

Inspection of local authority fostering services and independent fostering agencies

Consultation document

This is a consultation document on proposals for a revised framework for the inspection of local authority fostering services and independent fostering agencies. Ofsted seeks the widest possible range of views from those who have an interest in, or expertise relating to, fostering in order to ensure that the inspection framework takes proper account of the needs and circumstances of all interested parties. We particularly want to hear from people who have been directly involved in the fostering services: from children and young people, from parents and from foster carers. Above all, the framework must assure the quality of services for children and young people who are placed with foster carers, and support their continuing improvement.

The closing date for the consultation is 31 August 2011.

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Introduction

- 1. This consultation seeks your views on proposals for a revised framework for the inspection of local authority fostering services and independent fostering agencies, referred to collectively as fostering services.
- 2. Ofsted inspects against the relevant regulations with which the service must comply, taking into account the relevant national minimum standards (NMS) and statutory guidance. In developing a new framework for the inspection of fostering services, we wish to ensure that inspection supports improvement and focuses on what makes the greatest contribution to improving outcomes for children who are, or should be, placed with foster carers.
- 3. We would like to hear from everyone involved in fostering: children and young people; children's and young people's relatives; foster carers and their families; staff and managers involved in the placement and support of children with foster carers; and staff and managers involved in the recruitment, assessment, training and support of foster carers. Your views will help to refine and develop the inspection framework.
- 4. The consultation will be open from 7 June until 31 August 2011.

Background to the consultation

- 5. The inspection of fostering services is underpinned by the relevant primary and secondary legislation, in particular the Fostering Services Regulations (England) 2011, and takes into account the relevant NMS. Local authorities must also comply with the *Children Act 1989 guidance and regulations volume 4:* fostering services¹, and the *Children Act 1989 guidance and regulations volume 2: care planning, placement and case review*². These documents are available on the Department for Education's website.
- 6. In relation to local authorities, Her Majesty's Chief Inspector has a wider power under section 147 of the Education and Inspections Act 2006 to inspect the social care functions of a children's services authority. This includes the effectiveness of care planning for looked after children.
- 7. New NMS and new statutory guidance for fostering services came into force on 1 April 2011. The introduction of new standards and guidance necessarily requires a revision of the inspection framework to ensure that it remains fully consistent with the regulatory and legislative framework.

¹ Children Act 1989 guidance and regulations volume 4: fostering services, Department for Education, 2011; https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DFE-00023-2011.

² Children Act 1989 guidance and regulations volume 2: care planning, placement and case review, Department for Education, 2010;

https://www.education.gov.uk/publications/standard/publicationDetail/Page1/DCSF-00185-2010.



8. This is also an opportunity to review aspects of the conduct of inspection, and of the way that evidence is structured into a number of key judgements. The aim of this review is to ensure that the inspection of fostering services meets the obligations placed on Ofsted to ensure that inspection: supports improvement in the services we inspect and regulate; is centred on the needs of people using services; and promotes the effective use of resources.

Proposals for the inspection of fostering services The evaluation schedule and grading

- 9. Judgements will be made on:
 - the overall effectiveness of the agency
 - outcomes for children and young people
 - quality of service provision
 - safeguarding children and young people
 - leadership and management.
- 10. Judgements will be made against the following scale.
 - Outstanding.
 - Good.
 - Satisfactory.
 - Inadequate.
- The experiences of, and outcomes for, children must be central to the conduct and the findings of inspection and the proposed framework will seek to ensure this.

The national minimum standards

12. The national minimum standards (NMS) are **minimum** standards; achieving them will not necessarily mean that a fostering service is good or outstanding. The judgement grades are based on an evaluation schedule which sets out the characteristics of inadequate, satisfactory, good and outstanding services. All evidence will be considered on a 'best fit' rather than a formulaic model.

Notice given before inspection

13. Ten days' notice will be given of an inspection. We believe that this period of notice will ensure that inspectors are able to assess the service 'as it is', and reduce the demands of inspection on the service, while still allowing us, before the inspection starts, to invite and receive comments from children and young people, relatives and foster carers who are involved with the service. We would like your views on this proposal.



The frequency of inspection

- 14. Under current statutory requirements, every fostering service must have an inspection at least once in each three-year inspection cycle, for which appropriate notice will be given. With the agreement of the Department for Education (DfE), Ofsted is seeking views on a more proportionate approach to the inspection of fostering services where outstanding services would be inspected less frequently. This would not, of course, be possible without a change in the regulations. It could help to ensure that Ofsted focuses its resources on agencies that need to improve, and to reduce the demands of inspection on outstanding agencies, recognising their own capacity to improve. We would like your views on this proposal.
- 15. Under this proposal, all services would still have an inspection under the proposed framework within the first three-year inspection period, to establish a baseline of performance under the new framework. There would then be a longer gap before services judged to be outstanding were subject to reinspection. However, Ofsted will retain the power to bring forward the inspection of outstanding services if assessment suggests that performance has deteriorated. We propose that in making this assessment, we should consider:
 - complaints and concerns received about the agency
 - changes in the ownership or management of the service
 - information contained in notifications and in reports produced under regulation 35 (which are monitoring reports compiled by the service)
 - for local authorities, the proportion of looked after children in the local authority who are fostered
 - the stability of placements made by the service.
- 16. We would welcome your views on whether these factors would effectively identify deterioration or if there are any other factors that could be considered.

Inspection of local authority fostering services and adoption agency functions

17. Ofsted is committed to publishing new arrangements for the inspection of local authority children's services by December 2011. This consultation document makes the assumption that the current requirement for a universal three-year cycle of inspection of fostering services will remain, although we have agreed with the DfE to consult on a possible lengthening of the period between inspections for services judged to be outstanding. Therefore, we are not at this stage considering integrating the inspection of local authority fostering services with the inspection of wider looked after children's services, as in future there will not necessarily be a universal cycle of looked after children inspections on a cycle that would meet the regulatory requirements in relation to fostering. However, we are considering scheduling inspections so that a local authority



has its fostering service inspection and its adoption agency inspection at the same time. We believe this could reduce the demands of inspection on local authorities. We would like your views on this proposal.

Ofsted's fostering dataset

18. We currently collect data on an annual basis from fostering service providers, via a fostering dataset. This was introduced by the previous inspectorate of children's social care – the Commission for Social Care Inspection – when the inspection cycle changed from at least once a year to at least once in every three years. It was introduced in order to gather pre-inspection data and later to contribute to decision making regarding the timing of inspection. Ofsted has collected and collated this data for the last three years. We propose that in future we should only collect this data prior to inspection, rather than as an annual exercise. This will reduce demands on providers and ensure that when the data is provided, it is up to date and informs inspection. It will also reduce the demands on Ofsted's resources for collection and analysis activity which is not directly related to specific inspection activity. The consultation seeks your views on this proposal. Whatever decision is taken about the dataset collection, Ofsted will still need pre-inspection data to ensure that our inspections are informed by an overall picture of the operation of the service and that appropriate lines of enquiry are identified. However, this data would only be requested prior to inspection.

Summary of the evaluation schedule

- 19. The NMS and the statutory guidance focus on outcomes for children, and so must inspection. The framework and the evaluation schedule will focus on the areas we have identified below. We would welcome your views on whether we have identified the right things, and if there are other things you think we should consider.
- 20. We propose that inspectors will make judgements on:
 - overall effectiveness
 - outcomes for children
 - quality of service provision
 - the safety of children
 - leadership and management.

Overall effectiveness

21. Inspectors will consider judgements across the evaluation schedule, focusing on what makes most difference to outcomes for children and young people before arriving at the overall effectiveness judgement.



Outcomes for children

- 22. In order to make their judgement, inspectors will evaluate the outcomes achieved by children and young people, taking into account, where appropriate, their starting point at the time of placement. In making judgements about outcomes for children, Ofsted will test compliance against the relevant regulations, taking into account, in particular, aspects of NMS 1–3, 6–9, 11 and 12. In relation to local authority fostering services, inspection will also evaluate performance against the relevant statutory guidance. Inspectors will evaluate the extent to which:
 - children know that their views, wishes and feelings are taken into account in all aspects of their care, are helped to understand why it may not be possible to act upon their wishes in all cases and know how to obtain support and make a complaint (NMS 1)
 - children have a positive self view, emotional resilience and knowledge and understanding of their background (NMS 2)
 - children enjoy sound relationships with their foster family, interact positively with others and behave appropriately (NMS 3)
 - children live in a healthy environment where their physical, emotional and psychological health is promoted and where they are able to access the services to meet their health needs (NMS 6)
 - children are able to enjoy their interests, develop confidence in their skills and are supported and encouraged to engage in leisure activities (NMS 7)
 - children are able to make a positive contribution to the foster home and their wider community (NMS 7)
 - children and young people achieve their educational potential (NMS 8)
 - children have, where appropriate, constructive contact with their parents, grandparents, siblings, half-siblings, wider family, friends and other people who play a significant role in their lives (NMS 9)
 - children are welcomed into the foster home and leave the foster home in a planned and sensitive manner which makes them feel loved and valued (NMS 11)
 - children feel part of the family and are not treated differently to the foster carer's own children living in the household; the child's needs are met and they benefit from a stable placement (NMS 11)
 - children are prepared for, and supported into, adulthood so that they can reach their potential and achieve economic well-being (NMS 12).



Quality of service provision

- The focus of this judgement is on what the fostering service does to improve outcomes for children and young people – in other words, the inputs. In making judgements about the quality of the service provision, Ofsted will test compliance against the relevant regulations taking into account, in particular, aspects of NMS 1-15, 20 and 21. In relation to local authority fostering services, inspection will also evaluate performance against the relevant statutory guidance. Inspectors will consider the impact the service has on promoting positive outcomes for children under NMS 1-12, and evaluate the extent to which:
 - children live in foster homes which provide adequate space, to a suitable standard; the child enjoys access to a range of activities which promote his or her development (NMS 10)
 - the fostering service recruits, assesses and supports a range of foster carers to meet the needs of children they provide care for and is proactive in assessing current and future needs of children (NMS 13)
 - the fostering panel and decision maker make timely, quality and appropriate recommendations/decisions in line with the overriding objective to promote the welfare of children in foster care (NMS 14)
 - the responsible authority has information and support from the fostering service which it needs to facilitate an appropriate match between the carer and child, capable of meeting the child's needs and consistent with the wishes and feelings of the child, so maximising the likelihood of a stable placement (NMS 15)
 - foster carers receive the training and development they need to carry out their role effectively (NMS 20)
 - a clear framework of training and development is in place and this is used as the basis for assessing foster carers' performance and identifying their training and development needs (NMS 20)
 - foster carers receive the support and supervision they need in order to care properly for children placed with them (NMS 21).



The safety of children

- 24. The focus of this judgment is on how the whole of the fostering service ensures that safeguarding children is at the centre of all their activities. In making judgements about the safety of children, Ofsted will test compliance against the relevant regulations taking into account, in particular, aspects of NMS 4, 5, 17, 19, 22 and 24. In relation to local authority fostering services, inspection will also evaluate performance against the relevant statutory guidance. Inspectors will evaluate the extent to which:
 - children feel safe and are safe; they understand how to protect themselves and are protected from significant harm, including neglect, abuse and accident (NMS 4)
 - children who do go missing are protected as far as possible and responded to positively on their return (NMS 5)
 - the fostering service is provided and managed by those who are suitable to work with children and have the appropriate skills, experience and qualifications to deliver an efficient and effective service (NMS 17)
 - there is careful selection of staff, fostering households, volunteers and the central list of persons considered suitable to be members of a fostering panel, and there is monitoring of such people to help prevent unsuitable people from having the opportunity to harm children (NMS 19)
 - allegations and suspicions of harm are handled in a way that provides effective protection and support for children and the person making the allegation, and at the same time supports the person who is the subject of the allegation (NMS 22)
 - staff and volunteers are supported and guided to fulfil their roles and provide a high quality service to children (NMS 24).

Leadership and management

- 25. The focus of this judgment is on the leadership and management of the service and how the quality of the service is monitored and improved to ensure that outcomes for children and young people are in turn improved. In making judgements about leadership and management, Ofsted will test compliance against the relevant regulations taking into account, in particular, aspects of NMS 16, 18 and 23–31. In relation to local authority fostering services, inspection will also evaluate performance against the relevant statutory guidance. Inspectors will evaluate the extent to which:
 - children, their parents, foster carers, staff and the responsible authority/placing authority are clear about the aims and objectives of the fostering service and what services and facilities it provides (NMS 16)
 - the fostering service's operation meets the aims and objectives in the statement of purpose (NMS 16)



- the fostering service is financially sound (NMS 18)
- where a service is to close or substantially change, there is proper planning, to make the transition for children, foster carers and staff as smooth as possible (NMS 18)
- children and foster carers receive a service from staff, volunteers and panel members, and decision makers who have the competence to meet their needs (NMS 23)
- staff and volunteers are supported and guided to fulfil their roles and provide a high quality service to children (NMS 24)
- the fostering service is managed ethically, effectively and efficiently, delivering a service which meets the needs of its users (NMS 25)
- records are clear, up to date, stored securely and contribute to an understanding of the child's life (NMS 26)
- the premises and administrative systems are suitable to enable the service to meet the objectives of its statement of purpose (NMS 27)
- payments to foster carers are fair and paid in a timely way (NMS 28)
- foster carers are clear about the fostering service's payment structures and the payments due to them (NMS 28)
- all significant events relating to the health and protection of children fostered by the service are notified by the registered person to the appropriate authorities (NMS 29)
- family and friends foster carers receive the support they require to meet the needs of children placed with them (NMS 30)
- children are cared for in line with their placement plan/short break care plan (NMS 31)
- the fostering service takes action to chase up outstanding reviews or visits from the responsible authority, contributes to those reviews and assists the child to contribute to their reviews (NMS 31).

Promoting equality and tackling discrimination

26. We do not propose to make a separate judgement on the effectiveness with which the service promotes equality and tackles discrimination. This is critical to every aspect of the service and of inspection. Inspectors will report on the promotion of equality and diversity throughout the inspection report, and consider evidence on this in all judgement areas. For example, the judgement on outcomes for children will evaluate how individual needs are assessed and then met by placements with foster carers. The judgement on the quality of the service will evaluate how placements are matched to children's needs and whether foster carers are valued and respected as part of the team around the child. The judgement on leadership and management will consider how service provision is monitored in respect of providing accessible and fair services. We would welcome your views on this approach.



The consultation process

- 27. We welcome your responses to the consultation questionnaire below and your views on any aspect of the inspection of fostering services. Please use the comments section in the questionnaire to raise any additional points not covered by our questions. The consultation remains open until 31 August 2011.
- 28. We will meet with representative groups from the fostering sector and, if possible, with children and young people who have been involved in foster care.

What happens next?

We will publish a revised framework and evaluation schedule for the inspection of fostering services, taking full account of the responses to this consultation. We will publish a report on the responses to this consultation.

Sending back your questionnaire

There are three ways of completing and submitting the questionnaire in the next section and/or sending us your comments.

Online electronic questionnaire

Visit our website to complete and submit an electronic version of the questionnaire:

www.ofsted.gov.uk/publications/110056.

Print and post

This document can be printed and completed by hand. When you have completed the questionnaire, please post it to:

Ofsted
Social Care Development Team
Floor 7
Aviation House
125 Kingsway
London
WC2B 6SE.

Download and email

This document can be downloaded and completed on your own computer. When you have completed the questionnaire, please email it to: socialcare@ofsted.gov.uk. Please put 'Fostering services inspection consultation' in the subject line.



Questionnaire for the inspection of local authority fostering services and independent fostering agencies consultation

Confidentiality

The information you provide will be held by us. It will only be used for the purposes of consultation and research to help us to become more effective, shape policies and inform inspection and regulatory practice.

We will treat your identity in conpublish an organisation's views.	fidence, if	you disclose it to us. However, we ma	У					
Are you responding on behalf of	an organi	sation?						
Yes Dease complete Section 1 and the following questions No Dease complete Section 2 and the following questions								
Section 1								
,		behalf of an organisation and would like ganisation, please indicate this below.	e us					
Organisation: The British Associa	ation of So	ocial Workers (BASW) is the profession	ıal					
body led by and accountable to s	ocial wor	kers in the UK. The Association has ne	arly					
14,000 members working in front	line, man	agement, research and academic posit	ions					
in all social work settings across	the UK. (Our members share a collective						
commitment to those values and	principles	s that will secure the best possible						
outcomes for children, young peo	ople and t	heir families.						
Section 2								
Which of the below best describe	es you? Pl	ease tick one option.						
I am:								
a child or young person who is or w fostered	as	an independent provider of a fostering service						
a parent of a child or young person who is or was fostered		a local authority						
a relative of a child or young person) _	an employee of a fostering service						



a foster carer					or manager wo nd young people		
a member of a	foster carer's fai	mily		a member of a	fostering panel		
a representative member of a national or regional fostering organisation				Prefer not to sa	ау		
Other (please tell us)							
_	•	_	_	ee that the nor 10 working da	•	iod of	
Strongly agree	Agree	Neither agree i disagre	nor	Disagree	Strongly disagree	Don't kno	OW
	\boxtimes						

Comments:.



BASW supports this notion that the suggested period allows time to coordinate meetings between stakeholders and inspectors while offering a true representation of the operation of the agency and avoiding 'inspection preparation' leading to a false measurement of the agency's performance. However our members have raised their concern about the stress which they may experience in management requests to gather evidence together for such an inspection in such a short time span.

This may also raise some logistical issues as one member reported that Ofsted send out feedback forms and whether they will be continuing this practice and if so the need to cordinate this efficiently in such short time scales. Another member referred to the request from Ofsted for electronic files to be printed and presented, an extremely time consuming task and BASW questions whether this practice will continue.



Q2. To what extent do you agree or disagree that Ofsted should inspect fostering services judged to be outstanding less frequently than other fostering services?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments:

In respect of less frequent inspections, members suggest:
'they are likely to give a more realistic impression of normal practice and they are likely to cause less disruption to the activities of the service.
Members have added that they appreciate the recognition of an outstanding service and the provision of an extended inspection-free timescale seeing this as a motivating factor to maintain an excellent service.



Don't

Q3. To what extent do you agree or disagree that when determining whether an earlier inspection should be carried out, Ofsted should consider the following?

Neither

Disagree

Strongly

Agree

Strongly

	agree		agree nor disagree		disagree	know	
Complaints and concerns							
A change in ownership or management							
Notifications							
Regulation 35 reports							
The proportion of a local authority's looked after children placed in foster care							
The stability of placements and placement moves.							
A factor raised by members has been concern about changes in management and sometimes ownership and how these can affect the service: 'Experience has shown how quickly standards can drop when a key manager leaves. So it (postponed inspections following outstanding inspection findings) must be very much tied to there being no significant change in management or ownership.'							



Q4. To what extent do you agree or disagree that Ofsted should inspect local authority fostering services at the same time as their adoption agency functions?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments:

BASW believes this is an acceptable and understandable proposition as there are links between the two services while recognising that they are two distinct areas of service delivery. When looking at the child's journey it must be recognised that there is often an overlap between the two services.
Members have raised the issue of the difficulties this may cause if they are involved in both services but again recognise that if this is handled sensitively by management there should be few problems.



Q5. To what extent do you agree or disagree that Ofsted should cease to collect the annual fostering dataset, and collect this data only as part of the individual service inspection?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments:

BASW members are anxious to know that dataset information is used efficiently to measure the service and not stored separately from the inspection. If this information could be collected as part of the inspection, members suggest this could reduce the amount of bureaucracy and provide a fixed focus on data collection.



Q6. To what extent do you agree or disagree that the following are appropriate judgements to make when inspecting a fostering service?

	Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know
Overall effectiveness						
Quality of service provision						
Outcomes for children						
The safety of children						
Leadership and management.						

Comments:

BASW believes that some of these categories may be easier to measure than others but accepts them all as appropriate judgements in the inspection of adoption services. They are concerned about consistency and how different inspectors will remain consistent in their inspection and analysis. The importance of adapting a qualitative over a quantatitive approach to information gathering is supported by BASW believing that this will give a better reflection of the service and its efficiency.



Q7. To what extent do you agree or disagree that the promotion of equality and diversity should be addressed throughout the inspection framework rather than considered as a separate judgement?

Strongly agree	Agree	Neither agree nor disagree	Disagree	Strongly disagree	Don't know

Comments.

BASW believes this is an appropriate way forward but is concerned that judgements relating to equality and diversity may be overlooked and not be prominent areas of the inspection as they should be. Again this judgeement is left to the experience and skills of the inspector who BASW insist must be a social worker with significant experience in such areas as equality and diversity and be skilled in applying both the code of ethics and human rights along with an in depth legislative knowledge. One inspector's measurement of this area throughout the process may well be varied from another's. How this will be measured needs to be further considered.

BASW would like this situation to be analysed and reviewed if deemed an acceptable way forward to ensure equality and diversity are central to all adoption inspections. A suggestion may be an independent reviewer assessing work such as reports written over a six month period could monitor the promotion of diversity and equality of the service provided.



Q8. Do you have any further comments? Please include them here.

BASW members have expressed there concern in relation to kinship caring:

'There is no overt recognition that it may be necessary to pay particular attention to the situation of "connected persons" (family and friends) who have been approved to foster. This should be acknowledged in the framework for inspection - for example the possibility that it may be felt appropriate to compromise on normal space standards or that family and friends foster carers may not fit easily into training and development requirements.'

Members are aware of the new fostering regulations and stipulation on connected persons assessments but suggest that as this area develops, it should be included in inspections as an important aspect of a fostering service

BASW hopes that inspections become more of a learning process to assist in the development of practice and the greater involvement of service users, including children and birth parents in this process can only be an asset.



What did you think of this consultation?

One of the commitments in our strategic plan is to monitor whether our consultations are accessible to those wishing to take part.

Please tell us what you thought of this consultation by answering the questions below.

	Agree	Neither agree nor disagree	Disagree	Don't know
I found the consultation information clear and easy to understand.				
I found the consultation easy to find on the Ofsted website.				
I had enough information about the consultation topic.				
I would take part in a future Ofsted consultation.	\boxtimes			

How did you hear about this consultation?

\boxtimes C	Ofsted website
	Ofsted News
	Ofsted conference
A	nother organisation (please specify, if known)
\Box c	Other (please specify) .



Is there anything you would like us to improve on or do differently for future consultations? If so, please tell us below.

No	

Thank you for taking part in our consultation.



Additional questions about you

Your answers to the following questions will help us to evaluate how successfully we are communicating messages from inspection to all sections of society. We would like to assure you that all responses are confidential and you do not have to answer every question.

Please tick the appropriate box.

riease lick the appropriate box.									
1. Gender									
Female Male									
Are you living	Are you living as the same gender as you were born in?								
Yes No									
2. Age									
Under 14 1	14–18	19–24	25–34		35–44	45–54 ⊠	55–64	65+	
3. Ethnic origin									
(a) How would you describe your national group?									
British or mixed British			Northern Irish						
English [Scottish						
Irish			We	elsh					
Other (specify if you wish)							•		



(b) How would you describe your ethnic group?

Asian		Mixed ethnic origin	
Bangladeshi		Asian and White	
Indian		Black African and White	
Pakistani		Black Caribbean and White	
Any other Asian background		Any other mixed ethnic background	
(specify if you wish)		(specify if you wish)	
Black		White	
African		Any White background (specify if you wish)	\boxtimes
Caribbean		Any other ethnic background	
Any other Black background (specify if you wish)		Any other background (specify if you wish)	
Chinese			
Any Chinese background			
(specify if you wish)			
4. Sexual orientation Heterosexual Lesbian □		Gay Bisexual	
5. Religion/belief			
Buddhist		Muslim	
Christian (including Church of England, Catholic, Protestant and all other Christian denominations)		Sikh	
Hindu		None	\boxtimes
Jewish		Any other, please state:	
6. Disability			
Do you consider yourself to be dis	sabled?	Yes	\boxtimes

