place all children who require it in adoptive placements. The number of prospective adopters is less than the number of children who need placements. The number of children with very complex needs requiring placement is also increasing.
- 8.3 The Adoption and Children (Scotland) Act 2007 due to be implemented on the 28th September 2009 introduces a number of significant changes to adoption legislation. The main changes are as follows.

1. Permanence Orders

The current 'freeing' for adoption and Parental Responsibilities Orders will be abolished and replaced by a Permanence Order.

Only a local authority will be able to apply for the new order which will secure children in a long-term placement and be flexible enough to meet the needs of individual cases.

The Permanence Order (with adoption provisions) will also allow an order to be made authorising the local authority to place the child for adoption.

2. Changes in the Eligibility Criteria for Adoption

The introduction of section 29 of the Adoption and Children (Scotland) Act 2007 has changed the eligibility criteria in respect of couples who can adopt to include civil partners and couples living in an enduring relationship.

3. Post Adoption Support Plans

The Act significantly widens those eligible for post adoption support.

4. Adoption Allowance Schemes

New Regulations will govern the approved adoption allowance scheme. The categories of children eligible have been simplified. The government is not setting any minimum level for allowances; local authorities will be able to set their own levels. However, Regulations may make provision for or specify conditions.

8.4 In respect of adoption Social Work Services placed 31 children for adoption in the decade between 01.04.1989 and 31.03.1999. In the following decade 01.04.1999 to 31.03.2009, 54 children were placed for adoption.

In addition there are currently 15 children who have had permanence plans approved following presentation of their cases to the Adoption and Permanence Panel.

Most concerningly a further 20 children have been identified via the Looked After and Accommodated review procedure to be very unlikely to be able to return home.

The work to progress the plans for these 35 children is underway and will include adoption, long term fostering and in some areas residential care.

- 8.5 In the past five years Inverclyde has assessed and registered 18 adopters. This is a significant increase on the 12 adopters who were registered by Inverclyde in the previous decade. As noted there are fewer adopters than there are children requiring adoption. Placing children with available adopters also requires careful matching consideration. While the service attempts to match local children with local resources as far as possible, the size and locality of Inverclyde means this is not always practicable. This is a common dilemma for many smaller authorities. As a consequence of this, Inverclyde is part of two consortia of Local Authorities which facilitate the free exchange of children and families and in the case of The West of Scotland Family Placement Consortium, share the cost of administering the service.
- 8.6 Placing children for adoption has a number of financial implications. These are as follows:

1. Legal Costs

It is standard practice among local authorities in Scotland to meet adopters legal expenses incurred in the adoption of children. There are also legal costs incurred where the Local Authority seeks a parental responsibilities order.

2. Placement Costs

There are mainly 3 routes to securing adoptive placements for children requiring placement. One is via the consortia of West of Scotland Authorities.

As a result of Inverclyde Council's involvement in the two West of Scotland Consortia the council is able to identify a high volume of adoptive placements free of any charge with 12 children from Inverclyde being placed via this route over the past three years. At the present time, because of a very high level of demand across the West of Scotland for adoptive placements, there is a very low number of adoption resources available at this time. There would also appear to be relatively few adoptive assessments underway suggesting availability will be low for the foreseeable future.

The second main route is to secure a placement via a Local Authority outwith the consortia. It has been commonplace in England for Local Authorities to charge a fee for an adoptive placement while this has been less common in Scotland. This situation is however changing with an increasing number of Scottish authorities now charging fees for placements. The typical fee charged for 2008/09 for a Local Authority Placement is £13,008.

The demand for these placements is high and there are not significant numbers of placements available.

The third and most costly route is to secure an adoption placement via a voluntary adoption agency. The cost of purchasing a placement from a voluntary agency such as above is £20,436 per child, in addition a fee of £3,406 is applied per child for a twelve month period.

Of the 35 children on referral to the Adoption and Permanence Service, 15 have a definite plan for permanence. Of these 15, 14 can be considered 'hard to place' because of their age, the size of the sibling group or the complexity of their needs. Their needs will most likely require to be met beyond the consortium.

These cases will be progressed via the Head of Social Work Services on a case by case basis as the plans for each child and the subsequent cost implications arise. It should however be noted that this is a significant cost pressure.

3. Adoption Allowances

Again it is standard practice across Scotland that Local Authorities have an adoption allowance scheme. The legislative basis for this is located in the Children Act 1975. Adoption allowances were introduced to ensure that those children who had additional or particular needs would have access to adoption as an option for their long term care in the same way as other children. This recognised that there were prospective adopters prepared to care for children with additional needs if they had access to the resources required in caring for a child with additional needs.

In total Inverclyde Council currently pays adoption allowances to 25 children. Allowances are at an equivalent rate to that paid to foster carers less the rate of child benefit as adoptive parents are entitled to claim child benefit while foster carers are not.

Of the 35 children identified as likely to require either adoption or a permanence plan in the near future, approximately one third are likely to meet the criteria for adoption allowances. This has the potential of adding significantly to the budget pressure identified above.

As noted earlier the Adoption and Children Scotland Act 2007 is to be implemented in September 2009. The act does reinforce the obligation on Local Authorities in respect of adoption allowances and will require all authorities to notify Scottish Ministers of the detail of our adoption allowance scheme by December of this year.

At the time of preparation of this report, formal and indeed informal guidance to the new act is still awaited. Attempts to benchmark with other Scottish Authorities regarding adoption allowances suggest that a number of authorities either are, or are beginning the process of reviewing allowances.

Following discussion with the British Agency for Adoption and Fostering (BAAF), they have agreed to carry out a national benchmarking analysis. The outcome of this analysis would be useful in informing how Inverclyde Council should structure our Adoption and Permanence Allowance Scheme.

Post Adoption Support Costs

The 2007 Act states that people directly affected by adoption (including the child, adoptive parents and birth parents and their extended families) have a right to adoption support services both prior and subsequent to an adoption order being granted. This confirms and strengthens the wording in the repealed 1978 legislation. Inverclyde's adoption allowance scheme is a significant element of the post adoption service offered, however this only extends to eligible children rather than adoptive families in general. The Act requires more generally that people affected by adoption will, on request, have their needs for an adoption support service assessed. It is anticipated that more demand will be made upon the service as a result. This is likely to include requests by some adopters for consideration of adoption allowances in cases where the needs of the adopted child have become considerably more than was identifiable at the time of placement and significantly in excess of those of the 'average' child. Any cost implications arising from this will require to be assessed as the new legislation is implemented.

In the meantime Inverclyde has a long standing service level agreement, currently £11,000 per annum with the Scottish Adoption Advice Service (Barnardos) to provide adoption services such as individual and family counselling and group support for respectively, adoptees, birth parents, adopters. S.A.A.S. provides a specialist, highly professional service that meets the needs of the more complex referrals. It is likely the Act will result in increased need for these services.

For these reasons the proposal here is to note the general budget pressures arising from the adoption and permanence plans for children but to make no change to the Adoption Allowance Scheme until guidance is received from Scottish Government and the outcome of wider benchmarking is available.

9.0 CONSULTATION

9.1 <u>Legal</u>

The report and its contents have been considered by legal services. The legal position outlined in the report particularly as it relates to kinship has been agreed. This is based on the best analysis of the information available at this time.

9.2 <u>Human Resources</u>

There are no direct implications for Human Resources arising from this report.

9.3 Finance

Included in each specific section. It is to be noted however that there is a significant cost pressure across this service area and as such the pressure should be considered as part of the Council budget setting process.

Social Work Services - Fostering/Kinship/Adoption

			Projection			
	Budget	Projection P4	Proposals	Budget	Projection	Increase
	2009/10	2009/10	2009/10	2010/11	2010/11	(Decrease)
	£	£	£	£	£	£
<u>Fostering:</u>						
Fee Based	107,320	146,276	146,276	107,320	239,200	131,880
Rates	518,630	494,924	494,924	518,630	456,590	(62,040)
Discretionary	20,280	48,492	48,492	20,280	28,500	8,220
Training	0	0	0	0	15,000	15,000
Respite	0	0	0	0	15,000	15,000
Start Up	0	0	0	0	0	0
Other Fostering	116,500	133,075	133,075	116,500	133,075	16,575
Total Fostering	762,730	822,767	822,767	762,730	887,365	124,635
<u>Kinship:</u>						
Rates	122,190	54,720	77,923	207,190	195,500	(11,690)
Training	0	0	4,500	0	9,000	9,000
Total Kinship	122,190	54,720	82,423	207,190	204,500	(2,690)
Adoption	131,930	217,784	217,784	131,930	217,784	85,854
Total	1,016,850	1,095,271	1,122,974	1,101,850	1,309,649	207,799
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Note: Budget and projection excludes legal expenses and section payments. 2009/10 budget £62,790 with projected outturn of £136,017 (projected overspend of £73,227).

CMT report excluded other fostering services, therefore assumed projected spend at period 4 to continue although report mentions potential to save, this is not quantified.

Projected increase on 10/11 budget is £207,799 however projected overspend for 2009/10 is currently £106,124.

10.0 CONCLUSION

10.1 The report sets out a series of proposals toward the establishment of a modern integrated family placement service that is designed to meet the needs of the most vulnerable children in our community.

Appendix 1

Level 1 Carers

Will receive a weekly basic fostering allowance which is:

Age	Allowances
0 – 4 years	£125.09
5-10 years	£142.49
11-15 years	£177.38
16+ years	£215.74

Example: Carer with 2 children in placement aged 4 and 7 will receive £267.58 per week.

Level 2 Carers

Will receive weekly basic fostering allowance which is:

Age	Allowances	
0 – 4 years	£125.09	
5-10 years	£142.49	
11-15 years	£177.38	
16+ years	£215.74	
Plus a fee of £150 for 1 or 2 children and £175 for 3 or more children		

Example: Carer with 2 children in placement aged 4 and 7 will receive £417.58

Level 3 Carers

Will receive weekly basic fostering allowance which is:

Age	Allowances		
0 – 4 years	£125.09		
5-10 years	£142.49		
11-15 years	£177.38		
16+ years	£215.74		
Plus a weekly fee of £225 for 1 or 2 children and £250 for 3 or more children			

Example: Carer with 2 children in placement aged between 4 and 7 will receive £492.58.

Level 4 Carers

Will receive weekly basic fostering allowance enhanced by 50% which is:

Age	Allowances		
0 – 4 years	£182.32		
5-10 years	£213.73		
11-15 years	£256.02		
16+ years	£323.61		
Plus a weekly fee of £300			

Example: Carer with 1 child aged 15 in placement will receive £556.02.

Appendix 2

Details of the proposed scheme

Taking account of all of the above the following outlines the proposals for the revised foster carers allowances and fees scheme.

Level 1 Carers

This group will be paid the basic fostering allowance. These carers will be kinship carers who are only available to care for a specific child who is related to them and/or has been previously known to them and foster carers in the 1st year following approval.

Level 2 Carers

This group will be paid the basic fostering allowance plus a fee of £150 if they have 1 or 2 children in placement and £175 if they have 3 or more children in placement. Carers can progress to this level on the completion of core training subject to the recommendation of the Fostering Resources Panel.

Level 3 Carers

This group will be paid the basic fostering allowance plus a weekly fee of £225 for 1 or 2 children and £250 for 3 or more children. Carers can progress to this level by attending training and gaining qualifications.

Level 4 Carers

This group will be paid the increased basic fostering allowance enhanced by 50% to recognise the complex needs of the young people who will be placed with them plus a weekly fee of £300.

Supplementary to the levels of allowances and fees, a number of other set payments to carer's will be in place as follows. An additional five weeks allowance will be paid in a year. These will be:

- At a child's birthday
- In December for religious festivals
- Two weeks extra allowance will be paid in June to cover the extra expenditure incurred during the summer school holidays
- A further week's allowance will be paid in September to contribute towards expenditure over the year for items such as school trips and extra curricular activities.

The increased allowance should cover mileage costs for daily journeys up to 100 miles per week. Additional mileage will require to be authorised and will be paid at the Inland Revenue rate.