

## **Placement Disruption**

A review of cases of children in care in England and Wales where stable placements are threatened for financial reasons

Jon Fayle, May 2015

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## Preface

# Placement Disruption Survey

Over the last few years, I have heard numerous reports around the country of pressures placed on stable placements with carers from independent and voluntary sector fostering providers. Some of these pressures have almost certainly had detrimental effects on placements and may, in some cases, have undermined their chances of success for the children placed there. Through all of this, while many IROs play hugely important roles for children in care, it was unclear to us why more IROs were not more able to consistently step in and stop this happening. With little solid research to draw on, we decided to seek case studies where we might ask questions about the role played by the IRO, to try and learn about how they could be enabled to play their role more fully and more effectively. What came out of this does not represent large numbers, but the reports we looked at were widespread and gave us significant cause for concern. Above all, though, I hope that we have found will enable us all to support the role of the IRO to be what children need it to be - a voice and a truly independent advocate in amongst what are hugely challenging times for children's services.

Harvey Gallagher

Chief Executive, NAFP

# 1

## Introduction

- 1.1. The Nationwide Association of Fostering Providers (NAFP) is the not for profit organisation that campaigns for independent and voluntary sector fostering providers (IFPs), and the children they care for.
- 1.2. The NAFP mission statement states that NAFP *“seeks to be the voice of the independent and voluntary fostering sector for children and young people and to promote high standards of professional and business practice within the membership.”* Central to this statement is of course the aim of providing and sustaining high quality placements for children which meet their needs and enable them to grow up in a permanent placement with caring, affectionate, trustworthy carers.
- 1.3. Over the last several years, members of NAFP have reported cases where, on the face of it, stable placements for children are being disrupted (or that disruption is threatened) for reasons which are not to do with promoting the welfare of the child but appear to be to do with cost saving.
- 1.4. We have been in contact with the Offices of the Children’s Commissioners for England and for Wales. We have been advised by these offices that, while they are not currently able to share case material with us, cases of this nature are well known to their advice services and form a significant part of their caseloads.
- 1.5. Members of NAFP have also reported that Independent Reviewing Officers (IROs) were not always challenging local authorities on these kinds of disruptions, and were not always robustly defending the interests of children in care.
- 1.6. These reports were anecdotal in nature. No attempt had been made to systemically consider and draw these reports together to see if there is a pattern, and to propose measures which may remedy the difficulties. This report seeks to fill this gap.
- 1.7. In June 2014, NAFP launched a survey to examine the issue. The request for evidence and the associated questionnaire are attached at Appendix 1. This report emerges from the results of this exercise. There were only a relatively small number of returns, but we believe they show some worrying practice spread across a wide geographical area and reflect a larger number of concerns that we have heard anecdotally.

## 2 Context

- 2.1. The care system around the country is under serious pressure. On 31 March 2014 there were 68,840 children in the care of English local authorities<sup>1</sup> and 5,756 children in the care of Welsh local authorities<sup>2</sup>. This figure has been seriously rising over recent years in England. In 2009 the figure was 60,900. This is an increase of about 13% over five years. This increase has of course put enormous pressure on local authority services and local authority budgets. In Wales, the number of looked after children has increased by 23% over the last five years, but has remained relatively stable over the last three years.
- 2.2. At the same time, local authority budgets have been subject to severe reductions as a consequence of the 2008 financial crisis. All local authorities are required to find very significant budget savings. Budgets associated with looked after children are not exempted from these requirements.
- 2.3. Local authorities are required to continue to provide a high quality service for a rising population of children in care, while at the same time sustaining significant budget cuts. The challenge and difficulty of this requirement cannot be overstated.
- 2.4. About 75% (51,340) of England's looked after children are in foster care. Of these 33% (about 16,770) are cared for by IFPs.
- 2.5. Some local authorities believe that there is a significant cost differential between services provided by in-house and independent providers. NAFP believes that these calculations are usually based on in-house cost estimates that are significantly understated and do not compare like-for-like cohorts of children. The in-house cost estimates of which we are aware look mainly at the allowances paid to carers, and usually fail to take into account a host of other costs, such as social work support, HR department costs, training and other infrastructure costs. Of course, IFP fees must include these add-ons, or the IFP could not provide the service. NAFP believes that if a fair comparison of costs is made, like-for-like, there is usually no financial incentive for moving children from IFPs to in-house provision.
- 2.6. A National Audit Office report on "Children in Care" in 2014<sup>3</sup> commented on relative costs:
- 3.13 The Audit Commission shows that there is also variation among local authorities' spending on foster care. It calculated that annual spending ranged from:*
- £15,000 to £57,000 for councils' own foster care provision; and
  - £18,000 to £73,000 for other providers' foster care.
- 3.14 These figures show that the cost of local authority provision may not be cheaper than other providers'. As reported in paragraph 1.23, local authorities often choose to place*

<sup>1</sup> DFE Statistics <https://www.gov.uk/government/statistics/children-looked-after-in-england-including-adoption--2>

<sup>2</sup> Welsh Government <http://wales.gov.uk/statistics-and-research/adoptions-outcomes-placements-children-looked-after/?lang=en>

<sup>3</sup> National Audit Office <http://www.nao.org.uk/report/children-in-care/>

*children in their own residential or foster care because they have already committed costs and so need to fill places and think the cost is cheaper than private sector provision, though this clearly may not be the case.*

- 2.7. Local authorities often believe (wrongly in our view) that there is significant financial incentive to seek to move children placed with IFPs to in-house placements. Alternatively they may seek to persuade IFP carers to move in-house.
- 2.8. Local authorities may also encourage carers (IFP or in-house) to apply for Special Guardianship. This will reduce costs to the local authority, since the children would no longer be looked after by them, and would no longer be entitled to the range of costly services to which looked after children are entitled.
- 2.9. These are difficult times. We understand the serious pressure that local authorities are struggling with. NAFP wishes to work with them in helping to address these challenges in a way that does not threaten the welfare of children in care, but maximises cost effectiveness.

## 3 The Statutory Framework for Care Planning

- 3.1. The key Act of Parliament underpinning decisions about children in care is of course the Children Act 1989. This act has been significantly amended by various pieces of subsequent legislation. Of recent importance are the Adoption & Children Act 2002, the Children and Young Persons Act 2008 and the Children Act 2013.
- 3.2. Associated with the legislation are regulations and guidance.
- 3.3. The most recent relevant regulations are the Care Planning Placement and Case Review (England) Regulations 2010.
- 3.4. The associated guidance is the Children Act 1989 Guidance and Regulations. Volume 2: Care Planning, Placement and Review. This guidance has of course been updated to take account of subsequent legislation and regulations.

### **Legislation**

- 3.5. Section 1(S1) of the Children Act 1989, famously proclaims that (in relation to court proceedings) *“the child’s welfare shall be the court’s paramount consideration”*. Although the Act does not explicitly say so, we may safely extend this paramountcy principle to all decision making in relation to children and in particular looked after children. It would of course be helpful if the paramountcy principle for all care decisions, were present on the face of primary legislation.
- 3.6. S22 of the Act sets out the general duties of local authorities in relation to looked after children. In particular local authorities must *“safeguard and promote his welfare”* (S

22.3.a). They also must (S22.5) *“give due consideration ... to the wishes and feelings of the child (according to his age and understanding)*. It must also give *“due consideration”* to the wishes and feelings of the persons mentioned in subsection 4 (b to d) who include:

- *The child’s parents*
- *Anyone who has parental responsibility*
- *Any other person whose wishes and feelings the authority consider to be relevant*

This last category would include foster carers and IFP social workers.

- 3.7. In terms of placement, the authority must, (if unable to place the child with someone with parental responsibility) place the child in *“the placement which is in their opinion, the most appropriate placement available”* (S22C (5)) Guidance about the meaning of the word *“appropriate”* is given (S22C (7) to (9)), but this guidance makes no mention of cost.

### **Regulations**

- 3.8. We refer here to the Care Planning Placement and Case Review (England) Regulations 2010 (henceforth the Regulations). Sections 4 to 14 of the regulations set out requirements for care planning and placement choice. They generally set out the requirement that care plans and associated placements must be based on proper assessments of the children’s needs and that any plans and placements must meet those needs. These requirements are set out in more detail in the Volume 2 guidance.

## Guidance

- 3.9. We refer here to *The Children Act, 1989 Guidance and Regulations Volume 2: Care Planning, Placement and Case Review*, henceforth the guidance.

The guidance spells out in more detail the implications of the requirements set out in law and regulations.

- 3.10. Para 1.5 sets out broad principles. In particular:

- *“continuity of relationships is important and attachments should be respected, sustained and developed.”*
- Bullet 6 states *“a change of home, carer, social worker or school almost always carries some risk to a child’s development and welfare”*
- the local authority must *“so far as reasonably practical ascertain the wishes and feelings of the child...”* Any decision in relation to the child should give due consideration to those wishes and feelings having regard to the child’s age and understanding.

- 3.11. Chapter 2 covers care planning. Permanence is a central consideration and is set out in para 2.3.

- 3.12. *“Permanence is the framework of emotional permanence (attachment), physical permanence (stability) and legal permanence (the carer has parental responsibility for the child) which gives a child a sense of security, continuity, commitment and identity. The object of planning for permanence is therefore to ensure that children have a secure, stable and loving family to support them through childhood and beyond. Permanence provides an underpinning framework for all social work with children*

*and families. One of the key functions of the care plan is to ensure that each child has a plan for permanence by the time of the second review. Achieving permanence for a child will be a key consideration from the day the child becomes looked after”.*

- 3.13. Chapter 3 covers placement considerations. 3.8 repeats the need for stability and permanence.

- 3.14. Para 3.9 repeats the Section 22(3) requirement of the Act that *“the placement is the most appropriate way to safeguard and promote the child’s welfare”*.

## Summary

- 3.15. In summary, for the purposes of this discussion it can be safely said that law regulations and guidance require that in planning and decision making about the placement available of children in care:

- The welfare of the child should be the primary consideration
- The wishes and feelings of the child must be given central consideration
- The most “appropriate” placement must be made
- Achieving permanence is of the greatest importance
- Promoting and sustaining affectionate relationships with reliable and trustworthy adults is essential

- 3.16. In our view, it follows that any plan that threatens to disrupt a stable placement against the child’s wishes, where the child has made secure attachments, would be contrary to guidance and regulations and would be unlawful.



## 4 The Foster Carers Charter

- 4.1. The Foster Carers Charter was launched in March 2011 by Tim Loughton MP, the then Children's Minister. The intention of the Charter was to ensure that foster carers are given the respect, authority and support that they need to enable them to make the maximum possible contribution to the wellbeing of the children they look after.
- 4.2. The Charter does not have the status of statutory guidance. However, it was the government's hope that local authorities would adopt the charter and implement it within their local authority.
- 4.3. In 2012, the DfE estimated that about two-thirds of local authorities and about 25 IFPs had adopted, or were planning to adopt the charter.
- 4.4. The charter makes several statements about what local authorities and fostering services must do to maximise the child's welfare in a fostering placement. Local authorities and fostering services must:
- *Recognise in practice the importance of the child's relationships with his or her foster family as one that can make the biggest difference in the child's life and which can endure into adulthood*
  - *Listen to, involve foster carers and their foster children in decision-making and planning ...*
  - *...be sensitive to the needs of the foster carer and the child in making and ending placements*
  - *...treat foster carers with openness, fairness and respect as a core member of the team around the child...*
- 4.5. We have to say that in some of the case examples we identify these principles have not always been followed.

# 5

## The Role of the Independent Reviewing Officer

- 5.1. The role of the Independent Reviewing Officer (henceforth the IRO) was formally created by the Adoption & Children Act 2002, which amended the Children Act 1989. This required an IRO to be appointed to every child in care, to scrutinise local authority care plans and challenge them if necessary.
  - 5.2. The powers of the IRO were strengthened by the Children and Young Persons Act 2008, which further amended the Children Act 1989.
  - 5.3. S25 of the revised Children Act sets out the duty of the local authority to appoint IROs, and the functions of the IRO.
  - 5.4. The IRO's duties are set out in more detail in part 8 of the Care Planning Placement and Case Review (England) Regulations 2010.
  - 5.5. However the main guidance relating to the work of IROs is the so called "*IRO Handbook*". This is statutory guidance issued by the DfE in relation to the duties of IROs.
- The IRO Handbook**
- 5.6. Para 1.2.1 of the handbook states that the IRO's "*primary focus is to quality assure the care planning and review process for each child and to ensure that his/her current wishes and feelings are given full consideration*".
  - 5.7. Para 2.4 states that the care plan "*must set out the long-term plan for the child's upbringing and the arrangements made to meet the child's developmental needs in relation to health education, emotional and behavioural development ...*"
  - 5.8. Para 2.5 states that "*the care plan and the assessment of the child's needs... should inform the decision as to which placement will be most suited to meeting the child's needs*".
  - 5.9. Para 3.2 states that the primary task of the IRO is "*to ensure that the care plan for the child fully reflects the child's current needs and the actions set out in the plan are consistent with the local authority's legal responsibilities towards the child*".
  - 5.10. There is a strong emphasis on permanence. (paras 3.50 – 3.52) A plan for permanence should be in place from the second review on (para 3.38 bullet 4).
  - 5.11. If the IRO believes that a care plan (or a change of plan, e.g. a placement change) is not in the best interests of the child, the IRO has a duty to challenge the local authority about this concern. The IRO is given significant powers to take the matter forward. This duty and these powers are set out in Chapter 6 of the handbook.
  - 5.12. Para 6.1 states "*where problems are identified in relation to a child's case, for example in relation to care planning, the implementation of the care plan or decisions relating to it, resources or poor practice, the IRO will in the first instance seek to resolve the issue informally with the social worker or the social worker's managers*".
  - 5.13. If this doesn't work there should be a formal process for the IRO to escalate the concerns. A formal dispute resolution process should take no more than 20 working days (Para 6.2).

- 5.14. Moreover the IRO can refer the matter to CAFCASS whenever they feel that this is necessary. This may lead to further independent scrutiny of the plan, sometimes by the Family Court.
- 5.15. The IRO also has a responsibility (Para 6.8) to ensure that children understand the complaints procedure and their rights to use it. Also that they have a right to have an advocate to help them with this process if they wish.
- 5.16. Para 6.12 states that *“in all cases the welfare of the child is the primary concern”*.
- 5.17. It is evident that the IRO has powers which should enable her/him to provide strong protection against decisions being made about placements which are detrimental to the child’s interests.

## 6 Case Information and Analysis

6.1. 19 returns were made to the survey. Of these, 9 were clearly relevant to our concerns that decisions were made or plans changed for financially driven reasons rather than child-centred reasons.

6.2. The 10 other cases were examples where it looked as though on the face of it poor decisions were made for children in care, worrying enough in their own right, but these were not obviously financially driven.

6.3. The analysis in this section will focus on the cases where it appears that decisions detrimental to the child's welfare were driven by the wish to reduce costs.

6.4. The main issues in these cases were:

- Carers were told they must move 'in-house' or the children would be moved (three cases)
- The children were moved to different placements for apparently financial reasons (three cases)
- There was significant pressure on carers to apply for Special Guardianship, against the will of the carers (two cases)
- An adoption plan was pursued when children were settled with long term foster carers (one case)

### **Pressure for Carers to Transfer In House**

6.5. In three cases serious pressure was put on carers to transfer in-house. If they did not, the carers understood that the children would be moved. In each case it was acknowledged that the children were doing well in the current placement. We were told

*"the children are settling well with our carers" and "the school, birth family and guardian...are all supportive of the placement". Also "the children have indicated they don't want to move".*

6.6. In one case the carers reluctantly agreed and moved in-house. We were told they did not really want to move but *"the carers were placed in a difficult position... they did not have an option"*.

6.7. In one case, Special Guardianship was also suggested, but either way the carers were told they could not continue with the IFP.

### **Children Moved in House**

6.8. In three cases, settled children who had made good attachments were moved to in-house placements. We were told in the various cases:

- *"there was no justification except it was cheaper"*
- *"the child was extremely traumatised, and had no time to prepare... it was horrific for us all"*
- *"....the social worker and IRO deemed the placement too expensive, and informed the young person of this...the young person was devastated"*

### **Pressure for Special Guardianship**

6.9. In two cases the carers felt pressured by the local authority to apply for special guardianship in circumstances where the carers did not want to do so. They all felt they needed the support (not merely financial but also other support) to care for the children.

6.10. In one of the cases we were told

- *"the LA said he needed the stability and permanence of an SGO" but*
- *"the child had spent a third of his life (2 years) with us, and thinks of us as his family".*
- *He says "he wishes I was his real mummy and he could stay with me forever"*
- *The carer said "... if they can guarantee the same package as my IFA I will take on SG, but.... I will lose out on training, support, respite ..from my agency"*

6.11. In the other case we were told

- *"the carers have been told to take an SGO.. or adopt them" If they don't, "the children may have to be moved to in house foster carers"*
- *"the children have threatened to chain themselves to their beds if they have to move"*
- *The justification was "financial – agency too expensive"*

6.12. We discovered a further similar case<sup>4</sup> (not part of our survey). In this case a local authority was pressing a foster family to seek an SGO for a child (who was settled with a loving family), or otherwise they would place her for adoption. The intervention of the Ombudsman prevented the move and enabled the child to stay with the carers.

## Pursuit of Adoption Plan

- 6.13. In one case, four children had been in one foster placement for nearly four years, although the plan from the court, much earlier in the care episode, was adoption by another family.
- 6.14. Because of the severe delays, when an adoptive family could not be found, "the children developed very close relationships ...with the carer". We were told all the children "wanted to remain with the carer".
- 6.15. The local authority eventually found an adoptive family and planned to move the children. It would appear that this intention was at least partly motivated by cost saving.
- 6.16. In this case the matter went back to court and the judge ordered that the children should stay with the current carer, either on Special Guardianship, or, if a support package cannot be agreed, on a long term fostering arrangement.

## Conclusion

- 6.17. It is clearly the case that, in so far as the information we have received is a fair reflection of the facts, the local authorities involved in these cases were in breach of law regulations and guidance. Those local authorities which had adopted the Foster Carer's Charter were also in breach of that.

<sup>4</sup> Local Government Ombudsman Case <http://www.lgo.org.uk/news/2014/sep/hillingdon-girl-looks-forward-stable-family-life-following-ombudsman-investigation/>

## 7 Actions of the IRO assigned to these cases

- 7.1. It is very disappointing to note that in the cases covered by this survey, it would appear that the IROs did not provide robust challenge or proper protection for the children concerned.
- 7.2. On the face of it, the IROs in these cases generally agreed with the local authority position, or felt they were unable to do anything to stop placement disruptions.
- 7.3. We were told:
- *"the IRO said they were part of the team within the local authority, so their hands were tied and they couldn't do anything"*
  - *"the IRO did not appear independent. I felt she did not take into account the child's wishes and feelings and was in agreement about the expense of the placement"*
  - *"the IRO agreed with the social workers"*
  - *"the IRO was compliant with the view that the budget comes first"*
  - *"the IRO seemed to have no influence"*
  - *"the IRO was one of the people pressurising the foster carers"*
  - *"the IRO did not seem to be acting independently in support of the child"*
- 7.4. In no case were we told that the IRO had challenged the local authority, or sought to protect the placement.
- 7.5. It may be that some of these comments are not entirely fair, and based on incomplete information. However, on the face of it, in these cases, IROs were generally failing to defend the interests of the child as intended by the legislation regulations and guidance.
- 7.6. The most common concern was an apparent lack of real independence of the IRO from the local authority.

## 8 Remedies

This section seeks to identify actions and measures that may be taken to protect the interests of children when changes are being proposed which would appear to be detrimental to their welfare. These remedies are:

- Invoking the support of an advocate for the child (8.2)
- Requesting the IRO to challenge the local authority plan and refer to CAFCASS if necessary (8.3)
- Making a complaint through the local authority complaints procedure (8.4)
- Taking the case to the Local Government Ombudsman, if the complaints procedure fails (8.5)
- Making a representation to the children's commissioner (8.6)
- Making a representation to Ofsted (8.7)
- Making a representation to the lead cabinet member for children (8.8)
- Seeking a Judicial Review in the Administrative Court (8.9)
- Making a representation to the local MP (8.10)
- Choosing the right measures (8.11)

In most cases the action could be taken by the IFP social worker, the carer or the child. Sometimes the action might be taken by more than one party, or perhaps most effectively, all three. At the heart of each representation should be reference to the breach of law regulations and guidance that it is believed has occurred.

### 8.1. **Invoke Services of Advocate**

The service of an advocate (to which a looked after child is entitled by law) could be requested. Of course, the child would need to be old enough to "instruct" the advocate. The advocate should assist the child with other representations the child might like to make from the list below.

### 8.2. **Request IRO to Challenge**

The IRO should be asked to consider challenging the local authority decision. If the IRO agrees on the issue, she/he has the power as described above to protect the child's welfare. A relatively small number of cases have been referred to CAFCASS, but they have all been resolved without going to court ("on the steps of the court").

### 8.3. **Make a Complaint**

A complaint could be made to the local authority using the Children Act complaints procedure. The complaint would be most effectively made by the child, with the help of an advocate, but a complaint could also be raised by the carer or the supervising social worker.

### 8.4. **The Local Government Ombudsman**

A representation may be made to the Local Government Ombudsman, but only after the local authority complaints procedure has been exhausted.

### 8.5. **The Children's Commissioner**

The Children's Commissioners for England and for Wales, provide a representation service for children in care. The service will give them advice about their rights and about their legal position. The service will also make direct representations to directors of children's services of the relevant local authority.

This has been quite an effective service for many children in care. The Office will also offer advice to adults who are acting on behalf of children. This could apply to social workers, foster carers, or advocates.

#### 8.6. **Appeal to Ofsted**

Ofsted have a “Whistleblowing” hotline that could be used. However, it is unlikely they will intervene in an individual case. They are more likely to use the information in their next inspection of the local authority, by which time it may be too late.

#### 8.7. **Appeal to Elected Members of the Council**

A representation could be made to the lead cabinet member, who is the most important elected representative relating to children in the local authority.

#### 8.8. **Judicial Review**

A judicial review may be sought in the Administrative Court to prevent the local authority implementing a decision, while the matter is reviewed. This will almost certainly mean instructing a solicitor. It is normally a fairly lengthy process, but there is a procedure for urgent applications.

#### 8.9. **Appeal to MP**

Similarly a representation could be made to the local MP. If the child is placed out of area, some thought would need to be given to the appropriate MP to contact. It is likely to be the MP for the local authority which is providing the service to the child.

### **Choosing the right measures**

Choosing the right measures to take when a child’s welfare is threatened will be a matter of careful judgement. It will depend on such factors as:

- The age of the child
- The wishes and feelings of the child
- The seriousness of the detriment that would result from the local authority’s plan
- The imminence of the risk of placement disruption

8.10. There is a risk that if measures as described above are taken, there may be adverse commercial consequences for the fostering agency. The agency may be regarded less favourably by the local authority. Of course the welfare of the child should be paramount for the agency, and if necessary they should take the risk to protect the child’s welfare. However it is likely that the agency (or its staff or carers) could seek redress through the Public Interest Disclosure Act. This act stipulates that if a person makes a ‘protected disclosure’ and suffers a ‘detriment’ because of making that disclosure they may seek remedy at the employment tribunal. Making a representation about a threat to a child’s welfare or a potential breach of law or regulations constitutes a ‘protected disclosure’ and would give access to the tribunal.



## 9 Conclusions

- 9.1. It is evident from this survey that there is a small but significant number of cases, spread over a wide area, where children have had a stable and beneficial placement threatened for purely financial reasons.
- 9.2. It is likely that the cases that we have identified are the tip of a larger iceberg. There may have been a reluctance about bringing forward cases, for fear of damaging relationships with local authorities, and possible commercial detriment.
- 9.3. Certainly, the Offices of the Children's Commissioners for England and for Wales have told us that cases of this nature are well known to their advice services.
- 9.4. We believe that, paradoxically, much of the saving that is believed to accrue by switching from IFPs to in-house provision is not based on reliable data.
- 9.5. We believe that in the main (but see 9.7 below) the current statutory and regulatory framework should give the protections that are necessary to prevent detrimental placement change for children in care. The problem is that law regulations and guidance are being breached with sometimes no effective challenge.
- 9.6. In particular, there is evidence that the IRO service is not always providing the challenge that is required.
- 9.7. Notwithstanding 9.5 above, it would be helpful if the welfare paramountcy principle for care planning decisions, was set out in primary legislation.
- 9.8. It would also appear that the aspirations of the Foster Carer's Charter are often not met.
- 9.9. We have identified a number of remedies which carers, agency social workers and children themselves might use in resisting detrimental placement changes.
- 9.10. We will disseminate this report and its findings as widely as possible and hope that this action may ameliorate this problem in the future. We will also be commissioning and providing training for IFPs, supervising social workers and carers to strengthen their ability to protect children in cases such as these.
- 9.11. The recommendations set out in the next section, flow from the findings of this report.

# 10

## Recommendations

- 10.1 The principle of the paramountcy of the child's welfare in all decision making about looked after children, should be set out on the face of primary legislation, as it is for children in court proceedings.
- 10.2 Local authorities should ensure that the welfare paramountcy principle is placed in the heart of their own policies and procedures.
- 10.3 Local authorities should review their commissioning arrangements to ensure that the welfare paramountcy principle is at the heart of contracts entered into with IFPs.
- 10.4 Further research should be undertaken that more accurately compares the costs of local authority services and independently provided services, and improves the understanding of the role cost plays in providing placements that meet the needs of children.
- 10.5 DfE should consider measures that may be taken to promote genuine independence for IROs, facilitating robust and effective challenge.
- 10.6 DfE should review the operation of the Foster Carer's Charter and take steps to ensure that it is empowering foster carers in the intended manner.
- 10.7 IFPs should provide their managers, social workers and carers, with advice and training about remedies which will provide effective challenge of decisions which they believe to be detrimental to the welfare of looked after children.
- 10.8 DfE should set up a system for monitoring cases where it is believed by professionals working with looked after children, that plans are being proposed/implemented which are based on financial considerations and that are detrimental to the child's welfare.

# Appendix 1

## NAFP Placement Disruption Questionnaire

Please could you answer the following questions in relation to each case of which you are aware meets the criterion. This is every case where placement change or disruption was threatened/occurred since January 2013, that appeared to be detrimental to the child's interest. Please fill in one form for each child affected (even if siblings in same placement affected in same way) Do try to be brief, but take as much space as you need. The reply boxes will expand if needed!

1. Please give brief background of case, including

- age of child
- reason for care
- overall care plan
- legal status
- time in care
- time in current placement

2. What was the proposed change/disruption to the placement and how was it communicated in the first instance?

3. What was the justification for the proposed change?

# NAFP Placement Disruption Questionnaire

4. Why do you believe the change was/would have been detrimental to the child/young person's interests?

7. What, in your opinion, was the view of the IRO about the proposed change?

11. If the disruption was averted, how was this achieved?

5. What was the view of the child/young person about the proposed change?

8. What action did the IRO take?

10. Any other important information?

6. What was the view of the child's parents about the proposed change?

9. What was the outcome? (if the matter has been concluded)

11. Approximate date of threatened/actual disruption (to nearest month)

# NAFP Placement Disruption Questionnaire

12. Relevant Local Authority

Thank you very much for  
assisting with this survey.

Please return the completed  
questionnaire to  
[contactus@nafp.co.uk](mailto:contactus@nafp.co.uk)

13. Details of informant

Name:

Organisation:

Role in the organization:

Email address:

Phone number:



NATIONWIDE ASSOCIATION  
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