

Foster Care Review Implementation Short Life Working Group Alternative Strategies to a Foster Carer Database Final Report

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1. Introduction

This report summarises the findings of a Short Life Working Group which was established by the Scottish Government following its [response](#) to the findings of the Foster Care Review ('the Review') in January 2014.

The Group was specifically tasked with taking forward recommendation 2 of the Review, which related to exploring alternative strategies to the perceived benefits of a central database or register of foster carers in Scotland.

The Scottish Government also established a Reference Group responsible for monitoring and overseeing progress on all six recommendations from the Review including this one. This report, and those of the other Short Life Working Groups, has been endorsed by the Reference Group.

2. Background

The [final report](#) of the Review recommended that a proposal to establish a full national database of foster carers should **not** be taken forward at this time because the likely challenges outweighed any potential benefits.

The Review during its discussions however did identify some possible alternative mechanisms (using or expanding existing systems) which members felt should be explored in more depth. These explorations were to be aimed at making recommendations for change that could see as many of the perceived benefits of a database achieved through alternative strategies.

The full Terms of Reference including membership of this Short Life Working Group can be found at Annex A.

3. Options Explored by the Short Life Working Group

The options explored by this short life working group fell under two key themes -

Theme 1: Safety of Children

- a) Could the Care Inspectorate's notification system be extended to include collecting information on foster carers whose approval has been withdrawn by panels because of concerns about the individual's suitability?

- b) Is there a mechanism for recording foster carers who are deemed unsuitable at the pre-approval stage

Possible Benefit: Improved efficiency in the screening of foster care applicants to ensure that where approval has been withdrawn the reasons are recorded and accessed centrally in order to prevent those deemed unsuitable re-applying to other fostering agencies.

Theme 1: Discussion Summary

Foster Carer De-registrations - General

In relation to the 'Safety of Children' theme, the possibility of having a foster carer deregistration list was discussed in some detail by the Group. The Group discussed the wide-ranging reasons for de-registrations many were for valid reasons e.g. retirement, changed circumstances through to a lesser amount related to revocation due because of poor practice or risk and safety concerns for children. The Group also discussed concerns about ownership, confidentiality and how information would be accessed and by whom. There was thought to be the possibility that a list of de-registered foster carers could invoke a 'one-stop-shop' mentality that may encourage a minimum effort approach to checks and would not be robust. Although such a list would be small there would still be a resource implication for whoever held such a list. There were further concerns about how temporary foster carer de-registrations would be handled whilst investigations about concerns were underway which could in the end be found to be inconclusive.

The Care Inspectorate Notification System

The Care Inspectorate Notification System had been identified by the Review as a potential alternative for recording foster carer approval withdrawals.

The Care Inspectorate regulated fostering agencies but not individual foster carers and the Care Inspection Notifications System requested that notifications be made to them in special circumstances including when there were allegations of abuse to a service user or misconduct by service provider or employees, however the Care Inspectorate didn't currently capture reasons behind each foster carer de-registration.

The Care Inspectorate agreed in principle that in theory an adjustment could be made to the Notification system to include de-registrations of foster carers where there were serious concerns but questioned whether this lay within the remit of the Care Inspectorate which was governed by legislation and there was also an information sharing and data protection concern.

A Central List of De-registered Foster Carers

The Group discussed to what extent additional benefits could be realised by keeping a central list of de-registered foster carers when we already had the PVG Scheme and a list of those disqualified from working with children. Foster Carers also signed a declaration of any prior convictions as part of the application process and provided 3 references within their application process which should highlight any concerns early on. It was also raised that any centrally based Foster Carer De-registration List could require an independent appeal mechanism attached to it, but this was considered to be something beyond the terms of reference of this Group.

Consultation

The group carried out a consultation with Social Work Scotland's Fostering and Adoption Sub Group to gather feedback on how registrations, de-registrations and related information sharing was handled locally. The Group used this feedback as evidence to support their conclusions on this theme. (The full consultation response can be found at Annex B).

The consultation with SWS confirmed from all the local authorities who responded that if a foster carer is de-registered because of issues related to abuse, it would already be recorded centrally via the list of those disqualified from working with children and would therefore be picked up during pre-registration checks.

The consultation also indicated that any central list of deregistered foster carers was considered to be unnecessary as an additional child protection measure, as there were already mechanisms in place via the Care Inspectorate and Disclosure Scotland to capture this. Inter-agency checks were already carried out following written consents within foster carer applications which would be picked up by a new agency. Numbers of de-registrations because of child protection issues were extremely rare and that existing protocols for information sharing written into national child protection guidance and GIRFEC as well as local processes for gaining consent were considered robust. .

Theme 1 Conclusion

The short life working group decided that expanding the Care Inspection Notification system to hold additional information in relation to foster carer de-registrations would have little impact on the safety for children. Stringent local and national mechanisms were already in place to capture unsuitable foster carer applicants. The number of de-registrations reported from SWS was very low and the Group were also concerned about the message, keeping a list of de-registrations would send to majority of reliable and committed foster carers as well as the possible impact on recruitment of foster carers who were already subject to intense scrutiny.

It was thought that a full register of foster carers could be re-visited, at a later date once the Learning and Development Framework for foster carers was being implemented. The Fostering Network was also carrying out a piece of work asking foster carers whether they would be prepared to pay for registration. The Group also wondered whether there could be added value in having foster carers as part of the trained workforce.

Theme 2: Finding Places for Children

- a) Are there mechanisms to ease and speed up finding suitable placements for children, possibly encompassing information such as geographic location and particular skills of foster carers approved for long-term and 'specialist' foster care placements?

Possible Benefits: Improved placement matching for children requiring a permanent, long-term or specialist placement. Improved local recording mechanisms so that foster carers moving agencies don't need to repeat training already undertaken.

- b) Is there any scope for expanding the Adoption Register and using it as a matching tool for permanent, specialist and long term foster placements?

Possible Benefits: Scotland's Adoption Register had been identified by the Review as a potential placement matching aid.

Theme 2: Discussion Summary

Placement Matching Tool

The group had significant reservations about the usefulness of any form of database as a general matching tool for foster placements as the availability of foster carers changed frequently and keeping such a database up to date and therefore useful was deemed to be virtually impossible.

The vast majority of foster care placements were matched locally with local mechanism's already in place and no hard evidence had been presented to the Group to suggest that these were currently failing. Speed was not always considered to be the strongest priority when matching a child with a carer and trying to lay a foundation for long term successful relationships between children and carers within placements.

Adoption Register

Scotland's Adoption Register was a secure data base which held basic data on children requiring adoption and those families who had been approved for adoption. Using agreed 'search' criteria such as age, ethnicity, and membership of sibling group etc. searches were made to identify possible links for children. If a possible link was identified the workers of both the family and the child were advised and the onus was on them to follow up the possibility of taking this forward. The Register did not contact the families directly and was reliant on social workers keeping information which was accurate and as up to date as possible. The specification for the Adoption Register did not include provisions for Register staff to actively contact adopters to discuss individual children in the way that would be necessary if it was to be a 'frontline' service. The Register also required data sharing agreements with each LA.

The Adoption Register was also now in the process of being put into statute as part of a raft of legislative changes being brought into force following the new Children and Young People Act 2014. The Scottish Government did not envisage any changes being made to the Adoption Register while the planning process for this section of the Act to come into force was underway.

Theme 2 Conclusion

For the reasons explained above, the working group concluded that they were not in favour of pursuing a placement matching mechanism to speed up matching of foster care placements. Expanding the Adoption Register was found not to be a suitable option and the majority of children were matched locally by local practitioners who had local knowledge of the personal circumstances of both children and foster carers which could not be recorded in any timely or accurate way on any system.

4. Related Work

During the time that the short life working group has been meeting together they have become aware of other work which will have an impact on the strands of work which the group have been considering.

Following recommendation 4 of the Review SSSC have been commissioned by the Scottish Government to develop a Learning and Development Framework for foster carers which will provide foster carers with the opportunity to develop their skill levels and therefore profile. The short life working group were of the view that this may result in foster carers becoming more recognised members of the childcare workforce. The Fostering Network is carrying out a further piece of work with foster carers investigating whether they would be prepared to pay for a registration process. It may be that formal registration of foster carers could be re-visited at a future date once these pieces of work have been progressed.

The Fostering Network are in discussions with Social Work Scotland to update a Transfer Protocol which recommends good practice guidelines to be followed when an approved foster carer wishes to transfer from one fostering service to another. This guidance will cover information sharing.

A piece of work exploring areas in relation to Disclosure Scotland/PVG issues within the foster care sector was also underway via BAAF and it is hoped that Disclosure Scotland guidance could be developed further to help the sector once this piece of work has been concluded.

5. Summary of Final Conclusions reached by the Short Life Working Group

- There was considered to be little value in developing a country wide system that would assist local authorities with matching children with carers. There were already local mechanisms in place which were considered to be robust. There were also some service level agreements in place with neighbouring authorities to help cover the need for emergency or specialist placements.
- Views gathered from consultation with SWS found that a central list of de-registered carers was thought to be unnecessary, numbers of de-registrations were very low and there were many legitimate reasons for foster carers moving on. It was thought that a list of de-registered foster carers was not thought to bring about any significant reduction in risk to the safety of children. However there was thought to be a role for Care Inspectorate to consider providing recommendations for best practice and reporting back on what they are seeing in relation to foster care.
- It was further considered that because the landscape for foster carers was in the process of changing, particularly in relation to work currently underway to develop a framework for learning and development for foster carers that there may be scope to re-visit the possibility of a register of foster carers once other improvements to foster care were in-bedded.

**FOSTER CARE REVIEW IMPLEMENTATION
ALTERNATIVE STRATEGIES TO DATABASE BENEFITS
Short Life Working Group –Terms of Reference**

A decision was reached by the Foster Care Review in its final paper not to take forward the development of a National Foster Carer Database, but to pursue and achieve as many of the benefits as possible through alternative strategies.

This short life working group is being established to pursue these alternative strategies further and to agree some practice changes which can be implemented locally.

Aim

To explore options under 2 Themes of ‘Safety of Children’ and ‘Finding Place for Children’ and offer views on any alternative strategies likely to realise the benefits sought.

Theme: Safety of Children

Explore expanding the Care Inspectorate’s Notification system to encompass information on foster carers whose approval has been withdrawn by panels because of concerns about the individual’s suitability. The FCR also discussed whether a mechanism for recording those who were deemed unsuitable before any assessment was carried out by a foster panel. E.g. a final letter recording reasons

Theme: Finding Places for Children

Explore potential mechanisms to make it easier and quicker to find suitable placements for children. E.g. a live website for advertising places for children. Possibly encompassing locations and skills of foster carers approved for long-term and ‘specialist’ foster care placements

Objective

Provide a report explaining any agreed changes to policy practice by key stakeholders describing what benefits will be able to be realised, how and who will benefit from each. Also any explanation of the reasons why any of the options explored were considered not viable.

Membership

Willie Evans, JMT Fostering/IVP Forum (Chair)
Jane Alcorn, FCA Scotland
Janet Smith, Inverclyde Council/Social Work Scotland
Ally Robb, East Ayrshire Council/Social Work Scotland
Sara Lurie, the Fostering Network
Lawrie Davidson, Care Inspectorate
Harvey Gallagher, Nationwide Association of Fostering Providers
Barbara Hudson, BAAF
Heather Brown, Scottish Government, (Secretariat)
Carolyn Younie, Scottish Government

Summary of responses from members of SWS in relation to the questionnaire seeking information about alternatives strategies to establishing a database. What would the advantages and disadvantages be of creating a central list of foster carer de-registrations?

All local authorities who responded report that if the carer is deregistered because of issues re abuse this is already recorded centrally via list of those unsuitable to work with children.

General view that a central base is unnecessary where deregistration is due to child protection issues as this should be notified to Disclosure Scotland and this would lead a new agency to check with local authorities and independent agencies. It could potentially be difficult to identify the agency who has deregistered through that source but no one has encountered this.

If deregistered due to other concerns respondents stated that this should be recorded and picked up via local authority/agency checks. Outstanding issue is that if carers have been registered with independent agency and don't declare this then the previous deregistration might not be picked up.

How are foster carer de-registrations currently managed i.e. what information is recorded? What notifications happen?

In all but one of the local authorities who responded a report outlining the circumstances is compiled and presented to fostering panel. Most local authorities invite foster carers to panel and to submit a report. The decision of the panel is then recorded on the electronic recording system.

Notifications are sent to the Care Inspectorate if the reasons for deregistration involve abuse or a serious concern; to Disclosure Scotland for consideration for listing if there are child protection concerns; to the local authority in which the carers resides.

When you assess prospective foster carers as unsuitable (pre-approval) how is this information recorded? Can it be shared with other agencies? Does this happen often?

This information is recorded on the electronic recording systems of the local authority to which the carer applies. When an individual applies to foster they give written consent to inter agency checks. It is made clear to them what these checks will involve and local authorities will share the information they hold if this consent is available.

How many de-registrations occur per year per local authority? What are the main reasons for deregistration? How often do these occur due to concerns about the safety of children?

Most local authorities have a very small numbers of de-registrations (one local authority commented that they called these situations withdrawal of approval as that is the terminology used in the legislation) per year. The reasons for deregistration vary from retiral to change of circumstances (e.g. carer deciding to seek employment out-with the home) to situations where there are child protection concerns. The number of deregistration occurring because of child safety concerns are extremely rare – in one local authority it is only one in 10 years. The Care Inspectorate asks for this information in the Annual Returns so they should be able to supply this information.

What information sharing protocols are in place when child safety concerns come to light about prospective or approved carers who are being rejected or deregistered?

Local authorities use existing protocols such as those set down in the national guidance for child protection and in the GIRFEC paperwork. The view is that this covers every eventuality.

Most local authorities commented that they have robust processes for getting consent to information sharing and referred to the transfer protocol that is used when foster carers are transferring from one agency to another. Furthermore applications forms for fostering and adoption are comprehensive and explicit in this area. I attach the form used in Inverclyde as an example.

We would welcome your ideas of how information about the circumstances described in the previous questions could be held/handled/shared.

Local authorities store information re prospective and approved foster carers on their electronic recording systems. A possible way of ensuring that the fullest information is available is for the independent agencies to inform the local authority in which the deregistered foster carer lives that the carer has been deregistered and who to contact. There should be no need for details to be kept on the local authority system. The sharing would need to be done in accordance with data protection requirements but agencies could draw up more robust agreements if required. There would need to be very clear guidelines around this.

If carers are transferring from one agency to another there is already some transfer protocols which may give some pointers as to how this area could be addressed.

Is there a need for good practice guidance or are there examples of this already in place that could be shared to help achieve standardised procedures?

No one is aware of any good practice although some respondents mentioned the various transfer protocols.

How is impartiality ensured should a foster carer appeal against a decision by the agency to deregister them?

There was variation in process for dealing with this situation but the majority of local authorities had reciprocal arrangements with neighbouring local authorities whereby the neighbouring authority's panel reconsidered the application.

Example back page of application form:

I certify that to the best of my knowledge and belief, the details supplied in this application are correct. I understand that the agency may seek verification of any of the facts supplied. I understand that if any of this information is found to be false or misleading, this may result in the agency rejecting my application. I understand that it is important not to withhold any information about factors that may influence my capacity to care for a child. If I have any uncertainty about this, then I will discuss the details during the assessment.

I give my consent to the agency asking for information (written or verbal) from individuals, agencies or organisations including social networking sites identified to me by the agency in support of this application. I understand that any information obtained will only be used in processing my application. This includes a written report from my registered medical practitioner about my health. I understand that I may not be entitled to see some of this information where it has been supplied confidentially. I understand that the agency may ask me to supply further information in order to assess my application.

I understand that any information supplied by me in respect of this application may be held and/or processed in an electronic form and is subject to the relevant provisions in the Data Protection Act 1998 and other relevant statutes. I understand that any information supplied will form part of the agency's case record in respect of my application.

I understand that this form is the property of the agency to whom I have applied. I agree not to copy this document (other than for my own personal records) or disclose its contents in full or in part, to any other person, agency or authority without the agency's permission.

Name of first applicant

Signature (1st applicant)

Date

Name of second applicant

Signature (2nd applicant)

Date