

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO CABINET

8 MARCH 2022

### REPORT OF THE CORPORATE DIRECTOR SOCIAL SERVICES AND WELLBEING

#### FOSTERING ALLOWANCES POLICY

#### 1. Purpose of report

1.1 The purpose of this report is to:-

- Provide Cabinet with details of the proposed Fostering Allowances Policy.
- Request Cabinet approval of the policy and delegate authority to the Head of Children's Social Care to implement the new policy.

#### 2. Connection to corporate well-being objectives / other corporate priorities

2.1 This report assists in the achievement of the following corporate well-being objectives under the **Well-being of Future Generations (Wales) Act 2015**:-

- **Helping people and communities to be more healthy and resilient** - taking steps to reduce or prevent people from becoming vulnerable or dependent on the Council and its services. Supporting individuals and communities to build resilience, and enable them to develop solutions to have active, healthy and independent lives.
- **Smarter use of resources** – ensure that all resources (financial, physical, ecological, human and technological) are used as effectively and efficiently as possible and support the creation of resources throughout the community that can help to deliver the Council's well-being objectives.

#### 3. Background

3.1 There are a number reasons why some children are unable to live with their birth parent(s) and at these times, arrangements need to be made for children to be cared for by others. Some children may live with other members of their family, with foster parents, adoptive parents or in care homes.

3.2 Bridgend County Borough Council (BCBC) delivers its Fostering Service (Foster Wales Bridgend) in line with the Regulatory Requirements set out in "The Local Authority Fostering Services (Wales) Regulations 2018", and all Foster Carers are assessed, approved and reviewed in line with requirements set out in "The Fostering Panels (Establishment and Functions) (Wales) Regulations 2018". There is no differentiation between General Foster Carers and Connected Persons Foster Carers within these Regulations.

3.3 In R (on the application of X) v Tower Hamlets LBC [2013] EWHC 480 (admin), Mr Justice Males (at first instance) ruled that Tower Hamlets policy, which stated that they were paying family and friends (Connected Persons) foster carers less than

professional (general) foster carers as they were not eligible for the fee element, was unlawful.

3.4 In Wales the National Fostering Framework has, over a number of years, been undertaking work regarding developing greater consistency in the use of Kinship care for children who are looked after and harmonisation of policies across Wales in relation to the payment of fees and allowances to Foster Carers. BCBC, like others, have been awaiting the outcome of this work prior to making any changes to the fees and allowances that are paid to all Foster Carers.

#### 4. Current situation/proposal

4.1 At the present time all foster carers in BCBC receive a basic allowance for looking after a child. This basic allowance is paid at the level recommended by the Welsh Government and the recommendations for payments are based on an estimation of the actual costs of looking after a child.

4.2 In addition to this basic allowance, Fees are paid to foster carers who are assessed to provide care to a range of children and are not applicable to those who are approved for specific children. This Fee is paid to our General Foster Carers but not to our Connected Persons Foster Carers.

4.3 The Fee Element is split into two levels:

- Level 2 – paid to foster carers post approval
- Level 3 – paid to foster carers once they have had their 1<sup>st</sup> Annual Review and have completed the Qualification Credit Framework (QCF) training requirement

4.4 Work completed by the National Fostering Framework in relation to Foster Carer Allowances has recognised that changes need to be made in respect of fees (which will become an Additional Allowance) which are paid to Foster Carers whether they are General Foster Carers or Connected Persons Foster Carers and a new Eligibility Criteria has been established.

4.5 Following the outcome of the work by the National Fostering Framework, Bridgend Fostering Service has drafted its Fostering Allowances Policy (**Appendix 1**) which sets out all of the allowances that approved Foster Carers are entitled to claim and the Eligibility that a Foster Carer needs to meet in order to be entitled to the “Additional Allowance” (Formerly Fee).

4.6 The new policy will be equally applicable to all BCBC Foster Carers i.e. Connected Persons Foster Carers will also be entitled to an Additional Allowance, if they are assessed as meeting the Eligibility Criteria.

4.7 There has been no requirement for public consultation in relation to this policy. During 2022/23 Bridgend Fostering Service plans to undertake a review of the Allowances which will include full consultation and engagement with our Foster Carers.

4.8 If the new Policy is agreed:

- The current “Fee” structure will be replaced with an “Additional Allowance”. The amount of this Additional Allowance will be in two bands and is connected to the age of the child (0-10yrs and 11-17yrs).
- All current unrelated Foster Carers will receive the appropriate level of Additional Allowance as they have already been assessed as able to meet the needs of a range of children. In addition their annual review will consider whether they continue to demonstrate that they meet all aspects of the eligibility criteria.
- All current Connected Persons Foster Carers will be written to, advising them that they may be eligible for an “Additional Allowance” and asking them whether they wish to be assessed against the new Eligibility Criteria.
- All new Connected Persons Foster Carers will have the option to be assessed against the new Eligibility Criteria from the outset of their Assessment.

## 5. Effect upon policy framework and procedure rules

- 5.1 The Fostering Allowances Policy is a new policy that seeks to clarify the financial aspects of the support that is available and as such does not have an impact on the current policy framework and operating procedure.

## 6. Equality Act 2010 implications

- 6.1 An initial Equality Impact Assessment (EIA) screening has identified that there would be no negative impact on those with one or more of the protected characteristics, on socio-economic disadvantage or the use of the Welsh Language. It is therefore not necessary to carry out a full EIA on this policy or proposal.

## 7. Well-being of Future Generations (Wales) Act 2015 implications

- 7.1 The Well-being of Future Generations (Wales) Act 2015 provides the basis for driving a different kind of public service in Wales, with five ways of working to guide how the Authority should work to deliver well-being outcomes for people. The following is a summary to show how the five ways of working to achieve the well-being goals have been considered in this report:

- **Long Term** – Children’s Social Care always seek to support children to live with their family wherever it is safe for them to do so. When a child needs to become looked after by the Local Authority it is vital that BCBC has sufficient numbers of carers available to be able to offer that child a home within their local community, that will allow them to maintain their family and social relationship. Clearly setting out the Allowances available to all foster carers in one schedule will assist with the recruitment of carers. For prospective Connected Persons Foster Carers finances can be a barrier to them proceeding with an assessment and offering a child a home within their wider family as they have to make changes to working arrangements to accommodate the child’s needs. Establishing the Criteria would also, if assessed as meeting the criteria, potentially allow more Connected Persons Foster carers to access the additional allowance which would support them to offer a home to a child from their family when this is required.
- **Prevention** – It is imperative that children are safeguarded from harm. However, wherever possible they should be allowed the opportunity to grow up within their family which in turn supports the maintenance of friendship,

schools, health practitioners etc. Sufficient numbers of BCBC foster carers are also required to prevent the need for children to be placed with high cost Independent Fostering Agencies, that are often outside of the County. As stated above this Policy will be used as part of the first steps to supporting the recruitment of foster carers and potentially providing greater financial assistance to prospective Connected Persons foster carers. In addition it should be recognised that by supporting a child to remain within their family or to maintain a school placement and friendship groups will promote greater placement stability enabling a child to achieve better outcomes.

- **Integration** – A key component of the support that is available to Foster Carers is any financial allowance that they receive. The Fostering Allowance Policy details all allowances that Foster Carers can receive. The Policy also sets out the eligibility for receiving an “Additional Allowance”.
- **Collaboration** – Members of the Kinship Care and Permanence Team attend the Association for Fostering and Adoption (AFA (Cymru) National interest group in relation to Connected Person Foster Carers and Special Guardians. This Group provides team members with an opportunity to learn about and share practice developments and best practice with colleagues across Wales.
- **Involvement** – There is regular engagement with Foster Carer throughout the year. This is the first step in undertaking a full review of Foster Carer allowances which brings all of the information together. During 2022/23 there will be further consultation and engagement as part of the next steps of this review.

## **8. Financial implications**

- 8.1 By implementing this Policy there will be a small increase in the budget for Fostering in Bridgend with all unrelated Foster Carers moving from a Level 2 “Fee” to the age appropriate Enhanced Allowance.
- 8.2 There is also potentially a more significant impact which is dependent on the number of Connected Persons Foster Carer who a) express a wish to be assessed against the new Eligibility Criteria and b) are assessed as meeting the criteria.
- 8.3 However, Case Law identifies a Policy that states that payments to Connected Persons foster carers are less than general foster carers, as they were not eligible for the fee element, would be unlawful.
- 8.4 In light of the above, as part of the Medium Term Financial Strategy 2022-23 to 2025-26, Council approved a £191,000 Budget Pressure for 2022-23 to meet the anticipated increase to ‘Connected Persons’ Fostering Fees.

## **9. Recommendation**

- 9.1 Cabinet is requested to approve the Fostering Allowances Policy and to delegate authority to the Head of Children’s Social Care to implement the new policy.

Claire Marchant

**Corporate Director – Social Services and Wellbeing**

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**Contact Officer:** Laura Kinsey

Head of Children's Social Care

**Telephone:** (01656) 642314

**E-mail:** [laura.kinsey@bridgend.gov.uk](mailto:laura.kinsey@bridgend.gov.uk)

**Postal Address** Bridgend County Borough Council, Civic Offices, Bridgend,  
CF31 4WR

**Background documents**

- None