

Foster Care in England

**A Review for the Department for Education by
Sir Martin Narey
and Mark Owers**

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Acknowledgements

We hope this review offers a thorough critique of foster care in England with realistic and affordable recommendations. I feel confident that if those recommendations are accepted, fostering, which is already a success, will be much improved.

We have not investigated every fostering-related issue. But we have probed every issue which we were urged to review by carers, professionals or children and young people. The exception to that is the vital issue of mental health support for children in care, including fostered children. Much work was taking place on this issue as we conducted our review, and there was little to be gained by our simultaneously reviewing the subject. Suffice to say we are encouraged by the publication of the Transforming children and young people's mental health provision green paper in early December 2017, and in particular the commitment to pilot a new 4-week waiting time for children and young people's mental health services. Achieving that will be particularly vital for all children in care, not just those being fostered.

I am, first and foremost, immensely grateful to all the carers, professionals, and care-experienced children and young people who wrote to us, met us or did both. Civil servants at the Department for Education (DfE) have been ceaselessly supportive while being punctilious in respecting the independence of the review. I am particularly grateful to Caroline Keim, an economist at the Department, who has made a significant contribution in helping us to understand the data.

The review would have taken much longer, and as reviewers, we would have been much less informed, were it not for Mary Baginsky, Visiting Senior Research Fellow at King's College London, whose evidence review, published shortly after we started work, was invaluable. Similarly, our deliberations and digestion of vast amounts of evidence would have been much more difficult were it not for the guidance of a small advisory group including Sue Westwood and Bernie Brown, senior local authority managers in Stockport and Bolton respectively; Satwinder Sandhu, CEO of Independent Fostering Agency (IFA) Home Finding and Fostering; and John Simmonds OBE from Coram BAAF, who again has been willing to share his considerable wisdom and knowledge about the care system and children. Max Wrigley also offered guidance and challenge as we developed our recommendations.

Colin Foster and Andrew Rome's forensic accountancy helped us to much better understand IFA pricing and to be certain that better commissioning could reduce costs falling on local authorities. The Children's Commissioner independently surveyed the views of children for us and has been encouraging throughout. I'm delighted that she has provided a foreword.

But my most heartfelt and grateful thanks go to two people. First, to Jenny Briggs, the civil servant in the Department who leads on fostering policy and who has been seconded to the review. She worked tirelessly and very often, at incredible speed, to make sure we made progress. There was never a question we posed for which she didn't produce an answer within about 24 hours. Assuming Ministers accept them, I am delighted Jenny will lead on the implementation of our recommendations.

Finally, I want to thank my co-reviewer, Mark Owers. I first discovered Mark when he was part of the Prime Minister's Delivery Unit. I was intrigued to meet a curious hybrid: part children's social worker; part civil servant; and part a personal contributor to the care system, through having adopted two of his five children. I hope that this report sufficiently captures his passion, determination – and sometimes impatience – about ensuring children who have been hurt and neglected at home get the best possible experience from their time in care.

Sir Martin Narey
Whitby, North Yorkshire
December 2017

Foreword by the Children's Commissioner

Every child growing up needs and deserves the love, care and support of a family. For the thousands of children in foster care, it is no different, if not even more acute. That is why I welcome this review of fostering and the candid way it shines a light on what being in foster care feels like for a child. It examines issues such as the importance of stability and building consistent and trusted relationships - issues I've raised before, and which we at the Children's Commissioner office are now measuring in the Stability Index - and the vital role of carers in helping children to build confidence, develop talents and be ambitious for their future.

Our ambitions for foster children should be high. Children in foster care tell me that they want to live in a family that has the same expectations for them as they would have for their own children, with foster carers who do all they can to help their foster children succeed and thrive as they grow up.

Defining the relationship between foster parents and children is always challenging. Children in foster care are growing up without their own family and are in a vulnerable situation. There needs to be rigorous safeguarding processes in place, but it is also essential to meet foster children's emotional needs, and encourage them to build resilience. If we want children to feel part of their foster family, we have to make sure there are no needless bureaucratic barriers preventing their foster carers from treating them in the same way that they would treat their own children.

Children in care often tell me they wish they could be treated 'like all the other kids'. They find it embarrassing and insulting when they have to go through a bureaucratic process just to get permission for the most normal, everyday things, like visiting friends or having a haircut. Being treated this way can make them feel alienated from their peers and as if they can't be trusted by their foster family. They feel they are being marked out as different and as an outsider, the exact opposite of feeling part of a family. I think that this needs to change. Being a parent is a constant round of decisions and negotiations about clothes, haircuts, freedom to visit friends and much more. Whilst there will always be the need for exceptions, foster carers need to be able to take on more of these responsibilities.

Many older foster children are also scathing about their carers' inability to show them affection or to give them a hug. Younger foster children often feel worried and confused about the lack of physical affection they are shown. I'm pleased that this report is recommending changes in this area. Any suggestion that all physical affection is to be avoided risks leaving children feeling unwanted, unloved and insecure.

I'm pleased too that this report has looked at how children and carers are matched together, something that children have very clear views and ideas about. Of course, not every placement will always work out, despite the best intentions, and when children do move placement I would like them to be consulted about the adults and children who are important to them. When things do go wrong, it is important that children know their rights to advocacy, how to access that advocate and be aware of the Help at Hand service provided by the Children's Commissioner.

In the end, more than anything, foster children want to feel they are part of a family. A family life built on strong, valued relationships provides them with a sense of belonging and stability, and most say it is by far the best thing about being in care. This review is an important part of the drive to make that a reality for many more foster children.

Anne Longfield OBE
Children's Commissioner for England
December 2017

Introduction and Summary

Fostering – people taking children into their homes and looking after them, permanently or temporarily, has always been with us. But in the United Kingdom it has only enjoyed legal status since 1926. Fostering now takes many forms¹ and its use has grown significantly as the use of children's homes has reduced. The vast majority of children in care - about 75% - are fostered, and local authorities spend £1.70 billion during 2016-17 in doing so. On 31 March 2017 there were 53,420 children in foster care and during that year there were about 78,000 placements (as some children changed foster home). Most of the children in care in England, and most of those fostered, are there because they have suffered abuse or neglect (about 65%). A further 15% are in care as a result of family dysfunction.

Outcomes

The care system in England, in which fostering plays a predominant role, has an undeservedly poor reputation. The reality is that fostering is a success story. The research is clear, and has established, that for some decades now, children have entered care with serious problems,

But that in general their welfare improved over time. [This finding] has important policy implications. Most significantly it suggests that attempts to reduce the use of public care are misguided and may place more children at risk of serious harm.²

Education

Fostering and the wider care system are particularly criticised because children in public care perform very poorly in education compared to the general population, with only about 6% of care leavers aged 19 to 21 attending university compared to half the non-looked after population. But this is not a useful comparison, when you consider the extent of abuse and neglect many children in care have suffered before entering care. Furthermore, the proportion of children with special educational needs is four times higher in the care population than in the general population. The reality is that when it comes to education, far from failing children, the care system can serve children well. Research by Sebba and

¹ The Department for Education refer to eight forms of foster care: Emergency, Short Term, Short Breaks, Remand, Fostering For Adoption, Family and Friends, Specialist Therapeutic, and Long Term (<http://www.gov.uk/foster-carers/types-of-foster-care>)

² Forrester, Goodman, Cocker, Binnie and Jensch; Journal of Social Policy 2009 (a review of all research since 1991)

colleagues (2015) compared the educational progress of in children in care with similar groups. They found that:

Care generally provided a protective element and that early admission into care combined with longer placements were associated with consistently better outcomes than those experienced by children who entered the care system later (post Key Stage 2), those who stayed in care for short periods of time, and children classified by the local authority as being in need (children on the edge of care).³

This is not to say that the educational attainment of children in care cannot be improved. It can be and it should be. David Berridge⁴ has demonstrated how things like previous poor academic attainment and genetic inheritance before care can be exacerbated by low teacher expectations and a failure to prioritise education in the life of a child in care. But the care system's reputation as failing children educationally is not deserved.

Children's views

Children don't always feel they belong in their foster homes or in the fostering system. Children and care leavers told us that they think their voice too often goes unheard and they are made to feel different to other children, both at home and in school.⁵ But overall, children's' views about fostering are remarkably positive. Although they have strong views on how and why fostering could be improved, their overall sense of well-being is surprisingly high. Research conducted at the Hadley Centre for Adoption and Foster Care Studies at the University of Bristol⁶ was funded in order to give local authorities a better understanding of the experiences of children in care and the practices that help children to flourish.

The research discovered that although more looked after children than in the general population disliked their appearance, feared bullying and had reduced access to the internet, more than three quarters of children trusted their carer and only 5% did not. 97% of children said they had a trusted adult in their lives and 89% said they liked school (most of the time). More than 80% felt involved in decisions made about them by their social

³ Mary Baginsky, The Fostering System in England: Evidence Review for the Department of Education 2017

⁴ Berridge, D. (2012) Education of young people in care: What have we learned? Children and Youth Services Review

⁵ Evidence to the Review from Children in Care Councils

⁶ Bright Spots - Local Authorities delivering good care experiences for young people: University of Bristol, School For Policy Studies, 2017

worker and about the same proportion felt settled in their placements. Crucially, 83% of children thought their lives were getting better in care and, remarkably, a larger proportion of children in care than in the general population always felt safe.

Foster Carers

We reject the notion that foster carers should be defined as professionals with equivalent status - for example - to social workers. Foster carers are lay people, often extremely skilled, and they should be helped to increase their skills. And while their views are not simply important, but often vital, they are frequently unable to take a dispassionate view. And quite rightly too. We want foster carers who will be as biased and tenacious in pursuing the interests of their foster child as most of us are in pursuing the interests of our own children. Similarly, we do not believe that carers should become employees of either their local authority or their fostering agency. Carers overwhelmingly see fostering as a vocation, and see themselves primarily as substitute parents. We can see where employment status might bring some protections to carers. But it would also bring significant obligations, more oversight, and drastically impinge on their independence. Indeed, we believe that the unique status and heart of fostering would be lost.

But carers need, at all times, to be treated professionally. We were invariably impressed with the carers we met and frequently fascinated and moved by their decision to take an unknown, often older and often difficult child, into their home. Carers have a remarkable vocation. But they are frustrated when they are excluded from discussions leading to important decisions about their foster child or when they are thwarted from using sensible discretion when making day-to-day decisions about the child or children in their care. When we first heard of a carer having to get social worker permission – and the social worker then obtaining the birth parent’s permission – for minor issues such as allowing a child to have a haircut, we thought we were listening to exceptional and infrequent occurrences. Sadly, this was not the case.

Physical Affection

We know that some people will think this is a soft issue and not a great priority. We don’t. We believe that ensuring that carers are confident in giving physical affection and comfort is vital to a healthy childhood and to making children feel like other children. As the Children’s Commissioner told us, young people are scathing about the lack of physical affection they are offered. Various advice to carers needs to change, but, more than that, a shifting philosophy - which has seen ‘foster parents’ being called ‘foster carers’; children being discouraged from calling their long term carer Mum or Dad; and sometimes carers being framed as just another professional in a child’s life - needs to be arrested. When

carers want to love a child, they should not be discouraged by formal guidance or feel intimidated by the remote threat of allegations.

The Financial Compensation and Reward of Foster Carers

We found wide inconsistencies and a general lack of clarity about the compensation and reward given to carers. Although few carers who wrote to us, and even fewer we met, majored on pay and reward, we are very clear that there is no conflict between being a caring or loving foster carer and being adequately compensated. No one looks at dedicated occupations such as nursing and believes there is something inherently wrong about nurses being paid. And yet there is sometimes reluctance to champion compensation and rewards in fostering (and the helpful way they are treated for tax and benefits purposes) in case it supports the view that carers are only fostering for the money. There should be no shyness in acknowledging that some foster carers (a minority of course) are receiving income substantially above the current average wage. But they might be caring for a child or children of exceptional challenge and their remuneration should be compared to the alternative costs of residential care.

Recruitment

It is often said that there is a very large shortage of foster carers. The Fostering Network has said that the shortfall in England is about 5,900.⁷ In fact, although more carers are needed, there is not an absolute shortage. The overwhelming majority of children needing a fostering placement on any one day are placed. Indeed, at any one time, there are about 16,000 fostering households without a child living with them. The shortages are down to geography or the availability of carers who can look after more challenging children. This means that, too often, matches are made between carers and children that are not ideal and, after a short period, the child has to be moved again.

We believe there is merit in developing a national register of foster carers so that matching can be informed by up to date information about carers' experience, skills and availability. But we also need better arrangements to encourage those who enquire about foster care - often tentatively - to apply. We think that too many local authorities and IFAs may not be as good at this as they believe. And we need to know more about why carers leave before retirement.

⁷ The Fostering Network Recruitment Targets: <https://www.thefosteringnetwork.org.uk/advice-information/all-about-fostering/recruitment-targets>

Commissioning and the costs of fostering provided by Independent Fostering Agencies (IFAs)

Some local authorities directly provide almost all their foster care. Others provide very little, or in one instance - Doncaster - none at all. Both positions are entirely legitimate. But most local authorities both commission and directly provide care but not necessarily in any coherently and robustly delivered fashion. We saw many examples of local authorities failing to recruit a planned number of carers, which resulted in them needing to commission the large remainder of placements at short notice.

Generally, commissioning needs to vastly improve. It is gravely limited by the fact that 152 individual local authorities commission from IFAs, and there is a startling failure to obtain best value from a market in which the providers, not the purchasers, too often have the upper hand. We saw virtually no evidence of discount pricing for large numbers of placements from the same provider and framework contracts, set up after long and tedious processes. These were routinely ignored in favour of more expensive spot purchase arrangements. Local authorities need to come together into about ten consortia and negotiate with IFAs to provide placements at significantly reduced cost, almost certainly through guaranteeing them a certain level of business. The routine absence of such arrangements is extraordinary.

Local authorities in England place about 66% of children in placements they manage directly and place the remaining third in placements provided by IFAs which mainly operate in the private sector. It was sometimes suggested that the quality of care provided by local authority placements was higher than that provided by IFAs. We saw no evidence of that and we were not surprised to note that 90% of IFAs are rated as good or outstanding by Ofsted.

Local authorities and the Association of Directors of Children's Services (ADCS) were however insistent that the costs of placing children in IFA placements was excessive and significantly more expensive than providing in house placements. The reality is that once local authority overheads are taken into account, along with the indisputable reality that IFAs care for more challenging children and therefore have to invest more in both the pay and support of their carers, the gap is very small, and is smaller than the varying cost of in house provision across local authorities. But that does not mean that local authorities are wrong to search first among their own carers when looking for a match for a particular child. This policy - known as *In House First* - is entirely sensible, but much criticised by IFAs. We are clear that local authorities would be acting recklessly were they to act differently. And that is because the marginal additional cost of using an in house carer will always be vastly

less expensive than paying the full costs of an IFA Carer. And we were satisfied that when a suitable carer could not be found in house, local authorities promptly widened their search to IFA providers.

Although only three local authorities are close to being self-sufficient on foster carer provision (recruiting more than 95% of the carers they use⁸), many more - if they were sufficiently determined - could join that number and better exploit the back office economies of scale. Conversely, there is considerable scope for local authorities to follow the example of Peterborough and engage an independent fostering agency to work in partnership and deliver the entirety of their fostering service. They should not be discouraged from making such partnerships with IFAs from the private sector whose quality of care, and an ability to find homes for the most challenging children, is not in dispute.

Matching

Matching is overwhelmingly supply led and not needs led - much more so than in adoption. Research has suggested that in as many as half of all placements, the social worker has no choice at all when choosing carers.⁹

While it is not always possible to respond to a child's wishes when making a match with carers, more can be done to involve them and prepare them for moving in with a new family. And they need to be made much more aware of their rights to advocacy. The quality of the information about children which is shared with IFAs is sometimes unfairly negative and can demonise some children. And, there should be much greater scope to allow carers to take the initiative in forging successful matches, through letting them study profiles of children needing a home and by developing the fostering equivalent of adoption activity days.¹⁰

Failed Reunification

Placement disruption is sometimes inevitable when compromises are made in placing a child. Children can be placed in homes where they can overwhelm carers. But fostering placements in which children have begun to thrive are also disrupted when unsuccessful

⁸ Children looked after in England (including adoption), year ending 31 March 2017

⁹ Matches and Mismatches: The Contribution of Carers and Children to the Success of Foster Placements [Ian Sinclair, Kate Wilson](#)

¹⁰ Pioneered by Coram Baaf, the days are designed to be child-centred, relaxed days in which children can have fun. Adopters can meet children and establish whether or not they feel an emotional connection. The children that normally attend Adoption Activity Days are those children that tend to wait longer for adoptive families.

attempts are made to reunite children with their birth parents. Successful reunification of a child with its birth family must be the first aim of the care system. But such efforts must be made with a critical awareness of the extensive research evidence about the risk to children. One recent study¹¹ found that over 40% of young people who re-entered care aged between ten and fifteen years had already had three or more previous periods in the care system. Those children have been failed.

Birth Family Contact and Sibling Separation

Foster carers wrote to us or spoke to us almost always about the children for whom they cared and rarely about themselves. Their priority was always making a better life for the child, making them happy, and improving their life chances. To that end, we frequently heard about concerns over contact between birth parents and the fostered child and the assumption that it was invariably in the interests of the child. The law changed in 2011 and now specifies that any contact arrangements should only be in place where they are in the interests of the child's welfare.¹² It is clear that practice within local authorities and the courts have not changed as substantially as Parliament might have intended. Similarly, we noted a continuing belief that keeping siblings together in fostering placements was invariably to their benefit. Often, it is. But some brothers and sisters will flourish better in separate placements from which they can see each other regularly.

Permanence

Fostering can be hugely successful. When fostering lasts in the long term, outcomes for children fostered are similar to those adopted, demonstrating, in the words of Hill¹³, that fostering, like adoption, can:

represent the most radical, comprehensive and potent therapeutic input in the lives of abused and neglected children.

But the success and the potential of fostering is frequently undermined when the child leaves care. Even when a fostering placement has lasted for many years and until the child reaches adulthood, its termination, when the child is only eighteen, comes at a time when children fortunate enough to be living with their birth parents continue to receive

¹¹ Boddy et al (2008)

¹² Fostering Service Regulations: 2011

¹³ Hill, C.M. (2009) The health of looked after children. In G. Schofield and J. Simmonds (editors) The Child Placement Handbook: Research, Policy and Practice. London: British Association of Adoption and Fostering

emotional and financial support. That is why Staying Put,¹⁴ the practice of allowing children to stay in foster care until their 21st birthday, has been so warmly welcomed. It has made a tangible difference. In the year 2016-17, 51% (1,630) of young people who turned 18 whilst living in foster care remained in foster care.¹⁵

But we need to see permanence in the same way that most of us, as parents, view permanence. Our ambition must be for many more fostering arrangements to last beyond the 18th or the 21st birthday. We believe there is scope for a substantial proportion of children in fostering placements to leave the care system but continue to live with their carers either under Special Guardianship Arrangements,¹⁶ or through being adopted. That would be to achieve genuine permanence, which should be the overwhelming priority of the care system and a priority for the Department for Education.

¹⁴ <http://www.gov.uk/government/publications/staying-put-arrangements-for-care-leavers-aged-18-years-and-above>

¹⁵ Children looked after in England (including adoption), year ending 31 March 2017

¹⁶ A special guardianship order is an order appointing a person or persons to be a child's special guardian. Applications may be made by an individual or jointly by two or more people. Joint applicants do not need to be married. Special guardians must be 18 or over. The parents of a child may not become that child's special guardian.