



National IRO Manager Partnership

Here for children in care and care leavers. Helping to bring about improvements in policy and practice.

NIROMP Briefing on the Foster Care in England report - February 2018

Opening summary

This briefing considers 'Foster Care in England', a report of the independent review of foster care by Sir Martin Narey and Mark Owers'. The report was commissioned and published by the Department for Education on 6 February 2018.

The report summarises its findings and sets out 36 recommendations to improve the fostering system for children and foster carers. It should be read in conjunction with the Education Select Committee Report on foster care published December 2017.

Nadhim Zahawi MP, Parliamentary Under-Secretary of State for Children and Families, will consider both reports findings.

This important review will culminate in government consideration to what can be done to deliver sustainable improvements to the fostering system in England and to the outcomes for looked after children.

Comment by the Chair, Sharon Martin on behalf NIROMP

Children in care and care leavers are an important group of children who need more intensive support to have the stable foundation that others take for granted. They have all too frequently been let down by people and systems. The challenges these children face are numerous. They deserve the highest standards of care and legal safeguards.

We welcome this review of fostering and are pleased with Sir Martin Narey and Mark Owers recognition of the positive outcomes achieved by the care system in England and the quality of foster care provided by so many families. We could not agree more that our care system and foster families are a success story. Children's welfare generally improves over time as a result of the care provided by loving, committed foster carers.

We support a number of the recommendations in the report; however, we do not support the recommendations to remove the IROs. This review of fostering in England must keep the child and the child's perspective and experience firmly in mind and at the centre of all thinking in its exploration and formulation of the future direction of care services. Regards the future positioning of IROs, we would welcome consideration as to how the service can work more closely with the Office of the Children's Commissioner and be strengthened within local authorities.

This fostering review also raises important questions for government around the role of the



care system and the financial crisis facing public services. Local authorities need the right financial backing and support services in place to help families, to stop problems from escalating and to prevent children from coming into and returning to care. The care and fostering system needs to be properly funded to have the best chance of avoiding financially driven commissioning decisions, poor retention of over-stretched children's social workers, and difficulties in effectively implementing 'Staying Put' arrangements.

IROs have the privilege of seeing many hundreds of children's lives transformed because of the compassion, love and care of foster families and a dedicated team of supporters around the child. These people generally epitomise the care we want to see of a compassionate society.

A number of the report's recommendations are to be welcomed, including giving more support to foster carers, ensuring that they are listened to and enabling foster carers to feel that they are allowed to show comfort and care to children through physical affection like hugs and kisses, if wanted by the child.

Ensuring foster carers have more freedom to make day to day parenting decisions must be better addressed and IROs are well placed to ensure that this is achieved for the benefit of the children and young people within these families. . IROs continue to have an important role in 'looked after' children's lives, they are often the consistent team and are pivotal in ensuring that children know their rights to advocacy and the importance of their voices are heard.

Foster carers have a wonderfully unique relationship with the children in their care and they play a crucial role in bettering their outcomes. They should be valued, supported and listened to.

We hope this review¹ results in positive and meaningful change to the lives of children and young people in care. It certainly raises important and familiar issues and some serious challenges about the current arrangements for foster care in England. It offers the sector an important opportunity to contribute to further improvements in the foster care system.

I look forward to NIROMP having a greater role in the consultation and discussion around this report and its recommendations.

Sharon Martin,
Chair National IRO Managers Partnership

¹ 'Fostering in England'

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/679320/Foster_Care_in_England_Review.pdf





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NIROMP briefing & comment on recommendations contained in the Foster Care in England report

Recommendation 1: Foster carers are not professionals. But - and this is crucial - they must be treated professionally.

NIROMP comment:

Foster carers are pivotal to achieving better outcomes for children and should always be treated professionally.

They need good, regular supervision and appropriate access to out of hours support alongside flexible input from health, schools, colleges and other partners, and they should be involved in discussions about the child's progress and outcomes. IROs can play an important role in the support of Foster carers through the looked after review process

Recommendation 2: The statutory guidance should be changed to ensure the involvement of carers in review meetings is the default position, and that they are only excluded in exceptional circumstances. And, although the child's views need to be listened to - and the reason for their wishing to exclude their carers must certainly be probed - foster carers should always be involved.

NIROMP comment:

Foster carers are routinely involved in contributing to their child's looked after review. The child's review is undertaken as a process, rather than just one meeting there can often be a series of meetings to complete the statutory review. This may involve separate discussions and activities with the child in accordance with their wishes about how they want to contribute and how they want others to contribute. It is rare for a child to want their carer excluded from a review meeting and the IRO would want to establish the reasons why. Foster carers sometimes complain to IROs of not being invited to attend meetings and reviews about education by the child's social worker or school. In these situations the IRO would challenge why this has happened. The input from foster carer's is vital to the review process and these are always sought. Many looked after reviews take place in the Foster placement and, in determining where they want their review held, children often ask for this to be the venue.

Recommendation 3: The Department for Education should urgently remind all local authorities that the delegation of total authority for all category one



decisions should apply automatically to foster placements.

NIROMP comment:

We fully support this recommendation.

It is right that foster carers should generally feel encouraged and able to create for the child an environment which mirrors (as much as possible) that of a normal family life. Their role should not be diminished or downgraded by professionals.

A shift away from risk adverse approaches is to be welcomed and this recommendation might enable more children and their foster families to feel their voices are better heard and understood.

Recommendation 4: The Department for Education and local authorities are urged to recognise that automatic delegated authority to Carers must apply for voluntarily accommodated children too, and that birth parents should be helped to understand that it is in their child's interests. Birth parents cannot be allowed to veto the ability of foster carers to provide day to day parenting.

NIROMP comment:

The general emphasis around delegated authority is to be welcomed and it is hoped such measures will encourage everyone to ensure carers are properly empowered to make decisions for the children they are caring for.

However, strengthening delegated authority for foster carers must be done in conjunction with the appropriate levels of support being offered to birth families to ensure that relevant issues around identity are taken into account for the child.

Birth parents should generally remain important to all decision making and local authorities must work alongside and through them in conjunction with the voice of the foster carer to achieve the best outcomes for children who are looked after.

Recommendation 5: Carers should be in no doubt that, unless it is unwelcome to the child, they should not curb the natural instinct to demonstrate personal and physical warmth. We urge the Department for Education to make that clear in future guidance.

NIROMP comment:

Putting children's needs first must be a core part of everything that we do for children in care. We should absolutely take to heart that children want and need to feel a sense of belonging and a feeling of being loved by their foster carers.

It is right that foster carers should be given clearer guidance to help them to know that they are allowed to give their foster children physical affection like hugs and kisses, if the child



wants them.

More generally this also needs to drive a less risk-adverse and defensive approach to policy, procedure and practice across all safeguarding and care systems.

Recommendation 6: Local authorities should decide which individual social worker is best placed to offer the support to the foster family in long-term placements.

NIROMP comment:

This proposal raises a number of concerns. The current approach provides for two distinct social roles - one to speak for and advocate for the child and the other performs a similar role for foster carers. For these reasons the two roles can conflict and don't always have the same goals. Having two distinct roles reduces the risk of the needs and wishes of the child being overlooked.

This recommendation also needs further consideration in light of carers accounts of contact with social workers as too often “not enough”². There is currently no uniformity of social work caseloads. However, it has long been recognised that social work caseloads are too high in many local authorities. It may be that a reconfiguring of roles would allow for reduced caseloads. Analysis of the implications of such a review should inform any future consultation related to recommendation 6.

It needs to be understood that recommendation 6 could entail a single social worker having responsibility for support to the child in placement; potentially undertaking looked after child reviews, personal education plan reviews, managing contact with birth family, and dedicated support and supervision to the foster carer. Further analysis and consultation is clearly needed as the implications of such a proposal are far reaching and give no assurance of any independent view

The assessment and planning process for long-term foster care should address the child's current needs and likely future needs, and the capacity of the foster carer and others supporting the child, to meet these needs now and in the future³.

Recommendation 7: Local authorities should be allowed to dispense with the IRO role; re-investing savings in front line staffing.

NIROMP comment:

Proposals to remove legal safeguards agreed in the Children and Social Work Act 2017 are misplaced.

² See page 23, ‘Fostering in England’

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/679320/Foster_Care_in_England_Review.pdf

³ See 3.104, page 72 ‘The Children Act 1989 guidance and regulations’

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance_2015.pdf



Inspection and regulation should encourage IRO practice in line with legislative requirements, agreed standards and the principles of promoting continuously better outcomes for children in care and care leavers.

Wider reaction to this review has served to resurrect ideas that in these increasingly challenging and sometimes resource-led environments the IRO role needs to be strengthened not diminished. This was suggested by Mark Owers as part of his consultation with the NIROMP group. In response to his request, our paper 'IROs as a resource'⁴ outlines how the IRO role could be strengthened and given more leverage.

Some are asking whether children in care would be better served by IROs being managed under the auspice of the Children's Commissioner for England. Our members would welcome consideration to how the service can work more closely with the Office of the Children's Commissioner.

There is solid research and academic and case study evidence⁵ to show the considerable benefits for children of having a highly experienced and consistent social work professional. IROs hold corporate parents to account and work with others across the sector to raise standards.

Some examples of comments made by children and young people about their experience of IROs and reviews:

"It was helpful because things are sorted out for me."
"You can say what you want to them and they listen to you."
"Everyone is concerned about me and made a plan for my future."
"Everything gets covered that I want."
"They listen to what you have to say."⁶

Some examples of the views experienced by adults looking back on their experience of their IRO:

"My IRO was fantastic and I felt the only person who ever listened to me. He stayed with me the whole time I was in the care system and I genuinely got the sense he cared about me and my wishes!"

⁴ NIROMP submission to Mark Owers as part of the National Fostering Stocktake – Independent Reviewing Officer's (IRO) as a Resource <https://niromp.org/niromp-submission-to-mark-owers-as-part-of-the-national-fostering-stocktake-independent-reviewing-officers-iro-as-a-resource/>

⁵ Care Planning and the Role of the Independent Reviewing Officer Report 2015 <http://www.uea.ac.uk/documents/3437903/0/Care+Planning+and+IROs+UEA+Oct+2015.pdf/e9236f71-d2db-46bc-95ec-884eeef1471d>

⁶ IRO Annual Report <https://smad6740.files.wordpress.com/2016/02/kent-county-council.pdf>



"I really liked my IRO she always used to come and fetch me to talk to me before my Review to check that I didn't want to say anything that I was afraid to say in front of Foster Carers. She was my biggest support and was the only one that listened to me".

Some comments from foster carers about the IRO involvement:

"The care planning has been a bit of an emotional roller coaster and therefore there is potential for reviews to be difficult. However, the IRO managed the process well and remained focused on the child and key issues"

"Do find the reviews useful. The experience of IROs has always been very positive and supportive. I can certainly see the value and benefit of the IRO service"

"The IRO was clearly there for the child, he was always there to steer a process in terms of his oversight and checking of the situation and took people's views into account. He didn't come across as biased in any way".

Examples from Cafcass & IRO Survey on the difference made by the Cafcass & IRO Joint Protocol⁷ and the impact of the IRO:

"the IRO in one of my cases has always been passionate about her young person and open to robust, professional discussion about care planning. The court had recently directed a handover between myself and the IRO which I feel reflects the courts acknowledgement and valuing of what the IRO brings?"⁸.

"The Local authority sought to move a child who had been in long term foster care with the same foster carer (Private Agency) for the 7 years proceeding. The foster carer offered to foster the young person long term, but did not want to make an application for a legal order, as she valued the support of the local authority and looked after child reviews. The Local authority sought to move this child to a local authority foster carer, under the pretext that the local authority foster carer would make application for either an SGO or Adoption Order. The IRO challenged the local authority assertion that they

⁷⁷ **Good Practice Protocol for Public Law Work** <http://adcs.org.uk/care/article/good-practice-protocol-for-public-law-work>

⁸ **IRO Annual Report** <https://smad6740.files.wordpress.com/2017/11/iro-annual-report-2016-172.pdf>



continued...

a) had a local authority foster carer who had been assessed as being able to meet the needs of the young person; b) that the local authority had the firm assurance of the foster carer that they would make application for an order. The young person's view was that she wanted to stay with her current foster carer, and did not wish for any legal order to be made, as she saw herself having two mummies, one who was her birth mother and one who was her foster mother. She did not wish to change. The Guardian and IRO agreed that the local authority care plan was inappropriate and together we challenged this both through the local authority and the courts. The outcome of the proceedings was that the young person remained in her original long term foster placement."

Regarding the idea of dispensing with IROs and re-investing savings:

The Local Government Association (LGA) estimates a £2 billion funding gap in children's services by 2020. The Child Poverty Action Group suggests the annual cost of tackling child poverty in the U.K. is more like £29 billion.

The 'Local Government Finance Settlement'⁹ brings opportunity to create a new, needs based, funding approach for local government from 2020-21. However there is an immediate and deepening crisis relating to the public financing of services for children and research is revealing that authorities with more deprived populations are also suffering disproportionately higher levels of cuts.

Research by the Joseph Rowntree Foundation found that there has been a striking convergence in the levels of funding between more and less deprived authorities in England¹⁰. This has important implications for rising inequality for children, families and communities in different local authority areas. Particularly striking is the situation for social care spending (combining children and adult services). This has actually risen in real terms in the least deprived categories (by £28 per head or 8 per cent) while falling strongly in the most/more deprived categories (by £65 per head or 14 per cent).

Most recently Northamptonshire CC was forced to impose a section 114 order restricting spending – the first for nearly 20 years – with sector experts warning that this is unlikely to be the last; many red flags are being raised over the future delivery of statutory services across the board.

The annual 'State of Local Government Finance Survey'¹¹ gives a snapshot of the pressures facing councils. This year 132 council leaders, chief executives, cabinet members for finance and finance directors took part, representing a third of all English councils. The anonymous survey found eight out of 10 respondents were either not at all confident or not very confident about the wider sustainability of local government finance.

⁹ **Local Government Finance Settlement** <https://www.gov.uk/government/speeches/provisional-local-government-finance-settlement-2018-to-2019-statement>

¹⁰ **The cost of cuts: the impact on local government and poorer communities** <https://www.jrf.org.uk/sites/default/files/jrf/migrated/files/Summary-Final.pdf>

¹¹ **'State of Local Government Finance Survey'** <https://www.lgiu.org.uk/wp-content/uploads/2018/02/LGiU-MJ-State-of-Local-Government-Finance-Survey-2018-Full-Report.pdf>



The LGA have acknowledged however that within the context of an overall national pressure on children's services, there also remains considerable variation in spend between similarly performing councils and it has thus commissioned research to deliver a 'diagnostic project'¹² to better understand what is driving these variations. The LGA expects to be briefing all councils on the findings in the spring.

Another example of the significant variations in local authority spending and local authority funding streams is Cornwall and Wakefield. They have similar levels of deprivation according to 2015 IMD data and yet the LGA found Children's Social Care spend within the authorities ranging from £435 per child in Cornwall to £652 in Wakefield (RO3 data from 2015/16).

All of this suggests that the underlying reasons for and implications of these types of variation need to be understood before taking radical steps that could result in an already poor situation becoming far worse. The central focus in addressing the worrying financial crisis facing public services must not allow for sweeping decisions to be made about the eradication of statutory services introduced to ensure adequate safeguards for vulnerable children. Instead focused, systematic and proportionate and measurable gains over time supported by a robust analysis of the data and more equitable and longer term funding settlements may actually enable better planning and commissioning of services across the whole system.

All this demands moral leadership and the avoidance of any further erosion of children's legal safeguards.

More general issues related to recommendation 7 involve quality of practice and effectiveness of services:

Ofsted¹³ has identified a weakness across local authorities in how information is used to understand trends and monitor the effectiveness of work across the sector.

Dr Lisa Holmes (Director of the Rees Centre) speaking at the All Parliamentary Group for children¹⁴ has identified a general need to measure aspects of quality as well as the easier to record and measure items provided via statistical releases. Holmes points to a need for a better join-up of existing data using data items and sets from a range of agencies (eg police, housing, education, social care, health). This would assist longitudinal and cross-analysis of the outcomes of specific interventions and thus contribute to better commissioning and planning. More joined up use of data might also enable the sector to gain a clearer account of the resourcing of children's social care and any correlations with the quality and effectiveness of public services.

Together, this all suggests that the effective prioritisation of resources depends in part on having data sets that enable senior leaders to know why they are spending money, what works, and the outcomes realised from money invested. It indicates that this could be achieved through better collaboration around existing data sets at no additional cost.

¹² 'Diagnostic project' <https://www.local.gov.uk/about/campaigns/bright-futures/understanding-drivers-spend-childrens-services>

¹³ Ofsted Annual Report 2016/17 <https://www.gov.uk/government/collections/ofsted-annual-report-201617>

¹⁴ All Parliamentary Group for Children

<https://www.ncb.org.uk/sites/default/files/uploads/Social%20care%20inquiry%20minutes%201%20Final.pdf>



Recommendation 8: For a thorough assessment and consultation with the sector and with Carers about the effectiveness cost and value for money of Fostering Panels and we urge DfE to commission such an assessment.

NIROMP comment:

A thorough assessment and consultation with the sector is needed.

Coram BAAF point to the variable practice around the country and suggest processes that may benefit from simplification¹⁵.

Recommendation 9: We do not believe that Department for Education guidance on allegations needs to be changed. But local authorities need to be sure that it is followed in all cases. And Carers need to be reassured that, however unlikely the prospect of an allegation being made, they can be confident that they'll be supported through the process.

NIROMP comment:

As well as being hugely rewarding fostering can be hugely demanding and very challenging. Foster carers need good quality, timely and ongoing support from the various professionals involved with them and the children they are looking after.

Good outcomes and safe care require that allegations are managed thoughtfully with due diligence and care for all involved. Planning and review mechanisms should ensure a measured and timely approach in accordance with the relevant guidance and procedures.

Recommendation 10: All Fostering Services should consider introducing structured Peer support for Carers.

NIROMP comment:

This is an approach advocated by the Grandparent Plus organisation in respect of kinship care placements¹⁶. They identify it as a cost effective way of providing valuable and much needed support.

Recommendation 11: Endorsement of tiered approaches to paying fees, linked to the skills and experience of the Carers. Implemented widely, such models could drive greater consistency in fostering, aid better matching

¹⁵ Coram BAAF Submission to the Fostering Stocktake
<https://corambaaf.org.uk/sites/default/files/The%20Fostering%20Stocktake%20CoramBAAF%20submission.pdf>

¹⁶ Grandparents Plus UK <https://www.grandparentsplus.org.uk/join>



between child and Carer and would provide improved knowledge about the skills of the foster carer population.

NIROMP comment:

We would urge consultation across the sector in this area

Recommendation 12: The report does not believe current payments to Carers - when considered in the context of HMRC's helpful tax and benefit arrangements - are inadequate.

NIROMP comment: we are unable to offer comment on this recommendation.

Recommendation 13: It may be for the Courts to determine the employment status of Carers. The report encourages the Government and local authorities to resist such a fundamental change.

NIROMP comment: we are unable to offer comment on this recommendation.

Recommendation 14: Call for a National Register of carers.

NIROMP comment:

This recommendation poses a huge logistical task. Creation of a national register would require set-up as well as ongoing funding. This money may be better invested in services to support children and young people directly. We would urge consultation across the sector in this area.

Recommendation 15: Local authorities are urged to consider combining their recruitment efforts.

NIROMP comment:

This could be beneficial in identifying specialist placements and meeting the needs of children with specific needs in a wider area.

Recommendation 16: Department for Education are asked to consider re-branding and re-launching First For Adoption (F4A) to improve foster carer recruitment. DfE would have to provide a substantial amount of the funding but local authorities and IFAs might be expected to contribute to a service which should help them to reduce their own marketing spend.

NIROMP comment: we are unable to offer comment on this recommendation



Recommendation 17: All local authorities and IFAs are asked to review and where necessary improve the way they handle initial enquiries. Greater use of mystery shopper techniques is recommended to monitor the quality of response to enquirers

NIROMP comment: we are unable to offer comment on this recommendation

Recommendation 18: Local authorities and independent agencies should invite a much larger proportion of resigning and retiring Carers to exit interview

NIROMP comment: we are unable to offer comment on this recommendation

Recommendation 19: The perception is that there is rather more poaching from IFAs to local authorities, but relatively little of either. When that happens, we believe local authorities should compensate the IFA, for the recruitment costs of replacing that Carer. We suggest the Transfer protocol be amended to reflect that.

NIROMP comment:

We would not concur with a blanket approach, this needs to be considered on a case-by-case basis and the care plan of the child, for instance if moving to a Special Guardianship Order.

Recommendation 20: Quite a lot could be achieved in terms of price reduction were local authorities to share their framework contracts with one another.

NIROMP comment: we are unable to offer comment on this recommendation

Recommendation 21: Many of the 152 separate local authorities are too small effectively to plan and commission fostering. It could be better planned and commissioned if they were to come together into about 10 consortia with critical mass, better able to understand commissioning requirements, concentrate expertise, discourage local authority versus local authority competition, and negotiate with IFAs to provide placements at significantly reduced cost.

NIROMP comment: we are unable to offer comment on this recommendation



Recommendation 22: We recommend that the consortia should also appoint national account managers for the larger IFAs. This would reduce the likelihood of consortia competing against one another as local authorities do now.

NIROMP comment: we are unable to offer comment on this recommendation

Recommendation 23: Larger local authorities or the consortia we recommend, should consider making a determined attempt to become self-sufficient in Carer recruitment or, alternatively, partnering with one or more IFAs to provide their complete fostering service.

NIROMP comment: we are unable to offer comment on this recommendation

Recommendation 24: All local authorities should use Bright Spots, or similar survey approaches regularly and systematically to measure children's experience of fostering and relative to other local authorities.

NIROMP comment:

Regular surveys or other systematic ways of ascertaining and measuring children's experience of fostering is important to building a better understanding of how well the care system is working for them.

Recommendation 25: Reinforce statutory guidance that children should know their rights to advocacy and how to access an advocate and urge Department for Education to work with the Children's Commissioner and voluntary sector providers of advocacy, including Coram Voice, to ensure this is done

NIROMP comment:

This recommendation is directly relevant to the IRO role and why IROs were introduced. IROs continue to have a key role in ensuring that children know about their rights to advocacy and that advocacy is secured for children whenever needed. We continue to work collaboratively with the Office of the Children's Commissioner and voluntary sector providers, including Coram Voice and others to help ensure this is done.

IROs were introduced as part of the statutory framework of safeguards for children as a result of some very serious systemic failings within the care system and with that came an increasing focus on children's rights and entitlements to advocacy and other legal safeguards.

In 2013, the All-Party Parliamentary Group for Looked After Children and Care Leavers,



which the charity 'Become'¹⁷ organises, published a report called 'The Entitlements Enquiry'. The APPG found that children and young people frequently were not aware of their rights and entitlements, either because they weren't told in the right way or because they weren't told at all. It also found that the people who work with children in care and care leavers were not always aware of these rights and entitlements. Lastly, the APPG found that even when children and young people did know about these things, they were not necessarily receiving them.

The 'Become' charity has been working since 1992 to improve the everyday lives and future life chances of young people who are unable to live with their birth families. Their Policy and Campaigns Officer, Amy Woodworth, recently commented:

"We can all help to make sure that care-experienced children and young people know their rights. By not assuming what they do and don't know, by explaining clearly, by giving them written information, and by following up to make sure that their rights are respected and that they receive their entitlements. IROs and IRO Managers already do a lot of this important work. On Care Day, as we celebrate all the things that children in care and care leavers can achieve, we should also make sure we're doing all we can to empower and support them¹⁸".

In response to the review of foster care in England, Natasha Finlayson (CEO, 'Become') CEO, comments:

"[...] given the report's acknowledgement of the need for independent advocacy, the call for the removal of Independent Reviewing Officers (IROs) seems misplaced. IROs provide a valuable function of oversight and support for children in care, and this report does not provide a robust justification for their removal. We are concerned that this will result in the erosion of support for children's rights and entitlements, which runs counter to the many good ideas in this report."

Concern has also been expressed by Anne Longfield, Children's Commissioner for England in her response to the findings of the review:

¹⁷ 'The Entitlements Enquiry' (2013) <http://www.becomecharity.org.uk/our-work/improving-the-care-system/appg/>

¹⁸ 'Celebrating the rights of children in care' (February 2018) <https://niromp.org/2018/02/16/celebrating-the-rights-of-children-in-care-careday18/>



“[...] I do not support the recommendations to remove Independent Reviewing Officers. We know from cases referred to our advice service Help at Hand that IROs often raise the alarm about a child’s situation that needs help to resolve”.

Recommendation 26: Local Authorities need to monitor the quality of referral information and ensure that, inadvertently; they do not demonise a child by over emphasising the negative aspects of a child’s background.

NIROMP comment:

We agree with the need for fairer assessment information of children and young people waiting to be placed.

It is generally accepted that problems with referrals are interlinked with problems of sufficiency - of not having enough foster carers available to allow for good matching. Having more foster carers would give placing authorities more choice and this would also encourage better referrals for matching and therefore better outcomes for children and young people.

Recommendation 27: Carers should, wherever possible, be able to play a proactive role in matching. Adapting adopter-led family finding techniques, such as Activity Days, to help find suitable long-term fostering placements should be piloted in a number of local authorities.

NIROMP comment:

Foster care generally works well for children, and the outcomes are better the longer children remain within the system. Anything that can be done to support carers increased involvement in matching and family finding would be a good thing.

Evidence from the Care Inquiry¹⁹ made clear that what matters most is the relationship between the child in care and their foster carers. Good outcomes are about getting the basics right including the child’s relationship with their foster care.

Recommendation 28: Children must routinely be better prepared for a placement day-to-day care and routines before the first meeting (including seeing video messages and scenes of their bedroom and learning about some basic house rules).

NIROMP comment:

¹⁹ ‘The Care Inquiry’ <http://www.nuffieldfoundation.org/sites/default/files/files/Care%20Inquiry%20-%20Full%20Report%20April%202013.pdf>



Some foster carers have wonderful examples of welcome video messages, books and treasure boxes that could helpfully be shared as part of an approach to peer group support and learning.

Recommendation 29: If the register of adopters, recommended in Chapter 3 were not to be introduced, at the very least, a vacancy management system to remove the randomness and - sometimes the lottery – of finding the right Carers for children.

NIROMP comment: we are unable to offer comment on this recommendation

Recommendation 30: Department for Education are urged to remind local authorities of the change in the law and the need for professionals to ensure that birth family contact takes place only when in the interests of the child.

NIROMP comment:

The obligation is not on parents to demonstrate that contact is in the child's welfare before it should be allowed. The presumption that the authority promotes contact remains in law.

The Children and Families Act 2014 inserted additional clauses into s.34 of the Children Act 1989 to strengthen the ability of a local authority to refuse contact on child welfare grounds.

However, the local authority duty under s.34 (1) to 'allow the child reasonable contact' with their parents remains in the 1989 Act. The obligation is on the local authority to allow reasonable contact unless it can reasonably argue that such contact is not consistent with safeguarding or promoting the child's welfare.

Importantly there is a need to carefully tailor individual contact plans. Contact is a complicated issue and most research and practice reflects this complexity. Many children in foster care desperately want contact with their birth family but can also struggle with the emotional impact. Those children who want contact and are denied it can tend to struggle more. Some children may want contact with some birth family members but not others. Also children's views on contact may change as they grow so importantly contact must be the subject of ongoing review. Crucially the statutory looked after reviews facilitated by the IRO consider contact at each meeting and seek the views of the child or young person in relation to this and reflect this in the review report and recommendations.

Recently, the enquiry into the role of the social worker in adoption²⁰ noted that in England, Scotland and Wales, letterbox contact is the usual model with birth families, with direct contact rarely an option. Even where birth relatives pose no risk, direct contact is not

²⁰ **The role of the social worker in adoption – ethics and human rights: An Enquiry**

<https://www.basw.co.uk/adoption-enquiry/docs/The%20Role%20of%20the%20Social%20Worker%20in%20Adoption%20Enquiry.pdf>



normally considered where the plan is for adoption. The adoption enquiry calls for the need to generally rethink the current model of contact.

Any considerations about contact should also take into account the roles and views of Cafcass practitioners and the child's IRO. The courts rely on children's guardians' opinions and recommendations in relation to children's contact with birth family. All parties should have confidence that the children's guardian has been able to take into account all the evidence, to enable them to reach a fair and balanced view and statutory guidance states that the court should also be informed by the IRO's views though too often this has been absent. At every stage of care proceedings, the children's guardian has to provide the court with his or her independent opinion or recommendation and this should always happen in consultation with the IRO.

The ability of the children's guardian and the IRO to independently represent the best interests of the child in public law proceedings is gradually being eroded. For example, guidance²¹ issued to Cafcass practitioners last year has meant that children's guardians are not generally expected to attend court hearings or to actively participate at court in discussions and negotiation in cases where interim decisions about contact are being contested.

In the interests of justice and the effective independent representation of children, decisions should be made on a case by case basis with due weight given to the children's guardian's own views and the IRO's own views and independently reviewed through the looked after review process.

Recommendation 31: When children move placement they should routinely be consulted about the adults and children who are important to them and, unless it is not in their interests, contact with those adults and children should be encouraged and facilitated.

NIROMP comment:

The focus at all levels should be about nurturing positive and meaningful relationships for children who cannot stay with, or return to, their parents. This includes a primary focus on ensuring that all children have the opportunity to be part of a family where they feel loved and secure, that they belong and feel that this will endure throughout their life.

This should include consulting with the adults and children who are important to the child and encouraging and facilitating continuation of these relationships whenever it is in the child's best interests to do so.

Systems, procedures, processes but most fundamentally practice must support this primary focus on relationships and family. All those involved in the child's life need to take more ownership of this most basic but fundamental objective.

²¹ Cafcass Guidance (2017) – 'Use of Professional Time to Benefit Children' Policies - Cafcass - Children and Family Court Advisory and Support Service <https://www.cafcass.gov.uk/about-cafcass/policies/>



Placement, care planning and review systems should focus on ensuring continuity of key valued relationships for the child and particularly at key points of transition such as moving care placement, returning to family, moving school and so on.

Foster carers, social workers, residential practitioners, IROs and other professionals and carers who have formed a good relationship with a child should be encouraged and supported to maintain contact when they – the adults – change job, or when the child enters or leaves care or moves to a new care placement.

Local authorities should be encouraged to consider the suitability of the match between the social worker and the child when allocating a social worker to a child in care, and they should give serious consideration to a request by a child for a change in social worker or IRO.

Recommendation 32: Local Authorities, should review the environments in which family contact takes place and the way it is supervised to ensure that it can be as positive an experience for the child as possible.

NIROMP comment:

We recognise that there is a need for individualised contact planning as independently reviewed by the IRO through the looked after review process

Recommendation 33: As part of the assessment process when siblings enter care, individually or simultaneously, local authorities should not presume that keeping groups together is in the interests of all children in that group. Instead they should consider the individual needs of each child and whether they are likely to thrive when placed together and whether it is possible for one set of carers to meet the developmental demands of the full sibling group.

NIROMP comment:

The planning for permanence and care for a child should involve their relationships, taking into account the range of people who may be, or may become, more or less important to the child at different stages in their life and keep this understanding under close review.

Planning for permanence and care should always be based on a child's individual needs and should include continuing consideration to the relationships the child has, or wishes to have, with the people they hold close to their heart. Given that sibling relationships are likely to be among the longest lasting and significant relationships in a child's life, siblings should be placed together unless there are strong evidence based reasons for not doing so. In any such case, the future significance of these sibling relationships and their potential positive benefit should be recognised and actively developed²².

²² Page 16, 'The Care Inquiry' <http://www.nuffieldfoundation.org/sites/default/files/files/Care%20Inquiry%20-%20Full%20Report%20April%202013.pdf>



All involved with the child should give proper attention to how high-quality relationships are built and supported for children and young people in care, and whether robust plans are in place for supporting these relationships into adulthood - through visiting arrangements, phone calls, letterbox contact in line with the best interests of the child. The IRO routinely monitors and reviews these decisions as part of the statutory reviewing process

Recommendation 34. We believe that children on the edge of care and their families should routinely gain earlier access to foster care. Department for Education, together with select local authorities and independent fostering agencies, should further explore the potential to support foster care as a means of: avoiding unnecessary entry into care; ensuring that those who do come into care are thoroughly assessed and placed in a more managed and timely way; and attracting a new population of carers and carers who no longer want to foster fulltime.

NIROMP comment:

The report raises important questions for government around the role of the care system and local authorities' capacity to support families at the earliest opportunity to make positive changes in their lives and to stay together.

Any calls for a greater focus and investment from government in this area are to be welcomed. However, the proposal to invest in 'select local authorities' and 'independent fostering agencies' seems highly misplaced given the rising inequalities for children growing up in different parts of England and given questions being asked about the sustainability of public services across the board.

Ofsted acknowledge that deprived councils face the biggest social care challenge. Councils in areas of lower deprivation, and those with a higher spend on children's social care, are more likely to receive a higher inspection rating²³.

Analysis of data as part of research²⁴ led by Paul Bywater's also suggests that being poor in affluent local authorities increases the chances of intervention; that less deprived local authorities intervene more readily in children's lives than more deprived neighbouring authorities and it found extra dimensions to this too. Simply put, more affluent areas have greater resources for child protection interventions.

Local authorities are ambitious about improving children's life chances. However, ongoing problems related to conflicting national policy initiatives - particularly in relation to welfare reform - coupled with dramatic reductions in public sector funding (not excluding

²³ **The Annual Report of Her Majesty's Chief Inspector of Education, Children's Services and Skills 2016/17** https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/666871/Ofsted_Annual_Report_2016-17_Accessible.pdf

²⁴ **Inequalities in child welfare intervention rates** <http://www.nuffieldfoundation.org/inequalities-child-welfare-intervention-rates>



inequalities in funding streams), have adversely impacted the ability of public services across the board to improve child outcomes.

The Institute of Fiscal Studies²⁵ prediction that the number of children living in poverty will increase to five million by 2020/21 is staggering. A compassionate society, one that cares for its children, should not allow this situation to continue. Families with children have been hardest hit by austerity and some parts of the country are feeling this harder than others. Moral leadership linked to a more coherent approach to strategy and policy is needed. There must be a *facing up to the challenge* of child poverty and the action needed to end it. If adequate help is not available at an early enough stage across, all services in all areas of England, then the likelihood is that a higher proportion of families will experience escalating crisis at a high human cost and at a high cost to public finance.

Ofsted has made recommendations in two thirds of inspections about the need for earlier help or broader partnership working. However, it is also clear that councils have had to make unpalatable decisions to safeguard spending on child protection services because they have no other choice - there is no money. Many across the sector have expressed increasing alarm at the number of families who are reaching crisis with nowhere to turn because of insufficient early help. Uncertainty around how to bridge the horrendous funding gap and short term funding measures (eg as linked to the Innovation Programme) risk further perpetuating problems for the sustainability of services and risk storing up bigger problems for a later date.

The APPG for Children's report 'No Good Options'²⁶, on children's social care found that for every £1 spent on preventative help e.g. respite breaks for disabled children, children's centres and the diversionary work that youth offending teams undertake, £4 is spent on reactive child protection work and "although the benefits of early intervention are widely recognised, local authorities opting to deliver early intervention services are often struggling to fund their activity".

There is consensus around the need for earlier help to prevent problems escalating and for ensuring, for example, that children on the edge of care and their families can routinely gain earlier access to help. Ideas about the provision of respite foster care are not new to the sector.

What is needed is a new approach to the exploration of sustainability plans linked to longer term and more equitable funding streams that would allow for such provision.

Recommendation 35: The priority must be to convert more fostering placements to arrangements which are more likely to last forever, either by encouraging foster carers to adopt or to become Special Guardians, not least through longer term guarantees of financial support.

²⁵ **Institute of Fiscal Studies**

[http://www.cpag.org.uk/sites/default/files/Cost%252520of%252520child%252520poverty%252520research%252520update%252520\(2013\).pdf](http://www.cpag.org.uk/sites/default/files/Cost%252520of%252520child%252520poverty%252520research%252520update%252520(2013).pdf)

²⁶ **No Good Options** <https://www.ncb.org.uk/resources-publications/resources/no-good-options-report-inquiry-childrens-social-care-england>



NIROMP comment:

This recommendation has some merit but raises a number of issues.

The report rightly emphasises that fostering is a key part of the care system and every step should be taken to ensure permanency for the child by exploring how parental rights can be conferred on carers in appropriate cases. However the main thrust should not be that foster carers adopt or become special guardians. What matters in every situation is the best outcome for the child. In some situations this may include consideration to specialist residential care or reunification with the birth family.

Regarding financial support to secure the longer term guarantees referred to in recommendation 35, all local authorities need the right financial support and services in place in the longer term for this to be a viable option. The development of sustainable support and services for children in care demands that local authorities are better placed to undertake financial and strategic planning in the longer term.

The variations in council spending on children's services were addressed in detail under 'Recommendation 7'.

Consideration also needs to be given to children's transition to adulthood, Staying Put and children's return home:

The journey through life for children transitioning from care is too often lonely, disrupted, unstable and troubled. A lack of adequate support has been an issue for a long time; the quality of support for care leavers has been patchy for too long²⁷.

The principles behind Staying Put are absolutely right and this review of fostering should be an opportunity to ensure that the practical challenges associated with this are addressed. Staying Put needs to be properly funded in order that it can more consistently meet the needs of young adults formerly in the local authorities care.

Staying Put carers often have similar support needs to foster carers so this should be reflected in legislation. Statutory guidance should provide for a national minimum Staying Put Allowance and the option to receive support equivalent to that of a foster carer. Funding implications of Staying Put arrangements however must be properly considered as part of this.

It was not until September 2015, that the DfE began collecting data on young people as they leave care so that a better understanding could be gained of their progress in accommodation and education/employment and in order that this information can be used to support the development of interventions to better address their needs.

On the matter of children returning home. A child's return to a parent or relative is the most common outcome for looked after children. However, problems have also been identified with drift and delay preventing children returning home in a timely way as well as some children continuing to face abuse and neglect when they do return home. Some local authorities have introduced protocols providing for independent review of young people's

²⁷ **Care Leaver Strategy 2013**

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/266484/Care_Leaver_Strategy.pdf



Pathway Plan post 18²⁸ to address this. Initiatives to extend independent scrutiny by IRO services could ensure that more returns home are successful and more children are adequately safeguarded. (Leeds is an example of an authority that continues to offer support from the IRO, if the young person request this, post 18)

Recommendation 36: The Adoption Leadership Board, and the Residential Care Board should continue. And similar arrangements should be made to implement the recommendations from this report. Overseeing those Boards, Ministers should direct the setting up of a Permanence Board under the chairmanship of the Director General for Children's Social Care, the most senior official in the Department responsible for the Care System.

NIROMP comment:

The report's recommendation for a Permanence Board is welcomed as a mechanism to drive continuous improvements to the care system, and added focus to increasing stability, providing better outcomes and more joined up policies and care for vulnerable children.

Conclusion

Central to fostering from the child's point of view is the relationship they have with their foster carer and the people they hold closest to their hearts.

In relation to the proposal to dispense with IROs and re-invest savings in front line staffing, this radical solution detracts from a picture that is much more nuanced and involves deepening worries about the state of public finance and services while not fully appraising the significance of the current IRO role and independent reviewing function.

In these increasingly challenging times we must avoid resource-led policies and decisions. This review of fostering in England must keep the child's perspective and experience firmly in mind in its exploration and formulation of the future direction of fostering and the care system.

Wider reaction to this review has also served to resurrect ideas that in these increasingly challenging and sometimes resource-led environments the IRO role needs to be strengthened not diminished.

Some are asking whether children in care would be better served by IROs being managed under the auspice of the Children's Commissioner for England. Our members would welcome consideration to how the service can work more closely with the Office of the Children's Commissioner.

²⁸ **City of London Protocol for independent review of pathway plan post 18**

https://www.google.co.uk/url?sa=t&rct=j&q=&esrc=s&source=web&cd=3&ved=0ahUKEwiChojRwZ3ZAhXiKMAKHd3Bc4QFgg1MAI&url=http://www.proceduresonline.com/cityoflondon/children/user_controlled_lcms_area/uploaded_files/IRO%25252520Care%25252520Leaver%25252520Protocol%25252520and%25252520CIN%25252520Review%25252520May%252525202017.docx&usq=AOvVaw3LCSGGMR16dlH0ft8hK3mP



For more information about the NIROMP see our website: www.niromp.org

Read [Foster Care in England](#) – the report of the independent review of the fostering system in England which includes 36 recommendations.

A summary of the main themes emerging from the call for evidence: [The National Fostering Stocktake Call for Evidence Report February 2018](#)

Analysis of data from the independent review into foster care in England by Sir Martin Narey and Mark Owers: [Looked after children in foster care: analysis](#)

Notes to Editors:

NIROMP is a non-fee paying professional organisation for IROs and IRO Managers. Its members represent the interests of children in a range of care settings and proceedings such as fostering, kinship care, adoption, residential care, children living at home, children in the secure estate, child protection and public law proceedings. Our members have the same status as local authority senior managers; they are highly experienced children and family social workers with specialist knowledge in working with children in care and care leavers. Our members have significant experience as managers, chairs of Adoption Panels and other specialist social work practitioner roles.

Read more about NIROMP's work: www.niromp.org

