

Reforms to unregulated provision for children in care and care leavers

Response from The Fostering Network, June 2020

About The Fostering Network

The Fostering Network is the UK's leading fostering charity. We have been leading the fostering agenda for more than 40 years, influencing and shaping policy and practice at every level. We are passionate about the difference foster care makes to children and young people and transforming children's lives is at the heart of everything we do. As a membership organisation we bring together individuals and services involved in providing foster care across the UK. We have approximately 55,000 individual members and nearly 370 organisational members, both local authorities and independent fostering providers, which cover 75 per cent of foster carers in the UK. Our views are informed by our members, as well as through research; in this way we aim to be the voice of foster care.

General response

There were 6,190 children in care living in unregulated accommodation on 31 March 2019. Of these, 90 were aged under 16 years. We welcome the Government's proposal to ban unregulated placements for this small proportion of the total of young people in unregulated placements, but we would like to see it extended to include under 18s. Children in care should be properly looked after, which includes feeling safe and being nurtured.

We have not responded to this consultation using the provided form because we feel that our area of expertise, foster care, was not properly reflected in the questions provided; although we have addressed one issue raised in the form regarding liaising with local police forces. We think that it is important that this consultation considers the need to further invest in regulated provisions which includes foster care, to ensure that sufficient and appropriate places are available for the children in care population.

We would also like to bring to your attention another issue, that of foster placements in the form of Staying Put arrangements (which allow a fostered child to stay living with their former foster carer up to the age of 21) where the foster carer is no longer approved. We have heard from foster carers in Staying Put arrangements across England that they are losing their approval to foster if they do not have the space/capacity to offer fostering placements while they are providing Staying Put. The status, oversight and monitoring arrangements for these arrangements needs to be reviewed.

1. Keep Care to 18

We, along with others in the sector¹, reject the cut-off point of 16 for unregulated accommodation. There is no way of knowing the quality or safety of a placement if it is unregistered. Children unable to live with their families and brought into the care system will, by definition, be in need of care and should be given it.

Children aged 16 to 18 in unregistered placements are vulnerable to exploitation and are more likely to partake in risk-taking behaviour that can have life-long impacts, such as involvement in county lines. It is essential that they get the support they need and this is not possible when care is not provided to them in an unregulated placement.

It must be recognised in the new guidance that 16 to 18-year olds have more independence than younger children in care. There needs to be a fine balance between providing care and support for these young people in care while respecting their level of independence and what type of placement may be best for them.

2. Liaising with local police forces when a child is placed out of area

Regulations already require local authorities to check the safety and the location of unregulated accommodation before they put a child there and there are already legal duties around visiting children and checking their welfare.

While informing the police may be a good mechanism to ensure that care is maintained for young people living independently or semi-independently, it must be considered whether this medium of delivering care is best for these young people. Children in care are already much more likely to come into contact with law enforcement than the rest of the population. The consequences of the police force filling the void of care for these young people needs to be considered. A carer, someone monitoring the child's whereabouts, providing them a safe space to live and forming loving relationships with them, is what is required to help prevent children partaking in high risk activities that may require police intervention.

3. Balances in the system

Developing new standards for semi-independent and independent accommodation will only solve part of the issue of unregulated placements. This consultation needs to go further and consider why it is that unregulated placements are being used in high numbers. One way to solve this problem would be to see a commitment to further investment in expanding existing regulated provision, including better support for, and recruitment of, fostering families to ensure sufficient suitable places are available.

4. Staying Put

The Staying Put policy started in 2015 and allowed fostered children to stay with their foster carer up to age 21 if they wished to. However, since its implementation a number of issues have prevented wide uptake of the scheme and acted as barriers to young people being able to take this opportunity.

One of the barriers, relevant to this consultation, is the uncertainty among fostering services as to whether to recommend continued 'suitability to foster' for carers who do not have space/capacity to offer fostering placements while they are providing Staying Put arrangements. As a result, foster

¹ Open letter to Vicky Ford, 18 March 2020: <https://article39.org.uk/wp-content/uploads/2020/03/Unregulated-provision-Joint-letter-to-Childrens-Minister-Vicky-Ford-MP-updated.pdf>

carers are often left in a position of having to seek re-approval to foster when the young person leaves the Staying Put arrangement. It is therefore left unknown what the status of the placement is if the foster carer is technically not an approved carer.

The Fostering Network believes that, during a Staying Put placement, the fostering service should support the foster carer to maintain their foster carer approval for the duration. This is in-line with guidance for Staying Put from the Department for Education, Department for Work and Pensions and HMRC and it ensures that the foster carer maintains their insurance and social work support throughout the placement. The continued approval of foster carers in Staying Put arrangements will ensure a system of checking, supervision and support is applied to the whole household and therefore there will be a guaranteed level of scrutiny over the placement.

Conclusion

Given the news of the formation and workings of a group, within the Department, to draft the new regulations, we hope that all the evidence submitted as part of this consultation is properly considered. We thank you for listening to the sector and extending the consultation period to allow more people the chance to respond. We hope that this consultation has taken the time to encourage and listen to care experienced people, who have lived experience of the current system.

Recommendations for Government:

- The plan to ban unregulated placements needs to be extended to all young people under 18.
- The impact of using police forces when children are placed out of area in order to provide care provision needs to be re-considered.
- The Government needs to commit to further investment in expanding existing regulated provisions, including foster care, and the support available to ensure stability in these placements.
- Fostering services should maintain a foster carer's approval to foster for the duration of their Staying Put arrangement and provide support to ensure the arrangements are stable for that young person.
- Staying Put regulation and guidance need to be reviewed to provide clarity around continued approval to foster and communicated with the sector. We would recommend continued approval to foster for all Staying Put carers to ensure a system of support and monitoring is in place.

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