Phil Norrey
Chief Executive

To: The Chair and Members of the Cabinet

County Hall
Topsham Road
Exeter
Devon
EX2 4QD

(See below)

Your ref :
Our ref :

Date : 2 October 2018
Please ask for : Karen Strahan, 01392 382264

Email: karen.strahan@devon.gov.uk
:

CABINET

Wednesday, 10th October, 2018

A meeting of the Cabinet is to be held on the above date at 10.30 am in the Committee Suite - County Hall to consider the following matters.

P NORREY
Chief Executive

A G E N D A

8 Foster Carer Allowances (Pages 1 - 42)

Report of the Chief Officer for Children's Services on proposed changes to Foster Carer Fees.

In addition, the Children's Scrutiny Committee, at its meeting on 17th September, in considering the Report and Addendum Report of the Chief Officer for Children's Services ((CS/18/25), RESOLVED that the Committee endorse the principles behind the changes to the Foster Carer fees and allowances structure, as set out in the Report and Addendum (CS/18/25), but that Cabinet be strongly urged to:

(i) guarantee income protection for carers until all current foster placements come to an end;
(ii) pay birthday, holiday and festival allowances on or near the relevant date, rather than as part of the weekly allowance; and
(iii) ensure that the fostering service look favourably upon requests for additional support, in circumstances where there are childminding and/or transportation needs, where this is consistent with the child's care plan.

The Cabinet are asked to consider these recommendations as part of their deliberations.

Electoral Divisions(s): All Divisions

Notice of all items listed above have been included in the Council's Forward Plan for the required period, unless otherwise indicated. The Forward Plan is published on the County Council's website.
Notice of the decisions taken by the Cabinet will be sent by email to all Members of the Council within 2 working days of their being made and will, in the case of key decisions, come into force 5 working days after that date unless 'called-in' or referred back in line with the provisions of the Council's Constitution. The Minutes of this meeting will be published on the Council's website, as indicated below, as soon as possible.
Members are reminded that Part II Reports contain confidential information and should therefore be treated accordingly. They should not be disclosed or passed on to any other person(s). *Members are also reminded of the need to dispose of such reports carefully and are therefore invited to return them to the Democratic Services Officer at the conclusion of the meeting for disposal.*

Membership

Councillors J Hart (Chair), S Barker, R Croad, A Davis, R Gilbert, S Hughes, A Leadbetter, J McInnes and B Parsons

Cabinet Member Remits

Councillors Hart (Policy, Corporate and Asset Management), Barker (Resources), Croad (Community, Public Health, Transportation & Environmental Services), Davis (Infrastructure Development & Waste), R Gilbert (Economy & Skills) S Hughes (Highway Management), Leadbetter (Adult Social Care & Health Services), McInnes (Children's Services & Schools) and Parsons (Organisational Development & Digital Transformation)

Declaration of Interests

Members are reminded that they must declare any interest they may have in any item to be considered at this meeting, prior to any discussion taking place on that item.

Access to Information

Any person wishing to inspect the Council's / Cabinet Forward Plan or any Reports or Background Papers relating to any item on this agenda should contact Karen Strahan, 01392 382264. The Forward Plan and the Agenda and Minutes of the Committee are published on the Council's Website and can also be accessed via the Modern.Gov app, available from the usual stores.

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Questions to the Cabinet / Public Participation

A Member of the Council may ask the Leader of the Council or the appropriate Cabinet Member a question about any subject for which the Leader or Cabinet Member has responsibility.
Any member of the public resident in the administrative area of the county of Devon may also ask the Leader a question upon a matter which, in every case, relates to the functions of the Council. Questions must be delivered to the Office of the Chief Executive Directorate by 12 noon on the fourth working day before the date of the meeting. The name of the person asking the question will be recorded in the minutes. For further information please contact Karen Strahan on 01392 382264 or look at our website

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Induction loop system available

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Access to County Hall and Public Transport Links

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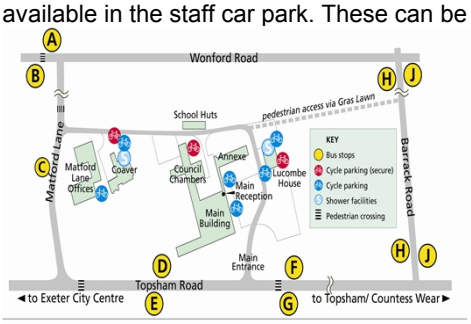
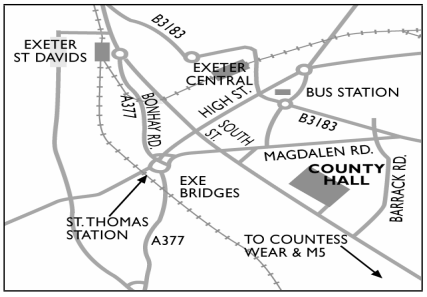
As indicated above, parking cannot be guaranteed and visitors should allow themselves enough time to find alternative parking if necessary. Public car parking can be found at the Cathedral Quay or Magdalen Road Car Parks (approx. 20 minutes walk). There are two disabled parking bays within the visitor car park. Additional disabled parking bays are available in the staff car park. These can be accessed via the intercom at the entrance barrier to the staff car park.





NB (A) (J) **Denotes bus stops**

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First Aid

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Agenda Item 8

CS/18/29
Cabinet
10 October 2018

Foster Carer Fees

Report of the Chief Officer (Children's Services)

Revised Recommendations

It is recommended that Cabinet:

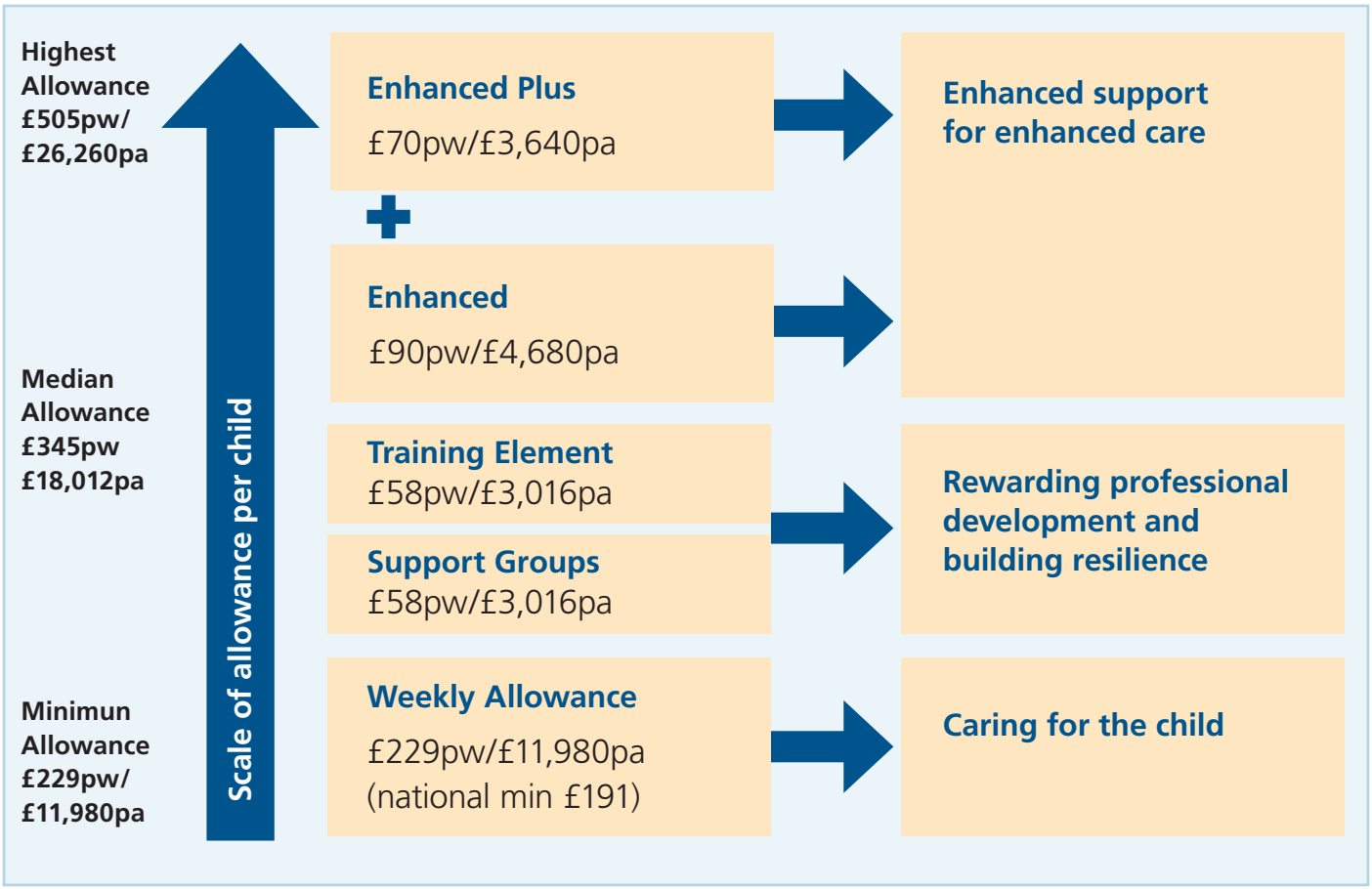
1. Approves the revised scheme of fees and allowances for Devon County Council's Foster Carers. The new scheme is attached as Appendix (New) and incorporates all of the recommendations of the Council's Overview and Scrutiny Committee of 17 September 2018 (set out in paragraph 3.1 of this report).

2. Agrees that the scheme commences three months from today in order to finalise the operational arrangements and that an evaluation and review, 12 months from today, is reported to in the Children's Overview and Scrutiny Committee.

The governing principles of the scheme

- recognises the individual support needs of the child
- is equitable and fair
- gives reward and recognition for the ongoing training and resilience of the carer
- is affordable
- recognises that support from DCC continues to be valued
- has a fair assessment process
- is simple. Brings together all allowances
- is competitive with Independent Fostering Agencies
- has clear expectations for carers
- has the flexibility to reward for the work done
- is transparent and understandable

The Model


Highest Allowance £505pw/ £26,260pa
Median Allowance £345pw £18,012pa
Minimun Allowance £229pw/ £11,980pa
Scale of allowance per child
Enhanced Plus
£70pw/£3,640pa
+
Enhanced
£90pw/£4,680pa
Training Element
£58pw/£3,016pa
Support Groups
£58pw/£3,016pa
Weekly Allowance
£229pw/£11,980pa
(national min £191)
Enhanced support for enhanced care
Rewarding professional development and building resilience
Caring for the child

The Model

1 The weekly allowance of £229 is allocated to cover the basic expenses of caring for a child. **All carers will receive this payment**.

2 The model will **reward and recognise carers'** commitment to personal development and building resilience. If a carer attends **6 training events** in a year then this will be **recognised and rewarded**. If a carer attends **6 support groups** then this will be **recognised and rewarded too**.

This will **encourage personal development** and **promote participation in support groups** where experience, fresh ideas and mutual support can be shared.

3 The primary principle is that the support **needs of children are recognised**.

This element enables **enhanced support** and **recognition** for those carers caring for **children with enhanced needs**.

An **Enhanced Plus** element has been included to recognise the challenges of caring for the **most traumatised children**.

4 The level of reward **remains the same for the duration of the placement**. The aim is to **reward and recognise successful care giving**. The Enhanced element will **not be removed** if the child settles down.

5 **Income protection** for carers is **guaranteed** until all current foster placements **come to an end**.

6 Birthday, holiday and festival **allowances will be paid** on or near the relevant date.

7 The child's **care plan** will capture any **additional resources** that may be required to ensure the carer is able to meet the child's needs.

CS/18/29
Cabinet
10 October 2018

Foster Carer Fees

Report of the Chief Officer (Children's Services)

Please note that the following recommendations are subject to consideration and determination by the Cabinet (and confirmation under the provisions of the Council's Constitution) before taking effect

Recommendations

It is recommended that Cabinet;

1. **Approves the revised fees and allowances structure for Devon County Council's Foster Carers.**

2. **Agrees that the scheme commences three months after approval and a 12-month review and evaluation is reported to the Children's Overview and Scrutiny Committee in 2019**

1. Background

1.1 The responsibilities a Council holds for children in care are unique and to be discharged with the utmost care and gravity. The Council is a corporate parent and, in all its decision-making pertaining to children in care, must have the welfare of the child as the paramount consideration. Being child centred isn't always easy as there are always other interests in play. Members are required to discern, in the myriad representations, where the best interests of the child lie.

1.2 The Council is responsible for determining the fees and allowances it pays its foster carers. The DfE recommends the rate of the allowance. Changes to fees and allowances, or other discretionary payments to foster carers would not necessarily constitute a key decision for cabinet. The proposals in this report do constitute a key decision. They are based upon a fundamental review of the principles under-pinning the existing scheme. An extended and full engagement with foster carers, coupled with an analysis of practice in other Local Authorities and in Independent Fostering Agencies has informed the proposals.

1.3 Comprehensive papers were prepared for The Childrens Overview and Scrutiny Committee on 17 September 2018. These can be found here. The Children's Overview and Scrutiny Committee also heard representations (public participation) on 23 January 2018 and 20 March 2018 and members of the committee undertook a master class also on 20 March 2018. Cabinet will be mindful that the Children's Overview and Scrutiny Committee has an independent advisor to assist them in their deliberations. Members have sought responses from officers in response to representations in person and in writing. Foster carers who made representations to the Children's Overview and Scrutiny Committee, noted, at the time and in their subsequent communications, their appreciation of the careful attention members have

given to this issue. Cabinet can be confident that the Council's governance arrangements have been fully exercised in examining the proposals.

2. The proposal

2.1 The proposed model is set out in appendix 1 and is explained in detail in the scrutiny report; key points are summarised here

- Fee payments will be matched to the complexity of children's needs. The skills, expertise and experience of carers will be recognised in payments for the uptake of learning and development and engagement with support groups.
- The proposal simplifies a complex system that has built incrementally over many years and makes fair, a system that is manifestly unfair. Today a carer looking after the same 16-year-old child could attract a weekly fee of £397, £471 or £536.
- The proposal is designed to attract more carers, who are a hugely valued resource.
- The offer for carers compares well with neighbouring authorities and with the independent sector.
- Under the proposal 50% of carers (135 carers) will see an increase in fees, 10% will stay the same and 40% (108 carers) will see a decrease. For those who will see a decrease, fee protection is offered for two years or until the child leaves the placement.

3. Children's Overview and Scrutiny response

3.1 After thorough examination of all the representations made, including in person and written submissions, the minute of the Children's Overview and Scrutiny Committee:

"**RESOLVED** that the Committee endorse the principles behind the changes to the Foster Carer fees and allowances structure, as set out in the Report and Addendum Report (CS/18/25), but that Cabinet be strongly urged to:

- guarantee income protection for carers until all current foster placements come to an end;
- pay birthday, holiday and festival allowances on or near the relevant date, rather than as part of the weekly allowance; and
- ensure that the fostering service look favourably upon requests for additional support, in circumstances where there are childminding and/or transportation needs, where this is consistent with the child's care plan."

4. Engagement and Consultation

4.1 Detail of the thorough engagement and consultation is set out in the scrutiny papers.

4.2 It is reasonable to expect that those who will gain from the proposals are likely to be broadly in favour and those who will lose are likely to be broadly against. As with all consultations, those who oppose are usually most assiduous in making representations. At the time of writing, following the scrutiny committee and the closure of the formal consultation, the Council has received over ninety

emails. In summary these representations appreciate the contribution of scrutiny but urge that carers fees are protected until such time as they cease fostering for Devon County Council. These late submissions reflect the content of the objections fully considered by scrutiny. Cabinet is not recommended to accept these representations; they would be prohibitively expensive and defeat the purpose of the review which is to reward carers for the work they do with the children they look after and to make the system fair for all.

5. Financial considerations

5.1 A snapshot of children in placement on 31.3.18 was used as the baseline for the financial modelling we undertook in respect of the original proposal and subsequently in respect of the scrutiny recommendation to offer protection to the end of existing placement placements.

5.2 **Original Proposal - protection of income for a period of two years or until the current placement ends, whichever is sooner**
This will cost an additional £1m in each of the first 2 full years of implementation and thereafter the ongoing resource required would be circa £360k per year. Original costings assumed a worst financial case scenario, assuming that all placements would be protected for the full 2 years. The cost of the original proposal could therefore be lower than modelled.

5.3 **Overview and Scrutiny recommendation – protection of income until all current placements come to an end**
Unlike the original calculations, estimates of likely end dates have been incorporated into the costings for the Overview and Scrutiny recommendation. The estimated cost of this is an additional £860k in the first full year, £760k in year 2, and £630k in year 3. Thereafter the ongoing resource requirement will be in the region of £500k over the next ten years, until all the protection periods are over and we are left with the ongoing resource requirement of £360k per year.

The Overview and Scrutiny recommendation is the more costly option, however its risk profile in relation to placement stability for children is lower

6. Equality considerations

6.1 An Equality Impact Assessment has been completed and is attached as an appendix to this report.

7. Legal considerations

7.1 There are no specific legal considerations.

8. Reason for recommendation / conclusion

8.1 The current fees and allowances system has been adapted and developed over many years to respond to national and local policy and best practice innovations and to address specific issues. The unintended consequence has been increased complexity, some confusion and inequities. A commitment to review the fees and allowances was made in 2015 but, due to changes in senior leadership, could not begin until September 2017.

8.2 The Council wants a model of payment that is fair and equitable. The Council wants to strengthen the focus on children and their needs, matching payments to the complexity of need.

8.3 Devon County Council values its foster carers and the contribution that they make to the lives of many children and young people. In addition to creating a fair and equitable system, it is our intention by creating a more transparent fee structure, coupled with our highly regarded support for foster carers, to be in a stronger position to recruit more foster carers in the future.

Darryl Freeman
Head of Children's Social Care (Deputy Chief Officer)

Electoral Divisions: All

Cabinet Member for Children's Services and Schools: Councillor James MacInnes

Local Government Act 1972: List of Background Papers
Contact for enquiries: Darryl Freeman, Head of Children's Social Care (Deputy Chief Officer)
Room No 130. County Hall, Exeter. EX2 4QD
Tel No: 01392 383000

Background papers

Appendix 1 - Consultation paper:
https://content.govdelivery.com/attachments/topic_files/UKDEVONCC/UKDEVONCC_941/2018/07/24/file_attachments/1043489/04393%2BFostering%2Bcons%2Bpanels%2Bv7__1043489.pdf

Appendix 2 - Impact assessment:

Children's Overview and Scrutiny Committee minutes (and reports):
https://democracy.devon.gov.uk/mgAi.aspx?ID=15379

Why are we reviewing the fostering fees and allowances?

Our current fees and allowances system is old-fashioned, inconsistent and unfair.

It has changed over many years to address specific issues but as a result has become confusing and inequitable.

We need to increase the number of our in-house fostering carers to reduce the amount of money spent in the independent sector.

Currently Fostering Devon has:

- 5 different payment schemes
- 3 tier progression schemes
- 4 different age bands

The current fees and allowances system:

- creates inequalities
- rewards the top end carers well, but isn't competitive at entry level
- creates unnecessarily complex administration
- is a block to recruitment

Fostering Devon's current position:

- 270 fostering households in Devon (we need more)
- circa 700 children in care
- approx. half are placed with in-house foster care
- 2017/18 spend on in-house foster care allowances: £8,305,620

How has this new model been created?

We have used a process called CO-PRODUCTION which:

- involves people working together in equal partnership
- engages at the earliest stages of service design, development and evaluation
- acknowledges that people with 'lived experience' are often best placed to advise on what will make a positive difference
- aims to create a level playing field where everyone involved, including foster carers from each existing scheme, have a voice, value each other and learn together from the start of the process

We worked with a sample group of Devon foster carers throughout the process to co-produce a fee model for consultation. This group is called the Working Party and consisted:

Family & Friends Carers • Tier 3 carers • Tier 2 carers • Tier 1 carers • Devon Young People's Accommodation Service • Children and Parent Assessment Service • Fostering Managers • Fostering Social Workers • Devon Foster Carers' Association Members • Independent Workers Union of Great Britain Member.

"… it was good to feel like we were part of the team and definitely felt like all views were listened to, whilst knowing that not everyone can have everything that they want (since we don't live in an ideal world!)" ***Tier 2 Foster Carer***

"The breakout groups enabled everyone to voice their opinions and shape individual models" ***Tier 3 Foster Carer***

"I thought it was very positive and enjoyed the participation in it. More importantly I feel we all had a say with our opinions" ***Tier 2 Foster Carer***

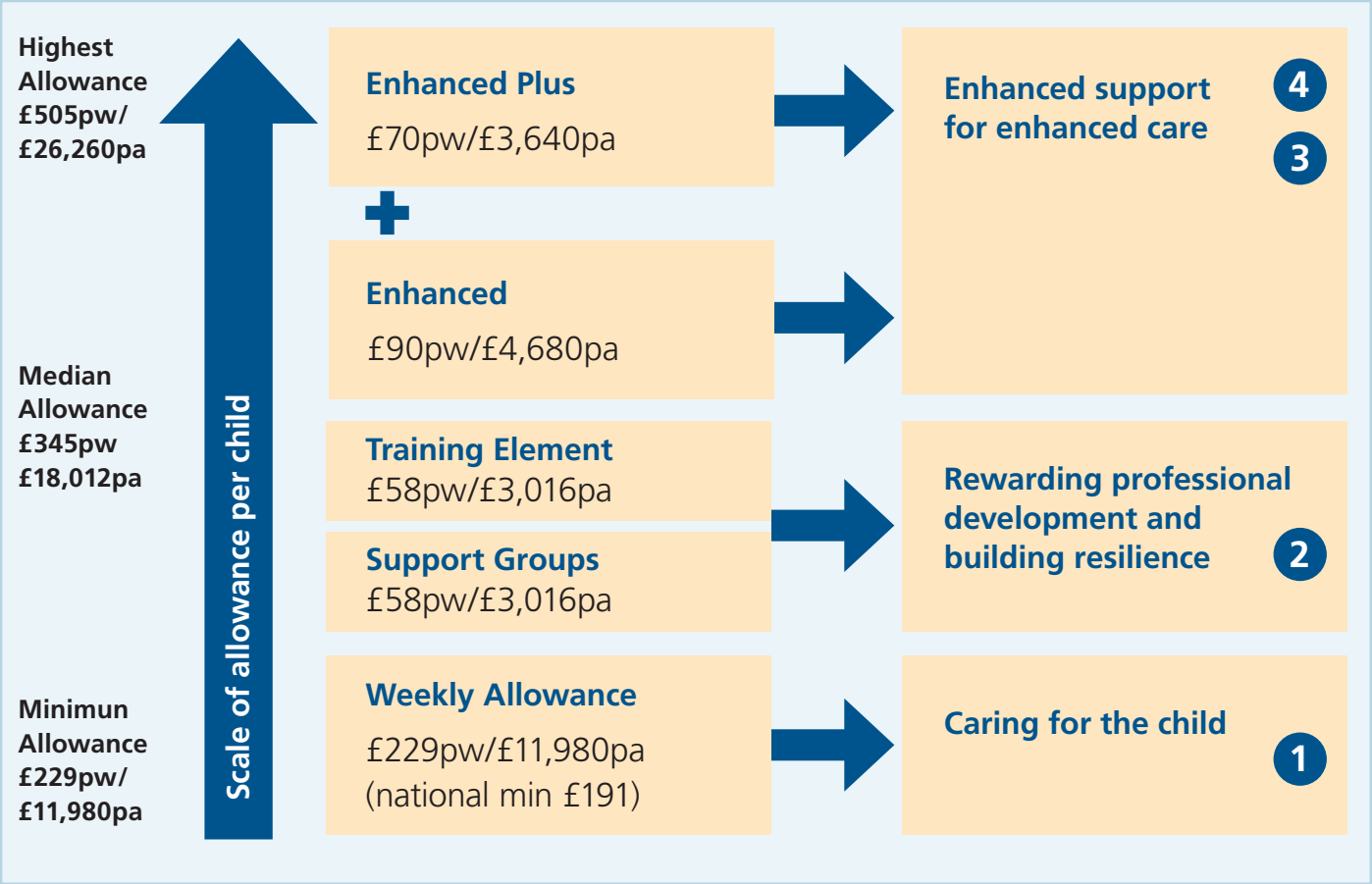
The governing principles

The governing principles as agreed by the working party mean that the new model:

- ✔ RECOGNISES THE INDIVIDUAL SUPPORT NEEDS OF THE CHILD
- ✔ IS EQUITABLE AND FAIR
- ✔ GIVES REWARD & RECOGNITION FOR THE ONGOING TRAINING AND RESILIENCE OF THE CARER
- ✔ IS AFFORDABLE
- ✔ RECOGNISES THAT SUPPORT FROM DCC CONTINUES TO BE VALUED
- ✔ HAS A FAIR ASSESSMENT PROCESS
- ✔ IS SIMPLE. BRINGS TOGETHER ALL ALLOWANCES
- ✔ IS COMPETITIVE WITH INDEPENDENT FOSTERING AGENCIES
- ✔ HAS CLEAR EXPECTATIONS FOR CARERS
- ✔ HAS THE FLEXIBILITY TO REWARD FOR THE WORK DONE
- ✔ IS TRANSPARENT AND UNDERSTANDABLE

The Model

Following several months of work by the Working Party and the Project Group, the following model was agreed for consultation.



How was the new model chosen?

- in October 2017 the Working Party drafted five potential models
- these were costed and scrutinised to ensure fit with the governing principles by the Project Team
- the preferred model was selected for detailed analysis
- the preferred model was then applied to each fostering household to establish the financial implications

Who are the Project Team?

- A Tier 3 Foster Carer
- Finance Officers
- Project Manager
- Fostering Operational Manager
- Communications Officers
- County Solicitor
- Business Support Manager
- Care First / IT

The Model

1. The weekly allowance is allocated to cover the basic expenses of caring for a child. The national **minimum rate is £191.00**. The proposed new model **exceeds this minimum**. **All carers will receive this payment**.

2. This will give **reward and recognition for carers'** who are committed to personal development and building resilience. If a carer attends **6 training events** in a year then this will be **recognised and rewarded**. If a carer attends **6 support groups** then this will be **recognised and rewarded too**.

   This will **encourage personal development** and **promote participation in support groups** where experience, fresh ideas and mutual support can be shared.

3. The top principle agreed by the Working Party was that the support **needs of children should be recognised**. The Project Team explored how this could be assessed and identified a process tried and tested by Plymouth City Council.

   This element enables **enhanced support** and **recognition** for those carers caring for **children with enhanced needs**.

   An **Enhanced Plus** element has been included to recognise the challenges of caring for the **most traumatised children**.

4. What happens if a child settles down - will the Enhanced payment be removed?

   The level of reward will **remain the same for the duration of the placement**. The aim of this model is to give r**eward and recognition** for **successful care giving**. The Enhanced element will **not be removed** if the child settles down.

Assessment criteria for the Enhanced and Enhanced Plus payments. Have we missed any issues of complexity?

NEED CATEGORY	LEVEL OF NEED
1. Solo placement	
	Requires solo placement only
2. Risk	
	Risk to younger children
	Risk to animals
3. Legal status	
a)	Care Order
b)	Interim Care Order/EPO/PPO
c)	Accommodated
4. Number of previous placements	
a)	0
b)	1-3
c)	4+
5. Age	
a)	0-10
b)	11- 18
6. Time in Care	
a)	One year or under
b)	1-4 years
c)	5 years an up
7. Previous types of placements	
a)	From home/hospital
b)	Foster care/connected carer/Family
c)	Residential
d)	Secure
e)	Unaccompanied Asylum Seeker (UAS)
8. Missing from home /care episodes?	
a)	None
b)	1-3
c)	4+
9. Education	
a)	Pre-School
b)	Full time education /FE college
c)	Education, Health and Care Plan (EHCP)
d)	Special School
e)	Occasional non attendance
f)	Pupil Referral Unit / home tuition
g)	Frequent non attendance
h)	Temporary Exclusions
i)	Permanent exclusions
j)	No education

NEED CATEGORY	LEVEL OF NEED
10. Experience of abuse and neglect	
a)	Emotional abuse
b)	Neglect
c)	Sexual abuse
d)	Physical abuse
e)	Domestic Violence in home
f)	Displaced due to UAS status
g)	Young Persons Behaviour only
11. Health	
a)	No specific health needs mentioned
b)	Diagnosed mental health difficulties
c)	CAMHS involvement
d)	Learning disability/communication difficulties
e)	Physical disability/sensory
f)	Other diagnosed difficulties/inc global developmental delay
g)	Chronic health problems
h)	Diagnosis resulting in 24/7 health care (inc night care)
12. Substance Misuse	
a)	Substance misuse not mentioned as risk
b)	Low Level actual or potential risk
c)	Occasional and/or at medium risk
d)	Frequent and/or at high risk
e)	Other agency involvement
13. Level of need / risk	
a)	Can live as part of a fostering family. Not a high risk to others, less behavioural issues
b)	Able to form secure attachments reflected in learning and behaviour
c)	Some attachment issues mentioned
d)	Significant learning and/or behavioural difficulties
e)	Significant attachment issue that have a major impact on child development
f)	Autistic spectrum disorder leading to complex additional needs
g)	Emotional and behavioural difficulties
h)	YOTS involvement
i)	Severe emotional and behavioural difficulties
j)	Challenging or offending behaviours. Threats of violence and aggression towards care givers
k)	Extremely challenging or offending behaviour. Actual violence and aggression towards care givers/foster carers
l)	Sexualised behaviour and sexually harmful behaviour
m)	Risk of child sexual exploitation
n)	Language Barrier (no English)
o)	Self Harm – superficial
p)	Self Harm – serious concerns (not substance misuse)
q)	Risk of fire setting. One or more events of fire setting inside a home

How does this new model compare with other local authorities?

It compares well and will give Fostering Devon the competitive edge we need to recruit more in-house carers and decrease our use of independent and residential carers.

Devon County Council	Plymouth City Council	Cornwall County Council
£229 - £505	**£243 - £472**	**£178 - £356**

How does this new model compare with the Independent Fostering Agencies?

We reviewed the fees and allowances paid by 13 of the IFA's used locally. On average the standard weekly rate is £417 and the average weekly higher rate is £440.

Will I be protected if my fees reduce?

It is proposed that there will be a protection arrangement for two years in most cases.

If the decrease to your weekly allowance is less than 5% there is no protection. If the decrease to your weekly allowance is more than 5% then you will be protected for two years or until the placement ends, whichever is sooner.

What is the impact of the proposed new model on the wider Fostering Devon budget?

This is not a cost saving exercise.

The proposed new model will require an initial additional £1m investment in the Fostering Service. This figure includes any increase in the ongoing fees and the protection arrangements.

What about the other areas of support offered to Fostering Devon carers?

We are very pleased to say that the excellent support services you currently receive will be maintained under the proposed new model, these include:

- Good Social Worker to Foster Carer ratio.
- Placement Support Team.
- Therapeutic Parenting support.
- Dedicated Out of Hours Support.
- Fun programme of events including Activities / Pantomime / Gala Dinner.
- Comprehensive Training Program.
- Online Training.
- Peer Mentoring Scheme.
- Devon Foster Carer Association.
- FosterTalk Membership
- Carer Participation.

"I used to foster with an independent agency but I now foster with Fostering Devon because I think the support they give you is superb. They are always on the end of the phone and the team is just brilliant." ***Lisa, Foster Carer***

Consultation Fostering fees and allowances

Frequently Asked Questions

Will payment for support groups & training include those providing the training?

Yes, if carers contribute to the training & support groups that would be included.

Will training/support attendance be paid per child?

Yes.

Will online training be included in these payments?

Yes.

How will attendance be monitored for the training & support groups?

There will be an annual review of all carers attendance.

On occasions when training or support groups cannot be attended for valid reasons, for example sickness or emergency arrangements, these will be counted if required.

Are there enough courses available if all carers are required to complete 6 per year?

There are many occasions currently when training courses are under subscribed. Training can also include attendance at conferences, workshops and online training as agreed with the supervising social worker.

Which additional costs are included in the new fees?

The Working Party asked for holidays, birthdays and Christmas to be included. Respite, mileage and incidental costs are not included.

Will the Fostering Emergency Placement Scheme continue?

No, however carers will continue to be entitled to a disturbance allowance.

Is Child & Parent service included in the new model?

No, it is still separate and has been reviewed separately.

How will carers be supported if their fees reduce?

The model has been 'stress tested' to see what the implications are for carers (as at March 2018). Individual circumstances and placements may have since changed and the financial implications may be different at the time of 'go live'.

Any proposed changes will not happen immediately, there will be a three-month notice period. This is in addition to the two-year protection arrangement.

Does 'Solo Placement' account for circumstances such as a carer only having room for one child?

No. A solo placement means the child is too complex, or presents too high a risk for any other children to share that placement.

Will bed blocks still be paid an additional fee?

Yes

Will carers' fees change if the child's behaviour improves/their needs lessen?

No, the carer will remain on the same allowance for the placement duration.

Will current placements be assessed based on the needs of the child now or when they first came into care?

Children will be assessed based on their behaviour when they first started their current placement.

Can we add to the Needs Criteria forms?

Yes, additional criteria will be considered. Suggestions so far have included: complex contact arrangements; high levels of supervision; night time disturbance; caring for the terminally ill.

Is DYPAS and UASC included in the new model?

Yes.

Do IFAs include mileage in their fees?

Yes. IFAs expect carers to cover the first 100 miles per week.

Why is the protection scheme for the placement and not the carer?

The scheme is designed to recognise the work the carer is currently doing and their commitment to self-development and support.

What if carers say no to low need children because they cannot afford that pay/they would prefer to wait for a complex child for the additional pay?

Carers have a choice to wait for a child with enhanced support needs. Carers will not be paid an enhanced fee for a child who does not have that level of identified need.

Please speak to a member of the team if you have any further questions.

What you think?

- **Add your comments to our Post-It Wall below**
- **Place you comment in the box today**
- **Email your feedback to:**
  childsc.fosteringregisteredmanager-mailbox@devon.gov.uk

What happens next?

All feedback gathered at our events will be collated and considered with a presentation being made to Devon County Council's Children's Scrutiny Committee on **17 September** followed by Cabinet for a final decision on the **10 October**. The hope is to implement the changes from **1 November 2018**.

Impact Assessment

Version final 2018
To publish, please send a dated PDF to impactassessment-mailbox@devon.gov.uk

Assessment of:	**Foster Carers Fees - Remodelling**
Service:	**Childrens**

Head of Service:	Darryl Freeman, Head of Children's Social Care
Date of sign off by Head of Service/version:	07/09/2018
Assessment carried out by (incl. job title):	Steve Rowland, Project Manager

Section 1 - Background

Description:	This project is remodelling the fees paid to foster carers by Devon County Council (DCC) in addition to the standard National Foster Carer Allowance. The project is changing the basis on which fees are paid to DCC foster carers by DCC. There is a nationally prescribed foster carer allowance which is topped up by local authorities throughout the country. The project proposes that the fees model changes from an historic foster carer-centric approach to a model that is more child-centric with fees being paid based on the complexity of the placement.
Reason for change/review:	The current structure for DCC Foster Carers Allowances is widely perceived as unfair and has inconsistencies. There are a number of different schemes operating in Devon and children with complex needs are placed across the service within three schemes: Family Care Workers Scheme (FCWS), Devon Young Peoples Accommodation Service (DYPAS) and Mainstream fostering.

	Foster carers are not always receiving equal payments for children presenting similar needs, e.g 16-year-old Mainstream Band 2 is £397, DYPAS Band 3 is £471, ex-FCWS is £530.

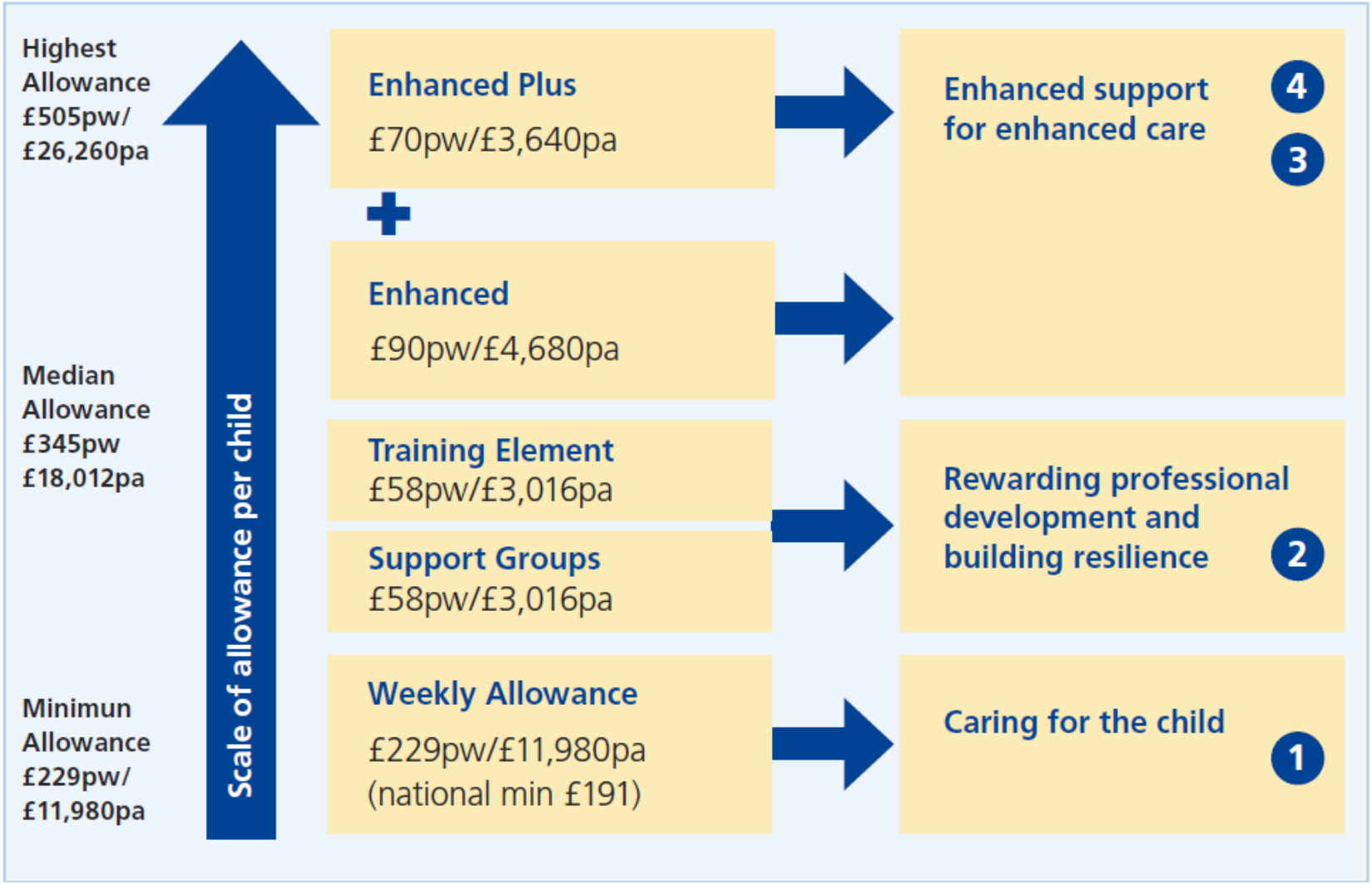
Section 2 - Impacts, options and recommendations

See sections 3, 4 and 5 for background analysis

Options Appraisal and Recommendations:	A number of scheme models have been considered in co-production with foster carers via the foster carer working group The type of schemes that were drawn up and considered by the Foster Carer Working Group (made up of a cross section of foster carers from all schemes and DCC social workers) were as follows: • flat rate option • flat rate with enhanced payments • basic fees and allowances with additional payments to recognise carer skills • basic allowance, training reward, support group attendance reward and enhanced payments based on child complexity • salaried scheme These options were appraised by foster carers and foster service staff. They were also assessed from a financial perspective. The Foster Carer Working Group then narrowed the model options down to 2 principle models which were both taken away for further financial analysis and senior manager consideration. It was further agreed by the working group that the most appropriate and effective model to take forward was a model that had a basic weekly allowance, training reward, peer group attendance reward and a payment based on the complexity of the child's needs. It is this model that then underwent significant financial modelling to ensure all round viability and be the recommended option.

The Model

Following several months of work by the Working Party and the Project Group, the following model was agreed for consultation.



Social/equality impacts (summary):	The financial impact on foster carers has been carefully considered as part of the process. The extensive financial modelling that has taken place fully considered individual circumstances and losses to allowances so they can be ameliorated as far as practicable. It is proposed to have a financial protection arrangement in place for foster carers. This protection will last for 2 years or the length of the placement (whichever is shorter). The protection will protect carer fees that show a reduction of more than 5% due to the new model. Although we have mitigated some negative impact with this protection, there is a risk to child placements being disrupted which is reflected within the project risk log.
Environmental impacts (summary):	There are no significant environmental impacts to consider as part of this change.
Economic impacts (summary):	There is a risk that the new model may mean that some foster carers leave fostering. Devon's market position is competitive, carers who decide to work for another authority or an Independent Fostering Agency (IFA) are unlikely to receive a higher financial package, and the Devon support package is strong. It is anticipated that the risk is outweighed by the benefit of attracting new foster carers into fostering for DCC due to the new fees model being more fair, consistent, equitable and easy to understand than before.
Other impacts (partner agencies, services, DCC policies, possible 'unintended consequences'):	A proposed benefit of this model is to attract foster carers to work for DCC instead of an Independent Foster Agency.
How will impacts and actions be monitored?	The impacts and actions are being monitored as part of the project governance that has been in place since the project commenced. The project team will manage the required project activity and the project risk log. Any issues are escalated to Childrens Senior Leadership Team via the senior responsible officer (SRO).

Background Analysis

This section describes how relevant questions and issues have been explored during the options appraisal.

Section 3 - Profile and views of stakeholders and people directly affected

People affected:	list of stakeholders: • Foster carers • Foster children • DCC social workers • DCC foster service staff
Diversity profile and needs assessment of affected people:	The diversity profile of the listed stakeholders is given below. The proposed fee scheme is designed to be fair and equitable and this was considered and tested throughout the design stage. From figures produced in early 2018, the diversity profiles of foster carers and the children in fostering placements are as follows: **Foster Carers Ethnic Diversity Profile**

Ethnicity	Number	Percentage
White British	443	93.2%
Info not known/not obtained	20	4.2%
White Other	6	1.3%
White Irish	2	0.4%
Mixed Other	1	0.2%

Mixed White/Asian	1	0.2%
Other Ethnic Group	1	0.2%
Null	1	0.2%
Total	475	

Fostered Children Ethnic Diversity Profile

Ethnicity	Number	Percentage
White British	260	82%
Asian Other Asian	11	3.5%
White Other	11	3.5%
Other Ethic Group	6	1.9%
Info not yet obtained/unknown	6	1.9%
Chinese	4	1.3%
Black African	4	1.3%
Mixed Other	4	1.3%
Mixed White/Black Carib	3	0.95%
Mixed White/Asian	3	0.95%
Gypsy/Roma	2	0.63%

Mixed White/Black African	2	0.63%
White Irish	1	0.32%
Total	317	

Fostered Children Age Profile

The proposed fee model does not propose any change to any age restrictions currently in place.

The minimum age to become a foster carer is 21 years old. There is no upper age limit.

Children can be fostered from birth up to age 18 years old. When a foster placement reaches 18 years old they may be eligible for Devon's Staying Put scheme or enter into an Adult Placement.

Age	Number
0	19
1	5
2	7
3	10
4	3
5	8
6	9
7	11
8	16

9	15
10	12
11	16
12	17
13	26
14	39
15	21
16	48
17	34
18	1

Devon's Foster Carers Age Profile:

The age breakdown for Devon's foster carers is as follows:

21-30 years old – 12

31-50 years old – 154

51-70 years old – 292

71 years old and above – 17

The highest number of carers per age is 33 for 51 year olds, followed by 54 year olds at 25 then 52 year olds at 24.

	The oldest carer is 86 years old and there are 3 foster carers aged 21-26 years.
Other stakeholders (agencies etc.):	• Other DCC staff • Councillors • Public
Consultation process and results:	A workshop was held on 31 Oct which was attended by a cross section of foster carers forming a working group representing the current DCC fostering schemes. Also in attendance were two social workers and members of the project team. The attendees were tasked with setting a number of principles by which a new fee scheme should be governed. Once they had achieved this, the group prioritised these principles. With the newly set principles set in priority order, the group then discussed and drafted potential fee models each with their own set of pros and cons. The working group met again on 31 January 2018 and on 12th July 2018. These working group sessions allowed the diverse members to further review the model and to comment on the financial stress-testing that has taken place. The formal period of consultation commenced on 25th July 2018 and will run until 12th September 2018. 8 consultation sessions have been held at various locations across Devon. These sessions were run as 'open day' sessions to allow foster carers the flexibility to attend at their convenience during the day. A consultation session was held specifically for Tier 3 Foster Carers (DCC most experienced foster carers). A number attended and were given the opportunity to express their views to the Head of Children's Social Care and the Chief Officer for Children Services. All feedback has been collated to inform the DCC Cabinet decision required as part of this change. The consultation sessions have produced a number of scheme suggestions from foster carers including additional categories for the assessment criteria – Complex Contact Arrangements, Foetal Alcohol Syndrome and Children with a Terminal Illness. These additions will be considered along with all other feedback.

Research and information used:	Other local authorities fee models and their approach to recent fee model changes were considered in advance and during the life of the project. Independent Foster Agency (IFA) fee structures were also considered.

Section 4a - Social Impacts

Giving Due Regard to Equality and Human Rights

The local authority must consider how people will be affected by the service, policy or practice. In so doing we must give due regard to the need to:

- Eliminate unlawful discrimination, harassment and victimisation
- Advance equality of opportunity and
- Foster good relations.

Where relevant, we must take into account the protected characteristics of age, disability, gender, gender reassignment, pregnancy and maternity, marriage and civil partnership, sexual orientation, race, and religion and belief.

This means considering how people with different needs get the different services they require and are not disadvantaged, and facilities are available to them on an equal basis in order to meet their needs; advancing equality of opportunity by recognising the disadvantages to which protected groups are subject and considering how they can be overcome.

We also need to ensure that human rights are protected. In particular, that people have:

- A reasonable level of choice in where and how they live their life and interact with others (this is an aspect of the human right to 'private and family life').

- An appropriate level of care which results in dignity and respect (the protection to a private and family life, protection from torture and the freedom of thought, belief and religion within the Human Rights Act and elimination of discrimination and the promotion of good relations under the Equality Act 2010).

- A right to life (ensuring that nothing we do results in unlawful or unnecessary/avoidable death).

The Equality Act 2010 and other relevant legislation does not prevent the Council from taking difficult decisions which result in service reductions or closures for example, it does however require the Council to ensure that such decisions are:

- Informed and properly considered with a rigorous, conscious approach and open mind, taking due regard of the effects on the protected characteristics and the general duty to eliminate discrimination, advance equality and foster good relations.
- Proportionate (negative impacts are proportionate to the aims of the policy decision)
- Fair
- Necessary
- Reasonable, and
- Those affected have been adequately consulted.

Characteristics	**In what way can you eliminate or reduce the potential for direct or indirect discrimination, harassment or disadvantage?** **Are there any lawful, reasonable and proportionate, unavoidable negative consequences?**	**In what way can you advance equality (meet needs, encourage participation, make adjustments for disabled people, 'close gaps').** **In what way can you foster good relations between groups (tackle prejudice and promote understanding), if relevant?**
All residents (include generic equality provisions):	The change does not apply to all residents. The proposed change to the fostering model applies to foster carers and foster children. Children become fostered children due a variety of circumstances which mean they cannot live with their birth parents.	
Age:	See diversity profile in earlier section.	

	The proposed scheme may have a potential positive impact as it is potentially more attractive to people all ages wanting foster under the fairer scheme, otherwise the impact on the age characteristic will be neutral.
Disability (incl. sensory, mobility, mental health, learning disability, ill health) and carers of disabled people:	Some of the children who are fostered will have disabilities. The proposed new fee model will ensure that the most appropriate and experienced foster carers are fairly and equitably rewarded for taking on the most complex placements. Based on figures from early 2018, Devon has 48 foster children classed with a disability out of 317 in total. This gives a percentage of 15.1%. A number of health considerations form part of the Health section within the proposed fostering assessment criteria. Please see appendix A for a full list of the proposed assessment criteria. The improved scheme should be more responsive to needs arising from disabilities so should have a positive impact.
Culture and ethnicity: nationality/national origin, skin colour, religion and belief:	Please see the table in the earlier Diversity Profile section of this form which gives a breakdown of ethnicity for foster carers and fostered children. Foster placements will be child-centric and will be placed to appropriate carers based on the child's needs and the skills and experience of the carers. Part of the proposed assessment criteria is to assess for any language barrier and those children who fall into the category of an Unaccompanied Asylum Seeker (UAS). See appendix A for a full list of proposed criteria for assessment. The new scheme should have a positive impact on needs arising from culture and ethnicity because the relevant assessment criteria is now clearer.
Sex, gender and gender identity (including men, women, non-binary and transgender people), and pregnancy and maternity	Based on figures produced in early 2018, the percentage of female foster carers is 58.8% and the percentage of male foster carers is 41.2%. Devon's foster children's gender balance is 44% female and 56% male.

(including women's right to breastfeed).	The new scheme has the potential for a positive impact on needs arising from sex, gender and gender identity because it is clearer about all assessment criteria and the way needs are captured.
Sexual orientation and marriage/civil partnership:	The fostering service actively seeks to recruit foster carers from LGBT communities. The foster service has produced targeted adverts and has attended events such as Pride. Any LGBTQ children will be matched to appropriately trained and experienced foster carers. The new scheme maintains this positive approach.
Other socio-economic factors such as families, carers, single people/couples, low income, vulnerability, education, reading/writing skills, 'digital exclusion' and rural isolation.	Based on placements as at April 2018, the proposed new model gives a financial increase to 50% of placements, 10% will remain unchanged and 40% will show a reduction. The project proposes to give financial protection to those foster carers who, as a result of the new model, will be financially worse off by 5% or more. This protection will last for up to 2 years or when the current placement ends (whichever is sooner). We acknowledge that despite the protection, there will be some social economic impact on some foster carers.
Human rights considerations:	One of the principle values behind the development of fostering itself is the right to a family life. **The changes proposed within this project have no negative impact on any of the protected characteristics.**

Supporting independence, wellbeing and resilience?

Give consideration to the groups listed above and how they may have different needs.

In what way can you support and create opportunities for people and communities (of place and interest) to be independent, empowered and resourceful?	This is a change to the Foster Carers Fees Model. The changes proposed do not have any significant impact on the promotion of independence.
In what way can you help people to be safe, protected from harm, and with good health and wellbeing?	The changes to the fees will be child centric so that the needs of each child placement is considered as a priority which should improve the safeguarding and wellbeing of children.
In what way can you help people to be connected, and involved in community activities?	The Fostering Service will continue with a range of activities, support groups, training events and recognition days throughout the year and will continue to encourage participation in community activities.

Section 4b - Environmental impacts

An impact assessment should give due regard to the following activities in order to ensure we meet a range of environmental legal duties.

The policy or practice does not require the identification of environmental impacts using this Impact Assessment process because it is subject to (please select from the table below and proceed to the 4c, otherwise complete the environmental analysis table):

	Devon County Council's Environmental Review Process for permitted development highway schemes.
	Planning Permission under the Town and Country Planning Act (1990).

	Strategic Environmental Assessment under European Directive 2001/42/EC “on the assessment of the effects of certain plans and programmes on the environment”.

	Describe any actual or potential negative consequences. **(Consider how to mitigate against these).**	**Describe any actual or potential neutral or positive outcomes.** **(Consider how to improve as far as possible).**
Reduce waste, and send less waste to landfill:	none	none
Conserve and enhance biodiversity (the variety of living species):	none	none
Safeguard the distinctive characteristics, features and special qualities of Devon’s landscape:	none	none
Conserve and enhance the quality and character of our built environment and public spaces:	none	none

Conserve and enhance Devon's cultural and historic heritage:	none	none
Minimise greenhouse gas emissions:	none	none
Minimise pollution (including air, land, water, light and noise):	none	none
Contribute to reducing water consumption:	none	none
Ensure resilience to the future effects of climate change (warmer, wetter winters; drier, hotter summers; more intense storms; and rising sea level):	none	none
Other (please state below):	none	none

Section 4c - Economic impacts

	Describe any actual or potential negative consequences. **(Consider how to mitigate against these).**	**Describe any actual or potential neutral or positive outcomes.** **(Consider how to improve as far as possible).**

Impact on knowledge and skills:	Some carers could leave DCC fostering service if they decide that the new fee model negatively impacts on them financially. Most higher paid carers are those with long service, so there is a risk that some knowledge may be lost, resulting in a small negative impact.	We have put some transitional financial protection in place and also expect to recruit more new foster carers under the new scheme.
Impact on employment levels:	There is also a very low risk that some DCC foster carers may decide to stop being foster carers due to their individual reduction of fees under a new model, this will potentially result in a small negative impact.	There is a recruitment drive in place and the new models would be fairer and more equitable than current models. Therefore, this should be more attractive to potential foster carers and so mitigate the possible negative impact.
Impact on local business:	neutral	neutral

Section 4d -Combined Impacts

Linkages or conflicts between social, environmental and economic impacts:	none

Section 5 - 'Social Value' of planned commissioned/procured services:

How will the economic, social and environmental well-being of the relevant area be improved through what is being proposed? And how, in conducting the process of procurement, might that improvement be secured?	**The scheme should offer enhanced social value from fostering because its aims are:** To implement a Foster Carer fees model that is fair, equitable and fully represents value for money.

	To put in place a fees scheme that puts the needs of the child at the centre and deals with the complexity of the child as a priority. To ensure that the financial support to carers is fair, clear and equitable. To promote, in the long term, the retention of carers. To produce a competitive payment structure that supports the recruitment of new carers. Enable young people to live in a household resourced to provide security and promote best outcomes. To recognises the skills, experience and input of foster carers.

Appendix A – DCC foster placement assessment criteria

1. Solo placement	
	Requires solo placement only
2. Risk	
	Risk to younger children
	Risk to animals
3. Legal status	
a)	Care Order
b)	Interim Care Order/EPO/PPO
c)	Accommodated
4. Number of previous placements	
a)	0
b)	1-3
c)	4+
5. Age	
a)	0-10
b)	11- 18
6. Time in Care	
a)	One year or under
b)	1-4 years
c)	5 years an up
7. Previous types of placements	
a)	From home/hospital
b)	Foster care/connected carer/Family
c)	Residential
d)	Secure
e)	Unaccompanied Asylum Seeker (UAS)
8. Missing from home /care episodes?	
a)	None
b)	1-3
c)	4+
9. Education	
a)	Pre-School
b)	Full time education /FE college
c)	Education, Health and Care Plan (EHCP)
d)	Special School
e)	Occasional non attendance
f)	Pupil Referral Unit / home tuition
g)	Frequent non attendance
h)	Temporary Exclusions
i)	Permanent exclusions
j)	No education

10. Experience of abuse and neglect	
a)	Emotional abuse
b)	Neglect
c)	Sexual abuse
d)	Physical abuse
e)	Domestic Violence in home
f)	Displaced due to UAS status
g)	Young Persons Behaviour only
11. Health	
a)	No specific health needs mentioned
b)	Diagnosed mental health difficulties
c)	CAMHS involvement
d)	Learning disability/communication difficulties
e)	Physical disability/sensory
f)	Other diagnosed difficulties/inc global developmental delay
g)	Chronic health problems
h)	Diagnosis resulting in 24/7 health care (inc night care)
12. Substance Misuse	
a)	Substance misuse not mentioned as risk
b)	Low Level actual or potential risk
c)	Occasional and/or at medium risk
d)	Frequent and/or at high risk
e)	Other agency involvement
13. Level of need / risk	
a)	Can live as part of a fostering family. Not a high risk to others, less behavioural issues
b)	Able to form secure attachments reflected in learning and behaviour
c)	Some attachment issues mentioned
d)	Significant learning and/or behavioural difficulties
e)	Significant attachment issue that have a major impact on child development
f)	Autistic spectrum disorder leading to complex additional needs
g)	Emotional and behavioural difficulties
h)	YOTS involvement
i)	Severe emotional and behavioural difficulties
j)	Challenging or offending behaviours. Threats of violence and aggression towards care givers
k)	Extremely challenging or offending behaviour. Actual violence and aggression towards care givers/foster carers
l)	Sexualised behaviour and sexually harmful behaviour
m)	Risk of child sexual exploitation
n)	Language Barrier (no English)
o)	Self Harm – superficial
p)	Self Harm – serious concerns (not substance misuse)
q)	Risk of fire setting. One or more events of fire setting inside a home