



The Independent Foster Care Panel Review

Foreword

Norfolk County Council's Children's Services (NCS) has been through a turbulent last few years. The outcome of previous missed opportunities to address practice, process and system failures inevitably lead to poor outcomes for some children, young people and families which culminated in repeated failed inspections and the issuing of a Directions Notice from the Department for Education.

As well as impacting on the recipients of our services, the failures alluded to above also impacted on partner agencies and service providers, including foster carers. With that in mind and having received complaints from foster carers, my predecessor commissioned an independent panel to review NCS' treatment of foster carers. The review process ran from March 2015 to July 2016.

This report summarises the findings from that process from both an individual case and a wider system perspective.

My staff and I understand and appreciate the vital role foster carers play in achieving the best possible outcomes for looked after children and we also understand how challenging that role can be for those carers. As a result, we hold foster carers in the highest regard and we are keen to ensure that this is evidenced in all our interactions with those carers.

I am confident that the service improvements we have already made and the additional learning generated by this review will ensure our partnership working with foster carers will continue to strengthen and deliver the best possible outcomes for Norfolk's Looked After Children.

Michael Rosen

Executive Director of Children's Services

Norfolk County Council

Executive Summary of Outcomes

- 8 x Cases were considered by the Panel
- In 4 cases, the Panel concluded that the needs of the child were not paramount in the decisions taken by NCC.
- In 6 cases, the Panel concluded that the Foster Carers were not treated fairly and/or justly by NCC.
- In 4 x cases, the Panel concluded that NCC should issue an apology to the carers.
- In 2 x cases, the Panel concluded that NCC should address shortfalls in payments received by the carers.
- In 2 x cases, the Panel concluded that no specific remedies were necessary.

Process Overview

The Independent Foster Care Panel Review reviewed 8 cases in total.

The key events in these cases occurred between 2005 and 2014.

Thirty six lots of foster carers in total approached the Review asking for their cases to be considered, of which, 20 cases met the Terms of Reference for the Review.

The breakdown of the 12 cases which met the ToR but were not considered by the review is as follows:

- 7 were associated with the Norfolk Foster Carers Association (NFCA), who declined to participate.
- 5 withdrew from the process

The breakdown of reasons why 16 cases were outside of the scope of the review is as follows:

- 8 were not related to fostering.
- 4 were outside the designated timescale.
- 3 related to another Local Authority.
- 1 was a compliment.

The Panel consisted of

- Chair of the Panel
- Independent Social Worker (ISW)
- Detective Constable from outside Norfolk (DC)
- 2 x Foster Carers

Summary of Terms of Reference & Methodology

The Terms of Reference of the Review stated that the Panel will: -

- a. Ensure that in their deliberations the welfare of the child is of paramount importance.
- b. Seek to ascertain whether Foster Carers have been treated fairly and justly.
- c. Propose recommendations seeking to resolve individual cases where it is deemed that NCC has not acted correctly. Recommendations will be directed to the Director of Children's Services as the person with statutory responsibility.
- d. Identify any areas where NCC can learn from past mistakes to improve practice for the future.

The Methodology can be summarised as follows:

All cases were anonymised and given a reference with the prefix 'IPR' for the Panel consideration.

The Independent Assessors (ISW and DC) visited the Foster Carer(s) to listen to their story. They did this before having access to any information or records from NCC. The Panel considered that hearing the Foster Carer's account first was an important factor in the review; Notes of the interviews were subsequently sent to Foster Carers for feedback and agreement.

Following that exchange the Independent Assessors received a Chronology of the Foster Carers' case which had been prepared by the Children's Services QA Team as requested by the Liaison Officer to the Panel.

The Independent Assessors could at that stage ask to see other records or documents relevant to the cases that they considered would help their consideration of the case.

The Independent Assessors then prepared a report for the Panel to discuss and consider the case.

The Panel considered 4 key judgements: -

- Was the welfare of the child(ren) paramount in the decisions and actions of NCC?
- Were Foster Carers treated fairly and justly?
- Were the Councils policies and Procedures followed properly?
- Were the decisions and actions taken consistent with good Social Work practice?

From the Panel discussion a case report was written which would undergo one or more further challenges by the Panel who may during the process ask the Independent Assessors to further check the records.

The final case reports include any case remedies that the Panel consider may be appropriate in the case. They also include more general learning points that the Panel consider arise from the case.

Panel Meetings and Interviews

The Panel met on 16 occasions in total between 24th March 2015 and 4th July 2016.

From its inception until August 2015 the Panel met 6 times and was mainly concerned with addressing the principles of the Review culminating with the final terms of Reference and Methodology being approved by the NCC on 21st August 2015 and being noted by the Panel at its meeting on 24th August 2015.

The Panel began considering cases at its meeting on 26th October 2015 between then and the 4th July 2016 it has met 9 times to consider 8 cases. This was the first time the complete Panel met and they were all present for all of the subsequent meetings.

The interviews were all carried out by the Independent Assessors 10th August 2015 and 19th October 2015.

Individual Case Summaries

All 8 sets of carers were contacted to ascertain their wishes in relation to the inclusion of their case summary in the published report and the outcome was as follows:

- 6 of the carers confirmed they were happy for the full case summary to be published
- 1 carer did not want any of the case summary to be published
- 1 carer did not respond

As a result, only 6 anonymised case summaries are included in full, but the findings of the additional two are also included (Appendices 1 – 8).

Summary of the Learning Points from this Review

In summarising the key learning points from this review it needs to be borne in mind that the key events in the cases that have been considered span from 2004 to 2015 and in that time policies, practice and procedures will have changed driven by both national standards and local reviews.

The cases and issues vary. It is not easy, therefore, to identify common threads and themes.

The Panel also acknowledge that these cases represent a small percentage (probably less than 1%) of the total cases managed by the Council over the period of time concerned.

The Panel however, consider the following to be the major themes emerging from its review of these cases.

Policies and Procedures

The Panel has not done a detailed analysis into the appropriateness and efficacy of the Council's policies and procedures in respect of Fostering and Safeguarding.

It is apparent throughout the review that there was a repeated failure to follow proper procedures.

There are two aspects of this that the Panel wish to highlight.

Firstly, in the cases where this issue is apparent there seems to be no reference to the policies and procedures and what they actually require in taking a case forward. This leads us to question whether the key workers are actually aware of them or whether the policies and procedures are just disregarded.

Secondly, when policies and procedures are not followed correctly we have found no evidence of it causing concern and needing to be addressed through supervision or management. Policies and procedures are developed to promote good practice and to ensure that there is consistency and fairness in the way people are treated. If when they are not followed there is no follow up action it feeds a culture that says that they do not matter.

The Panel accept, however, that cases can be complex and there are situations when policies and procedures may be difficult to apply. In such cases there should be a rationale and record made by a senior manager as to why decisions were made to depart from an adopted approach.

General Recommendations

The Director of Children's Services is recommended to ensure that there are effective measures in place to: -

Ensure that all relevant staff are aware of the key legal requirements and statutory duties, policies and procedures that impact on their area of work and that effective systems are in place to make staff aware when any changes are made to them.

Ensure that there are reminders about key legal requirements and statutory duties, policies and procedures built into training programmes which include lessons learnt from previous practice.

Make sure managers are made aware of the need to challenge and respond in situations where policies and procedures are not followed properly and that they are trained to challenge effectively.

Allegations and the LADO Role and Processes

An allegation against a Foster Carer is a very difficult situation for both Foster Carers and the professionals involved to deal with.

The role of the LADO and the processes supporting that role are therefore of paramount importance to, firstly protect children, secondly to ensure that Foster Carers are treated fairly and justly and thirdly to ensure that the community of Foster Carers and beyond know that this vital process is fit for purpose and fair.

The Panel have concerns in cases where the LADO was involved. These are concerns about the system surrounding the LADO and not necessarily criticisms the individual who may have discharged that role.

Firstly the Panel consider that at times there has been a lack of clarity about the LADO role. Care Planning and Foster Carers' suitability have been discussed detracting from the focus of the meeting which is to consider the allegation.

Secondly, in the records of LADO meetings the Panel have observed a lack of effective challenge recorded and failures to follow up actions that have been decided in previous meetings.

Thirdly the records have not articulated in a clear fashion the rationale for decisions which are key to the future of the children and the Foster Carers in the cases.

Recommendations

The Panel recommends that the Director of Children's Services adopts and maintains a focus on developing and strengthening the LADO service.

Disruptions and the IRO Role

The Panel has noted in the course of this review that placements have been disrupted too easily without either due consideration or evidence that due consideration has been given prior to a child being moved from his/her placement.

The IRO role is a critical one in care planning and the Panel are concerned that in cases where it would have expected to see a visible presence and influence from the IRO this has been either limited or absent.

The Panel has been advised by the NCC Liaison Officer that a requirement for disruptions meetings was introduced in 2015 and the Panel welcomes this.

The Panel is also aware that developing and strengthening the IRO service has also been a priority for Children's Services.

Recommendations

The Panel welcomes the requirement for disruptions meetings and the focus on improving the IRO service and recommends that the Director of Children's Services ensures that he has effective systems in place for monitoring their progress and effectiveness.

Children and Young Persons Access to Information about Advocacy and Rights

The Panel have noted that there were cases where it was not clear that Children and Young Persons had been given appropriate information about access to advocacy and their rights.

The Panel would expect to see this as a standing item in LAC Reviews and that it was recorded in the minutes that they had this information and whether they wished to have access to an advocate.

Recommendations

The Director of Children's Services is recommended to takes steps to ensure that all children have appropriate information about access to advocacy and their rights and that checking this forms part of a LAC review.

Matching

The Panel accepts that matching children to Foster Carers is difficult and challenging. When a child needs to be accommodated at a particular time, places will only be available in a limited number of foster homes within the timescale required.

The Panel is concerned that in cases where an ideal match cannot be achieved a robust plan of how carers can be supported to meet the specific needs of the child(ren) must be developed.

The potential impact on any other placements already in the foster home should be considered by the Social Worker and the IRO for the child(ren) already in the placement. Good records must be kept of this process and the outcome.

Recommendations

The Director of Children's Services is recommended to take steps to ensure that matching processes are robust and that adequate records of matching decisions are kept. Measures necessary to address any issues identifiable at the matching stage need to be proposed, recorded and fed through to the Supervising Social Worker and the Social Worker for the Child.

Independent Fostering Agencies. (IFAs)

Two of the cases concerned children placed with IFAs and the Panel have raised concerns about the robustness of the commissioning and management of IFAs.

Supervising Social Workers for IFAs are part of the team around the child and good and professional relationships need to be developed with them.

However, it did not always seem to be apparent when there were problems that there was clarity about how these should best be addressed or escalated. It was also not clear who was taking responsibility for following up issue after the event.

The Panel found it unacceptable that the IFAs records were not readily available on request to NCC.

Recommendations

The Panel recommend that the director of Children's Services takes steps to ensure that commissioning arrangements for IFAs are robust and all relevant staff are informed about how to resolve problems and escalate issues if necessary.

Records of cases where NCC have placed children through IFAs also need to be provided on request by the IFA.

Record Keeping

Throughout the Review the Panel has struggled on a number of occasions with the poor quality of the records.

In one case the Foster Carers have expressed serious concern that the records held by the NCC about them and their case are not accurate. One of the Foster Carers on the Panel expressed the same concerns in respect of one of their placements.

The Independent Assessors found repeatedly that all the relevant records were not accessible in or locatable form one place making comprehensive and accurate analysis of cases difficult and time consuming.

One example is that there may be many Emails which include or have led to important decisions about Foster Carers which only appear on CareFirst if the Social Worker or manager decides to upload them.

Furthermore the records of an IFA which were relevant to one of the cases the Panel considered were not made available to the Panel.

As agreed in the Terms of Reference and Methodology the Independent Assessors had a NCC prepared chronology and then asked to see specific records held by NCC to form a view to put to the Panel. Many other records will exist for all of the cases that have been considered and it would have taken much more resource than was available to the Panel to consider them.

The Panel do consider however that there should be a single place where there is an accurate and comprehensive record of the issues, decisions and actions in cases. This place should be the CareFirst system or any successor system. It was the Panel's experience that this was often not the case in the cases that it considered.

Recommendations

The Panel recommend that the Director of Children's Services takes steps to ensure that recording in cases is accurate, comprehensive and timely.

The Panel recommends that clear guidance about what needs to be uploaded onto CareFirst and who is responsible for doing that.

The Panel recommends that regular audits are undertaken and the findings fed back to the team to highlight both good and poor practice.

The Panel recommend that The Director of Children's Services ensures that there is a procedure for Foster Carers to obtain access to their records. A procedure should also be developed to address the situation when NCC records are found to be inaccurate. These should be communicated clearly to Foster Carers.

Complaints

This Review demonstrates that the Council has not always been effective in inviting and considering complaints from Foster Carers.

The Panel has discovered unresolved issues where it considers that a remedy or remedies remain outstanding. In the case of one of the more complex cases the formal complaints of the Foster Carers were not upheld but there were failures in the management of the case by NCC which NCC had failed to accept and rectify.

The Panel are aware that when problems occur within fostering arrangements there are inevitable complexities and there are likely to be high levels of tension and stress.

It is unreasonable within all of that complexity and stress to expect Foster Carers to be able to specify the precise cause of their complaint and then for the Council merely to deal with their interpretation of the problem.

The Council also appear to have an issue of credibility in the way complaints from Foster Carers are addressed due to the long standing nature of these and other complaints and the profile that they have had within the community.

Recommendations

The Panel recommends that for stage 2 complaints involving Foster Carers that NCC undertake a thorough case review to ensure that a complaint is considered fully and within its context.

The Panel also recommend that in these cases NCC incorporate an element of independence from the Council in arriving at its decision.

Personal and Professional Accountability

Where there have been failings by individuals which have had a negative impact upon Foster Carers and the children placed in their care the Panel considers that it is an important part of the resolution that Foster Carers know that those failings have been addressed in an appropriate manner.

Recommendations

The Panel recommends that NCC find a positive way of assuring Foster Carers that where individual failings have become apparent that Foster Carers can be assured that they have been dealt with appropriately.

Final Comments

The Panel wish to thank all of the Foster Carers who have contributed to this review.

The Panel also wishes to thank the various officers of the council who have assisted them in this review.

Ian Parker
Chair of the Independent Foster Care Review Panel
July 2016