



Committee and Date	Item
Cabinet	
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Foster Carer Payments Policy

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1. Summary

- 1.1 This report sets out a proposal to change the fees and allowances structures paid to approved Shropshire foster carers including Family and Friends (Connected Persons) carers who care for Shropshire Looked After Children (LAC) through a revised Payment Arrangements for Foster Carers policy.
- 1.2 The policy aims to ensure that the Council retains and recruits sufficient foster carers to meet the needs of the looked after children in the county and to compete effectively with Independent Foster Care Agencies
- 1.3 The policy also reduces our risk of challenge or judicial review in relation to the payment of family and friend (connected person) carers as the proposed fee structure takes into account previous court judgments and current regulations relating to Family and Friends Carers. Shropshire family and friends foster carers have not historically attracted or received a fee for caring for LAC. This is because unlike other foster carers who are specifically recruited and assessed to care for any child, family and friends foster carers only care for specific children to whom they are related or connected.
- 1.4 However, recent regulations and regulatory standards state there should be equity of provision and entitlement for all approved foster carers, irrespective to whether they are related or unrelated. 'Care Planning, Placement and Case Review Regulations' (2010 and updated June 2015). This is also supported by recent legal challenges (Tower Hamlets and Manchester)

- 1.5 The proposed new policy supports a payment structure that is available to all approved foster carers.

2. Recommendations

- 2.1 Cabinet is recommended to:
- Approve the proposed new policy: "Payment Arrangements for Foster Carers" and for it to take effect as from the 1st April 2016.
 - Review and note the potential financial pressure associated with this change in policy.

REPORT

3. Risk Assessment and Opportunities Appraisal

- The current policy is not compliant with recent statutory guidance or points of case law in that previous policy could be open to challenge including judicial review. Legal advice including advice from Counsel was sought when constructing the proposed policy to ensure compliance and reduce the risk of challenge.
- This policy change seeks to address points of compliance and to take into account the risk to our current policy around the payment of Family & Friends (connected person) carers being open to challenge/judicial review as regulations state there should be equity of provision and entitlement. "It is not acceptable to discriminate against foster carers on the basis that they have a pre-existing connection with the child they are fostering"

4. Financial Implications

- The previous payment arrangements for foster carers did not include an ability for Family and Friends (Connected Person) Foster Carers to access the fee element of the payment arrangements for foster carers, nor did it allow access to a range of allowances such as festival, birthday and holiday allowances.
- As noted above, the proposed policy takes into account previous court judgments and current regulations relating to Family and Friends carers. The new structure incorporates the requirements of the Care Planning and Case Review Regulations 2010, which states that, Family

and Friends (Connected Person) carers approved under these regulations will be entitled to the same support and services, including any fees and allowances payable/available within the relevant fostering provider/local authority scheme to unrelated local authority foster carers. Also [Regulation 28.7, National Minimum Standards](#) for Fostering which says “*Criteria for calculating fees and allowances are applied equally to all foster carers, whether the foster carer is related to the child or unrelated, or the placement is short or long term*”

- 4.3 This change in policy will effect 45 (as of 1st August 2016) existing approved connected person households (65 children) and will create a budget pressure of approximately £155,924.00 in back pay and projected spend to those households for the period 1st April 2016 – 31st March 2017. It will also affect any connected person approved fostering household going forward.

5. Background

- 5.1 Local authorities are responsible for Looked After Children. Where a child is placed in foster care, the cost of caring for the child is paid to the foster carer in the form of a fostering allowance.
- 5.2 The requirement for local authorities to be responsible for this is underpinned in the following legislation:
- Children Act 1989
 - Children Act 2008
 - Fostering Regulations 2011
 - Family & Friends Guidance 2011
 - Children Leaving Care Act 2000
 - Care Planning and Placement Review Regulations 2013
 - Fostering National Minimum Standards 2011
- 5.3 Local Authorities are also responsible to set out their payment scheme to foster carers and review this annually and for these to take effect from the 1st of April each year. Shropshire's payment scheme is based on the payment for skills principles recommended by the Fostering Network, and the new Standards for Foster Care developed by The Training, Support and Development Standards to ensure that all foster carers receive induction, training, support and Continuing Professional Development (CPD).
- 5.4 The Fostering Network has provided additional guidance in relation to foster care payment arrangements up to and including 2015 \16 financial year end but no longer provided this advice from the 1st April 2016. This advice was used as a basis for our fostering allowance rates (and for sister authorities across the West Midlands) for the last 5 years up to and including in 2015\16. When considering our payment scheme checks are also made with central government which sets out **minimum weekly allowance**.

- 5.5 Shropshire Council's weekly allowances 2016 to 2017 (below) are the same as they were in 2015 \16 following the recommended rates from Fostering Network.

Age	Recommended Weekly Allowance	Daily Basic
0 - 4	£142.86	£20.41
5 - 10	£162.73	£23.24
11 - 15	£202.58	£29.84
16 +	£246.44	£35.20

- 5.6 The new policy sets out a fees structure that is available to all who meet the specified criteria. The payment arrangements for foster carers are made up of two weekly component: the recommended weekly allowance and a skills payment as well as annual allowances for birthdays, festivals and holiday.
- 5.7 As a minimum all carers will start at level 1 to reflect the role, expertise and skills required to care for any child for whom they are not the birth parent. (See Appendix 1 for details on levels and criteria pages 6 and 7)

Skill Level	Weekly payment
One	£58.00 per week
Two	£115.00 per week
Three	£225.00 per week
Exceptional Skills	£250.00 for 1 x 3 month period of exceptional achievement

- 5.7 Carers may be approved as carers for specified children (for example single or long term placement, or connected persons), or carers for non-specified children who are expected to take potential multiple placements. Carers of specified children will only ever care for the children who are already placed with them and will be expected to undertake the same training requirements and care planning duties as carers of non-specified children.
- 5.8 To progress from Levels One, to Two and Three the competencies set out will need to be clearly evidenced from the supervising social worker that the skills and experience are required, alongside the demonstration by the carer themselves in the care provided.

- 5.9 For those assessed as carers for specific children the skill level will be identified in the connected person assessment prior to approval by fostering panel as carers and will take into account the needs of the connected child. This skill level will be subject to review through the annual review process as detailed in the policy.

6. Additional Information

- 6.1 Foster carers are paid a basic weekly allowances in order to care for the child placed with them plus additional annual allowances such as holiday, festival and birthday allowances and a weekly recruitment \ retention or **skill level** fee. As a fostering agency we are required to set out our arrangements for payment to foster carers and to set out our arrangements in relation to Family and Friends (Connected Persons) carers.
- 6.2 Family and Friends (Connected Persons) foster carers are required to comply with regulations the same as any other carer, and “will be entitled to the same support and services, including any fees and allowances payable/available within the relevant fostering provider/local authority scheme to unrelated local authority foster carers.” *The Children Act 1989 guidance and regulations - Volume 2: care planning, placement and case review*

List of Background Papers (This MUST be completed for all reports, but does not include items containing exempt or confidential information)

[Fostering Services National Minimum Standards](#)

[Family and Friends Care: Statutory Guidance for Local Authorities](#)

[The Children Act 1989 guidance and regulations - Volume 2: care planning, placement and case review](#)

Cabinet Member (Portfolio Holder)

David Minnery

Local Member

All Members

Appendices

Appendix 1 Policy document, Payment Arrangements for Foster Carers