

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET COMMITTEE CORPORATE PARENTING

18 JANUARY 2017

REPORT OF THE CORPORATE DIRECTOR, SOCIAL SERVICES AND WELLBEING

INVESTIGATION REPORT BY THE PUBLIC SERVICES OMBUDSMAN FOR WALES

1. Purpose of Report.

- 1.1 To share with the Committee an investigation report issued by the Public Services Ombudsman's office regarding a complaint and found maladministration by the Council.

2. Connection to Corporate Improvement Plan / Other Corporate Priority.

- 2.1 The report links to the following Corporate Priority:
- Helping people to be more self-reliant.

3. Background

- 3.1 The Public Services Ombudsman for Wales has investigated a complaint against the Council and issued a report (attached as **Appendix A**) in accordance with Section 16 of the Public Services Ombudsman (Wales) Act 2005 as it has determined that the case raises important issues at local, regional and national levels about looked after children and their savings.

- 3.2 Mr N was a looked after child with Bridgend County Borough Council and was placed with his foster carers when he was a toddler. Mr N was a fully integrated member of the family, enjoying 14 successful years in placement. The placement broke down in 2014 and Mr N subsequently approached the Council to obtain further information about savings that his foster parents had made on his behalf. Mr N complained that:

- the Council had not managed his savings properly and in accordance with its policy;
- some of his savings were used, without consultation with him, to pay for trips for which he should have received a special allowance;
- the savings he received in January 2015 were substantially less than he believed they should have been.

- 3.3 In accordance with Section 17 of the Public Services Ombudsman (Wales) Act 2005, the Council published a copy of the report and made it available for inspection at its offices for a period of 3 weeks from 6th December 2016.

4. Current situation.

- 4.1 The Council has acknowledged the report and accepted all of the Ombudsman's recommendations with the exception of recommendation (b) – to make a payment

to Mr N of £3,310 to reimburse him for savings that had not been made for him during his time in foster care. The Council's position is that Mr N has not suffered injustice or hardship in consequence of this matter. Mr N was provided with the remainder of his savings and the interest accrued. Mr N had been on annual holidays with his foster care family, he had been supported to join the local rugby team and go on rugby tour, which his foster carer also had to attend to enable him to go. Mr N enjoyed attending Cardiff City football matches for which he had a season ticket and had travelled on activity and school trips throughout his time in foster care. In the one year which is referred to, Mr N went on rugby tour, attended the Local Authority Selium (outward bound activities) trip, a school trip and also the family holiday.

- 4.2 The Council takes its role and responsibilities as a corporate parent for looked after children extremely seriously, however, there is currently no legal requirement or national policy or guidance in place regarding savings for looked after children, aside from the establishment of a junior ISA and, therefore, the Council cannot enforce the need for foster carers to provide savings for looked after children and indeed could not terminate their services as a foster carer if they chose not to save for their looked after child. Bridgend foster carers are encouraged to save for looked after children for whom they provide care. Foster carers participate in regular supervision with allocated supervising social workers and must account for the expenditure of the basic allowance provided.
- 4.3 The Council has ascertained from other local authorities that there is no mandatory savings policy in place, all foster carers are merely encouraged to either save themselves on behalf of children or encourage children from whom they provide care to save themselves. The Welsh Government 'National Minimum Maintenance Allowances for Foster Carers 2014-2017' makes no mention of pocket money or the amount to be set aside in saving. Furthermore, the National Fostering Network which works in partnership with Welsh Government and which is the charity considered to be the essential network for foster care does not have a policy or expectation in place in respect of savings.
- 4.4 BCBC has raised the issue of savings for Looked After Children (LAC) in a variety of arenas; Welsh Government, South Wales Fostering Managers meeting, Fostering Network and with leads for the National Fostering Framework.
- 4.5 Feedback received from the South Wales Fostering Managers meeting included:
- Nationally it is acknowledged that there is no set policy in place in respect of savings, this is primarily due to Local Authorities being unclear as to what redress they would have if foster carers were not to save;
 - Local Authorities would welcome some national guidance but noted that we would need to be very cautious in terms of a national shortage of foster carers, reducing budgets and the economic climate in terms of requesting foster carers to provide savings as well;
 - The challenge of monitoring, overseeing and transferring of funds bearing in mind financial regulations for an often transient group of children;
 - Local Authorities acknowledged that this was something that could be reviewed alongside the work already commissioned under the auspices of the National Fostering Framework to "harmonise policies for paying fees and allowances to foster carers".

- 4.6 Feedback received from the Fostering Network resulted in them offering to assist in advocating for or pursuing any outcomes/actions of the above on behalf of Local Authorities to Welsh Government.
- 4.7 BCBC staff will also raise the issue of savings and the Council's corporate parenting role for discussion in light of the current climate of austerity, with many working parents and families unable to save for their own children. This will be raised through another work stream of the National Fostering Framework :-
'Benchmarking best practice in Corporate Parenting across Councils and other public services, to improve outcomes for children and increase the resilience of foster placements'.
- 4.8 The Ombudsman recommended that the report be shared with the Corporate Parenting Committee and that the Committee should consider the arrangements it deems most appropriate in respect of long term savings for LAC while encouraging them to save from pocket money. In doing so, the Council should have regard to the following: its duty to act as a corporate parent to give LAC the best possible start in life and other local authority schemes.
- 4.9 The Council takes all complaints very seriously and has recognised that actions need to be taken as a result of the report and will carry out all of the recommendations (with the exception of b) within the timescales proposed by the Ombudsman. An action plan is attached as **Appendix B**.

5. Effect upon Policy Framework and Procedure Rules.

- 5.1 It is anticipated that Welsh Government will work with Local Authorities to provide a National position with regards to savings for looked after children. This would also be in line with Welsh Government being responsible for and setting National Minimum fostering allowances that Local Authorities must adhere to. BCBC local policies will be amended accordingly.

6. Equality Impact Assessment

- 6.1 There are no equality implications arising from this report.

7. Financial Implications.

- 7.1 The Council has provided a £250 cheque to Mr N in compensation for the way his complaint was handled as recommended by the Ombudsman.

8. Recommendation.

- 8.1 It is recommended that the Committee:
- Note the Ombudsman's report attached as Appendix A;
 - Consider the arrangements it deems most appropriate in respect of long term savings for LAC while encouraging them to save from pocket money;
 - Endorse the Action Plan attached as Appendix B;

- Support Officers in raising and pursuing the issue of savings for looked after children with the Fostering Network, within the work streams of the National Fostering Framework and with Welsh Government;
- Authorise the Chair of the Committee to provide the Ombudsman's Office with details of any actions the Committee intends to take as a result of this case.

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Background documents

None.