

**POST-QUALIFYING**  
**SOCIAL WORK**  
**PRACTICE**



# Social Work and Foster Care

**HELEN COSIS BROWN**

Editor:  
Brown



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Series Editor: Keith Brown



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Production controller: Chris Marke  
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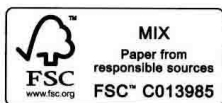
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# Social Work and Foster Care

## Foreword

During recent years there has been much public and media attention on childcare, in particular, the care and support of vulnerable children.

Foster care is an important way in which society attempts to help very vulnerable children, and key to this being a positive and productive experience for the child are the foster parents. But behind the scenes is always a supervising social worker whose role starts with the assessment of prospective foster parents through to the supervision and support of foster carers.

This new text by Helen Cosis Brown has been written to provide advice, support and guidance to all social workers working in – or aspiring to work in – this area of practice. As the author points out, this is an area that has previously received little academic reflection and, thus, this book is an important addition to the Post-Qualifying Social Work series.

On behalf of all social workers working in the fostering field I wish to sincerely thank Helen for the wisdom, insight and expertise she has shared with us in the pages within – this text really is a tremendously important contribution.

All the books in the Post-Qualifying Social Work series are written to inspire and support social work practice, with the ultimate aim of ensuring that vulnerable members of society experience the best possible social work service.

This is another such text written to inspire quality social work practice and I am sure that it will motivate you in your professional practice.

Professor Keith Brown

Director of the National Centre for Post-Qualifying Social Work, Bournemouth

## *About the author*

Helen Cosis Brown is a Professor of Social Work in the Institute of Applied Social Research at the University of Bedfordshire. She worked as a social worker and a social work manager in inner London for ten years before moving into social work education. She has managed social work programmes at the University of Hertfordshire, South Bank University and Middlesex University. She acts as an independent foster carer reviewing officer and chairs a local authority fostering panel. Her publications have included social work with lesbians and gay men as well as fostering and adoption. Her recent publications include: Brown, HC and Cocker, C (2011) *Social Work with Lesbians and Gay Men*. London: Sage, and Brown, HC (2011) *Foster Carer Reviews: Process, Practicalities and Best Practice*. London: BAAF. She sits on a Department of Education advisory panel evaluating multidimensional treatment foster care.

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Thanks also go to the panel members of the four fostering panels I have chaired since 1998, and the members of the current fostering panel I chair.

I wish to acknowledge that the British Association for Adoption and Fostering gave permission for parts of Brown, HC (2011) *Good Practice Guide to Foster Carer Reviews: Process, Practicalities and Best Practice*, London: BAAF to be reproduced in this book. Learning Matters also gave permission for parts of Brown, HC (2011) 'Foster care: learning from research and inquiries', in C Cocker and L Allain (Eds), *Advanced Social Work with Children and Families: A Post-qualifying Guide*, Exeter: Learning Matters, pp89–104 to be reproduced in this book.

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# Chapter 1

## Introduction

The focus of this book is social work and foster care. The book's primary, but not sole, focus is the role of the foster carer's supervising social worker (SSW). I wanted to write about the interrelationship between foster care and social work because, other than best practice guidance, the interface between the two has attracted little research, or scholarly attention. The intended readers of the book are: SSWs, foster carers, fostering service managers, students on a qualifying or post-qualifying social work degree, foster children's social workers or managers in children's social services.

Goodyer writes:

*As with other areas of social work, knowledge about fostering comes from a variety of sources: practice wisdom, individual retrospective accounts, rhetoric about what ought to happen, and also from research.*

(Goodyer, 2011, p49)

This book is a contribution to the 'knowledge' we have about social work and foster care, and falls into Goodyer's category of 'rhetoric about what ought to happen'; informed by relevant published 'knowledge', and my practice experience prior to 1989 and since 2005.

I approached writing the book from three perspectives, informed by my experience of: first, chairing fostering panels since 1998; second, chairing foster carer reviews, as an independent reviewing officer since 2005; and third as a social work academic since 1989. In writing the book I have drawn from research findings, scholarly texts, best practice guidance, and mine and others' practice experience. My theoretical orientation draws on psychodynamic understanding, systemic ideas and social learning theory to inform specific interventions.

### Foster care

It is generally agreed that human beings have been 'doing' foster care, in the sense that adults have cared for other people's children, when those children have not been able to live with their birth parents, for millennia. However, the start of 'formal', paid fostering is unclear; *the origins of fostering are confused and obscured by the mists of history* (Thomas and Philpot, 2009, p15). Foster care's explicit naming, categorisation and regulation are more recent than the 'mists of history'. Smith writes:

*The foundations of foster care in the United Kingdom (UK) lie in the apprenticeships that were established by means of the Poor Law of 1536 and the practice of wet nursing that emerged during the early part of the 19th century.*

(Smith, 2011, p9)

The beginnings of the formalisation of foster care, as we would recognise it today, have been associated with the use of foster carers by: the Thomas Coram Foundling Hospital established in 1741; Reverend Armistead in Cheshire in 1853; Mrs Hannah Archer in Swindon around the same time; Dr Barnardo; and Thomas Bowman Stephenson, who was the founder of Action for Children, the then National Children's Home and Orphanage. Foster care in the late nineteenth century had become so ubiquitous that, for example, by 1891 a third of children cared for by Barnardo's were fostered (Thomas and Philpot, 2009).

Barnardo's, early on in the development of foster care, had its own equivalent to the later Government Boarding-out Regulations, to make sure that children were kept safe in foster homes. Echoes of these early regulations can be identified in the United Kingdom's (UK) 1933, 1947, 1955, 1988 and 2002, and England's 2011 and 2013 Regulations governing foster care. In each, reference was made to fostering services (or their then equivalent) being required to assess a person's 'suitability' to foster children. The need to assess 'suitability' was triggered, in part, by the 'baby farming' scandals of the nineteenth century, and the hanging of Margaret Waters in 1870 for the murder of one of the children she fostered for payment. The need to comprehensively assess prospective foster carers was re-visited by Sir Walter Monkton in his inquiry report, after the death of Dennis O'Neill, killed by his foster parents in 1945 (Home Office, 1945).

In recent research about people's motivations to foster, and barriers that prevent them fostering, concern about the stigma still associated with foster care, and a person receiving payment for caring for other people's children, was identified as a barrier for some people applying to be foster carers. Worries about being seen to profit from caring for children remains a barrier for some people applying to be foster carers (McDermid, Holmes, Kirton and Signoretta, 2012, p6). This concern can be traced back to the above events in foster care's history, which remain in our collective memories.

From a non-State controlled beginning, foster care has been transformed, in recent times, into a highly regulated activity. We currently have a mixed economy of providers of foster care including local authorities, not-for-profit and for-profit fostering services (Sellick, 2011).

Foster carers now receive regular supervision from their SSWs, to ensure that they work effectively with others responsible for the realisation of a foster child's care plan: providing a warm, facilitative, stimulating, family environment, and the enabling direct care needed to help that foster child reach their potential and be well cared for during their time in foster care. Today foster care can provide both a secure base for a child, and what I refer to as 'reparatory family care', when that is needed. Foster care, at its most basic function, is a form of 'accommodation' for children who are looked after, and at its best is an intervention in a child's life that can potentially make a significant difference for the better.

## How this book is structured

The book is made up of seven substantive chapters, all of which relate to different aspects of social work and foster care. Six of the chapters have illustrative case studies which are fictitious, but informed by my practice experience since 2005.

Two points need explaining to the reader. First, I refer to foster carer in the singular, in the main, for ease of reading, but am aware that most fostering households are comprised of couples who foster. Second, like many local authorities are increasingly doing, I refer to 'child looked after', with its related acronym, CLA, thus avoiding the much criticised shortening of the term 'looked after child' to LAC; an unfortunate acronym, being so close as it is to 'lack', a word we would not want associated with children in public care.

Chapter 2 gives the reader an overview of the legal and policy landscape that foster care and social work inhabit. The rate of change regarding legislative and policy developments in this area of practice is formidable; what is covered in the chapter relates to the time of writing. It was beyond the scope of this book to cover the legislative frameworks for foster care in all four nations of the UK; this chapter only addresses that of England. However, the substance of the rest of the book is relevant to social work and foster care practice in all four UK nations.

Chapter 3 considers seven inquiries and serious case reviews (SCR) involving the deaths of, or injury to, children while in foster care. From the findings of the related reports the chapter draws together matters relating to: the regulatory framework; the assessment process; inter-professional communication; resources; and skills acquisition or application.

Chapter 4 addresses the assessment of prospective foster carers and includes discussion about: recruitment of foster carers; types of foster care; assessment in general; assessment of foster carers in particular; what the Standards, Guidance and Regulations say; what needs to be considered in all foster carer assessments; tools for undertaking assessments; assessing sameness and difference; recruiting and assessing particular groups of foster carers; ethnicity, nationality and religion; and the assessment of lesbian and gay prospective foster carers.

Chapter 5 discusses the supervision and support of foster carers. Here the role of the SSW is explicitly examined. What the Standards, Guidance and Regulations say; the SSW/foster carer supervisory relationship; supervision; support and development; child-focused reparatory care; placement planning; team around the child; contact; foster children moving on; managing allegations; valuing and developing a child's heritage/positive sense of self; and permanence are all considered.

Chapter 6 examines what we know about the support and development of foster carers and the SSW role. The following are explored: the Skills to Foster preparation training programme; personal development plans (PDP); the Training Support and Development Standards (TSDS); what the research tells us about the effectiveness of training for foster carers; Fostering Changes; Multidimensional Treatment Foster Care (MTFC)/Keeping Foster Parents Trained and Supported, KEEP; and foster carer support groups.

Chapter 7 argues for the need for fostering services to place particular emphasis on foster carer reviews, as a mechanism through which each individual foster carer's practice can be developed and foster care enhanced more generally. This chapter covers: what the Standards, Guidance and Regulations say; the review administrative process; the SSW's report; facilitating contributors' input into foster carer reviews; and the review meeting.

Chapter 8 looks at fostering panels, and specifically: the related regulatory framework; foster carers, SSWs and reviewing officers attending fostering panels; approvals; matching; and reviews.

The main message that I hope to convey in this book is that foster care can make a beneficial difference to children's lives, and that the role of the SSW is fundamental to making this happen.

# Chapter 2

## The legal and policy framework for foster care

### CHAPTER OBJECTIVES

By the end of this chapter, readers should:

- be familiar with and understand the legal and policy framework for social work and foster care in England;
- be able to consider how the legal and policy framework for foster care can be utilised by you, as a social worker, to enhance the quality of foster carers' and foster children's lives.

## Introduction

I start this chapter with a pertinent quote from a young person who was interviewed as part of the Care Inquiry (2013), reminding us that a legal framework, which is fit for purpose, alone does not necessarily guarantee good outcomes for foster children:

*I think what's important is for the Government to stop making new laws and work instead with what we have already and try and develop it for the better. What's important is for them to try and find ways of catering for all of us as individuals so that we grow up and become successful young people who were in care, not young people who are not successful because they were in care.*

(Care Inquiry, 2013, p24)

A similar message was conveyed to the UK Government some 68 years before by Sir Walter Monkton, the author of the Dennis O'Neill Inquiry (Home Office, 1945), when he suggested that further regulatory change was not what was needed to safeguard foster children. He believed that the then 1933 Boarding-out Regulations (Home Office, 1933) were still fit for purpose and that, rather than instigating change, *their requirement should be treated as a minimum, not a barely attainable maximum* (Home Office, 1945, p18).

However, relentless changes in the last 60 years to legal regulation and social services' organisational structures, relating to social work with children and families, are, in part,

testament to the words of neither Sir Monkton nor the young person giving evidence to the Care Inquiry being heeded. The legislative frameworks for children looked after by the State, and foster care, have been in a regular state of flux since 1945. The seeming belief that changing the detail of the law, and the structure of organisations, will improve children's life chances, rather than addressing why such changes have not, in the last 68 years, in the main led to radically improved outcomes for children for whom the State acts as the corporate parent, has been a hallmark of children and families social policy in the UK. However, an interruption to this pattern more recently, in the field of child protection, was the Government-commissioned report (Munro, 2011), which tried to address some of the more complex matters relating to social work with children and families, about social work practice itself, among other matters.

Laws, regulations, guidance and standards provide a framework for what must be, as well as what can be done. However, as noted above, legal regulation cannot by itself safeguard foster children's interests. As Brammer writes:

*Policies, legislation, structures and procedures are, of course, of immense importance, but they serve only as a means of securing better life opportunities for each young person. It is the robust and consistent implementation of these policies and procedures which keeps children and young people safe.*

(Brammer, 2010, p166)

In other words, it is the quality of the implementation of law, regulations, guidance and standards that makes a difference to young people and children who are fostered.

Following the Conservative and Liberal Democrat Coalition Government coming to power in May 2010, the new Government continued the work started by the previous Labour Government, regarding improving the quality of the lives of children looked after, and foster care. The outputs of this work were the current Standards, Guidance and Regulations governing foster care which came into force in 2011, replacing those that had been in place since 2002. However, no sooner than the 2011 Standards, Guidance and Regulations for foster care were in place, and before it was possible to see if they made a difference to the quality of foster carers' and foster children's lives, the Government embarked on an 'improving foster care agenda' (Department of Education, 2012a; Harber and Oakley, 2012). This new agenda was, in part, in recognition that the State still had a long way to go before foster children as a group, rather than individual foster children, who often do extremely well, could be said to be thriving. Harber and Oakley remind us that foster care is still not realising the positive potential of many children, and argue that reform of foster care is still needed to enable foster children to thrive:

*They are not being lifted to achieve everything that we should hope that they do. Evidence of these poor outcomes is easy to find:*

- *Around half of children in care have been diagnosed with a mental disorder;*
- *Educational outcomes are appalling, with only around a third of children in care achieving the expected Key Stage 2 level in English and Maths (compared to 74 per cent in the general population of children);*

- *Twice as many 19 year olds who were previously in the care system are now not in education, employment or training (33 per cent) than for the general 19-year-old population (16 per cent); and over the longer-term, over a quarter of all adults serving custodial sentences previously spent time in care and almost half of all under 21 year olds in contact with the criminal justice system have spent time in care.*

*It is a tragedy that the 48,530 children currently in foster care in England are at risk of poor outcomes and life chances.*

(Harber and Oakley, 2012, p8)

At the time of writing some aspects of the Government's 'improving foster care' initiative had come to fruition, but others, such as guidance on long-term foster care and commissioning of foster care placements, were still being developed. 'Fostering for adoption', a development introduced in the Children and Families Bill 2013, is already having an impact on, and implications for, fostering services (Department of Education, 2013a; Simmonds, 2013).

There are a number of texts that cover law relevant to social work, children looked after and foster care (Brammer, 2010; Davis, 2010; Laird, 2010; Lawson, 2011a; Brayne and Carr, 2013). There are also a number of best practice guides that include the legal and policy framework for specific areas of foster care. These include: fostering panels (Borthwick and Lord, 2011); foster carer reviews (Brown, 2011); parent and child fostering (Adams and Dibben, 2011) and fostering for adoption (Simmonds, 2013). Specific areas of the legal and policy framework for foster care will be re-visited in more detail throughout the book where relevant.

Lawson lists the legislation and guidance relevant to foster care in England (Lawson, 2011a, pp9–11) and reminds us that *the regulations, statutory guidance and NMS are not just relevant to staff of fostering services: it is essential that everyone who works with children and young people in foster care is aware of what they say* (2011a, p9). Knowledge of the law can enable social workers to facilitate good quality foster care, and inform them about how to use the law as leverage, to ensure foster carers, foster children and their families receive the services, safeguards and quality of support to which they are entitled by law.

In the UK, legislation about the welfare of children and young people focuses on the best interests of children. This is stated in primary legislation in England, Wales, Scotland and Northern Ireland. The Children (Northern Ireland) Order 1995, the Children Act (Scotland) 1995, the Children Act 1989 and the Children Act 2004 all state that children's welfare has to be the paramount consideration. This also has to be the case for foster care. The welfare of a specific foster child, or a hypothetical foster child that might be placed with a foster carer in the future, has to be the paramount consideration for social workers.

## This chapter covers

- The legal and policy framework in which social work and foster care take place. It sets out the current legal and policy landscapes for foster care. This legal landscape is an

ever-changing terrain and the chapter reflects it as it was at the time of writing. The foster care Standards, Regulations and Guidance are briefly introduced, as well as other relevant secondary legislation.

- The specific detail of each document is not covered, but rather the chapter signposts the reader to documents with which they should be familiar, if they are social workers working with foster carers or foster children.
- The chapter starts by considering the UKNSFC (UK Joint Working Party on Foster Care, 1999a) and the related Code of Practice on the recruitment, assessment, approval, training, management and support of foster carers (UK Joint Working Party on Foster Care, 1999b). Both these documents apply to the UK as a whole, but are not legally binding. However, although now dated, they still offer direction regarding best practice in foster care.

## The UK National Standards for foster care, and the Code of Practice

These two publications apply to all four UK nations (UK Joint Working Party on Foster Care, 1999a; UK Joint Working Party on Foster Care, 1999b). They were the first attempt, in the UK, to create a Code of Practice and National Standards for foster care. Mehmet, writing about the UK National Standards and Code of Practice, wrote:

*These two documents set out to establish what was to be expected from everyone involved in foster care, the fostering teams, children's social workers and carers. The work of the Joint Working Party on Foster Care which produced these documents opened the way for Standards in foster care to be recognised across the United Kingdom.*

(Mehmet, 2005, p3)

The English, Scottish and Welsh Governments subsequently published their own national standards for foster care (Department of Education, 2011a; The Scottish Executive, 2005; Welsh Assembly Government, 2003). Wales, Scotland and Northern Ireland have all developed their own Code of Practice (Wales Code of Practice Working Group, 1999; The Scottish Executive and the Fostering Network, 2004; Department of Health and Social Service, 1999). Although the UKNSFC and Code of Practice were not legally binding, they did in effect establish best practice guidance in foster care. They remain helpful detailed documents about foster care and social work practice and are worth practitioners' and social work students' attention.

## Policy, Standards, Regulation and Guidance relating to foster care in general

The documents below are introduced to the reader in a, hopefully, logical order, but not necessarily chronologically. I start with the White Paper, Care Matters, as this set the

tone for the foster care reform agenda that followed. I then move on to the Standards, Regulation and Guidance because these, taken together, are the bedrock of the legal framework for foster care.

## Care Matters: Time for Change

The White Paper *Care Matters*, published by the Department for Education and Skills in 2007, sought to improve the lots of, and futures for, children in public care. Central to this agenda was improving the quality and stability of foster care and the status of foster carers. *Foster carers are central to many children and young people's experience of care. It is essential that we value and support them and ensure that they are properly equipped with the necessary range of skills* (Department for Education and Skills, 2007, pp8–9). One initiative related to this was the Children's Workforce Development Council's (CWDC) creation in 2007 of the Training, Support and Development Standards for Foster Care (TSDS). When the Conservative/Liberal Democrat Coalition Government came to power in 2010, and subsequently the CWDC was abolished, the TSDS were, as a result, adopted by the Department of Education, and Guidance was re-issued in 2012 by the Department of Education.

## The Fostering Services: National Minimum Standards

The Department of Education published the Fostering Services: National Minimum Standards (NMS) in 2011 under Section 23 of the Care Standards Act 2000. The NMS set out the expectations for the standards that must be met by fostering services (Department of Education, 2011a; Dunster, 2011; Lawson, 2011a). There are 31 Standards, which include child-focused Standards (Standards 1–12), as well as Standards for the fostering service (Standards 13–31). The Standards for the fostering service include some subjects covered in the following chapters of this book including: recruiting and assessing foster carers (Standard 13); fostering panels (Standard 14); learning and development of foster carers (Standard 20); supervision and support of foster carers (Standard 21); handling allegations (Standard 22); and placements plans and their review (Standard 31).

## Fostering Services (England) Regulations

These Regulations were published by the Department of Education in 2011 (Department of Education, 2011b; Dunster, 2011; Lawson, 2011a). They set out the regulatory framework for foster care in England and, pertinent to social work and foster care, cover: the assessment and approval of foster carers; foster carer reviews; termination of foster carers' approval; and fostering panels. The Independent Review Mechanism's (IRM) relationship to foster carers' approval, review, the fostering panel and the fostering service is also noted. These Regulations, as they related to assessment and approval of foster carers, were amended in 2013 by the Department of Education (Department of Education, 2013b).