



## Fostering Service

# Foster Carer Terms and Conditions (July 2014)

### INTRODUCTION

The Leeds Fostering Service employs a Payment for Skills (PFS) model for its foster carers, including tasks, skills and competency requirements, post approval training and development expectations (including CWDC / TSD Standards certification requirements) support group attendance and a framework of financial support.

The Payment for Skills model has four levels (1 lowest - 4 highest with weekly fees paid to PFS Level 2, 3 and 4). This document details the Terms & Conditions relevant to approved foster carers who operate on Level's 2, 3 & 4 of the model.

Payment for Skills is central to the Leeds Fostering Service commitment to provide the best possible outcomes for fostered children, supported by skilled, motivated and rewarded foster carers. These Terms and Conditions provide a detailed framework for agreed practice but also recognise that they should not exclude the need at times for flexibility and negotiation to help achieve the best possible placement provision.

These Terms and Conditions should be read in conjunction with:

- The *Tasks, Skills, Competencies (TSC) Framework* document which identifies key competencies and skills requirements for each level of the PFS model
- The *Financial Support to Foster Carers* document (also termed 'FN16') which details the range of financial support for foster carers including weekly fees for each PFS level, weekly allowances, additional payments and payments procedures

Terms and Conditions and the signed Foster Carer Agreement form the basis of a formal agreement between the Leeds City Council Fostering Service and it's approved foster carers.

Terms and Conditions are normally reviewed at 2 yearly intervals. This Terms and Conditions document incorporates agreed changes following a review and foster carer consultation process completed in June 2014.

## **1 Assessment and Approval of Foster Carers (PFS Levels 2, 3 and 4)**

### **Initial Approval**

1.1 Approval is subject to the satisfactory completion of:

- Foster carer preparation and training
- A comprehensive Competency Based Assessment including medicals, references and statutory checks
- An evidencing Portfolio
- A positive Fostering Panel recommendation and subsequent approval by the Agency Decision Maker

## **2 Continued Approval**

2.1 Continued approval is subject to:-

- Adherence to National Minimum Standards and requirements of current Fostering Service Regulations
- Achieving CWDC / TSD certification requirements
- Ability to meet the TSC requirements of the foster carers attained PFS level, including regular attendance at support groups and meeting other relevant training requirements including Personal Development planning and review
- The satisfactory outcome of the Foster Carer Review, held at annual and other significant intervals

## **3. Payments / Financial Support to Foster Carers**

The *Financial Support to Foster Carers* document (also known as 'FN16') sets out detailed guidance that covers all aspects of foster carer financial support including:

- Weekly maintenance allowance payments
- Additional payments / grants / equipment
- Fees
- Retainer payments
- EDT placements payments
- Leave / Respite
- Payments procedures
- Long Service and other awards for foster carers

The Financial Support to Foster Carers document is revised periodically and an appendix is updated annually to reflect any changes in allowance and fee amounts paid to approved foster carers.

#### **4 Foster Carer Progression / PFS model**

- 4.1 A foster carer's intended move or progression to another PFS level will initially be assessed and agreed with the foster carers Supervising Social Worker (SSW). This assessment will consider the foster carer meeting the requirements for progression as laid out in the TSC framework and progression portfolio requirements. Progression applications and portfolios are presented for approval as follows: Level 1 – 2: Fostering Team Manager; Level 2 – 3: Service Delivery Manager (Fostering) any progression to Level 4: Agency Decision Maker.
- 4.2 Progression approval will be confirmed to the foster carer in writing. The Supervising Social Worker (SSW) will notify Carer Payments of the new PFS fee level and its effective start date. This notification is endorsed by the SSW's fostering team manager and a revised foster carer agreement will need to be completed.

#### **5 Payment for Skills / Task, Skills and Competency (TSC) Framework**

- 5.1 The TSC framework sets out the tasks, skills and competencies that foster carers must be able to demonstrate at each PFS Level. Each level adds more to the next, so that Level 4 foster carers perform the highest level skills and competencies and have a considerably more demanding range of tasks that they must undertake.

#### **6 Individually Agreed Fees**

- 6.1 Following implementation of the PFS model (2008/9), historically agreed Individually Agreed Fees (IAF's) have been reviewed and the foster carer will receive the fee as determined by the review until the child leaves the placement.

#### **7 Emergency Duty Team (EDT) Foster Care Placements**

- 7.1 An EDT placement is one made by the Emergency Duty Team following a referral received outside normal working hours.
- 7.2 The task of EDT foster care can be undertaken by PFS level 2, 3 and 4 foster carers, following suitability assessment and agreement between foster carer, SSW and Fostering Team Manager.

7.3 Arrangements for making foster carers available on the EDT vacancy list and monitoring their availability and use by EDT are the responsibility of the Placements Service Manager with reference to the Service Delivery Manager (SDM) Fostering.

7.4 A risk assessment of the circumstances, accommodation and existing placements within the household will be undertaken as part of the suitability assessment and “terms of use” by EDT agreed and recorded on the foster carer file by the SSW.

7.5 Foster Carers can only be available to take EDT placements where a “vacancy” exists. Only foster carers with less than 3 foster children in placement can therefore take an EDT placement.

7.6 EDT foster carers must be prepared and equipped to receive children in crisis and at short notice. They should not expect that children will go to nursery/ school/college ‘as usual’ and they should expect a high level of social work involvement, meetings and appointments (e.g. medical etc.) during the course of the placement.

7.7 At the end of the EDT placement, the foster carer will have the option of making themselves available for further EDT placements, or accepting other temporary placements via the Placements Service.

7.8 Payment amounts to foster carers providing EDT placements are detailed in the *Financial Support to Foster Carers* document.

## **8 Retainers (PFS Level 4 Carers only)**

### **Existing Level 4 Carers approved prior to November 2014:**

8.1 In the gap between placements, existing Level 4 foster carers registered for one placement will be paid one full fee per household per week, for a maximum of 52 weeks (except for unpaid leave and sickness arrangements) in any one financial year.

8.2 For foster carers approved for two or more placements, a 2<sup>nd</sup> placement retainer will be paid for one ten week period only in any one financial year. This retainer is not available for a room share.

8.3 In exceptional circumstances, the SDM Fostering may exercise discretion to retain highly specialist placements for periods in excess of ten weeks.

### **Level 4 carers following approval from November 2014:**

- 8.4 In the gap between placements, Level 4 foster carers approved from November 2014 will be paid one full fee per household per week, for a maximum of 16 weeks (except unpaid leave or sickness arrangements) in any one financial year.
- 8.5 In exceptional circumstances, the Head of Service or Assistant Head of Service may exercise discretion to retain highly specialist placements for periods in excess of 16 weeks.
- 8.6 A retainer for newly approved level 4 foster carers can be paid during the introductory period following matching. In exceptional circumstances and subject to SDM Fostering approval, the retainer can be paid from the point of approval until the first placement is made.

## **9 Retainers / 'Unreasonable Refusal' of Placements**

- 9.1 The right to receive a retainer is based on a flexible and reasonable approach to proposed placements. Where there is a dispute regarding what would constitute unreasonable refusal by a foster carer, the SSW will record this and discuss with the Fostering Team Manager. The Team Manager will then provide information for arbitration and decision to be made by the SDM Fostering. If this cannot be resolved by the SDM Fostering, it will be referred to the relevant Head of Service / Assistant Head of Service for decision.
- 9.2 In exceptional circumstances, the matter may be referred by the SDM Fostering to a Fostering Panel Chair for independent arbitration.

## **10 Annual Leave Entitlement**

- 10.1 Paid leave entitlement (also traditionally referred to as 'Holiday') is available for PFS Level 2, 3 and 4 foster carers to take in any one financial year period (April – April) outside their fostering placement commitments.
- 10.2 Terms and Conditions 2014 introduced paid leave entitlement for Level 2 and 3 carers for the first time, introduced changed Level 4 entitlement for new Level 4 carers to the service and maintained previously agreed leave entitlement for existing Level 4 foster carers: Paid days leave totals are as follows:
- Level 2 foster carers: 7 days
  - Level 3 foster carers: 10 days
  - Level 4 foster carers approved after November 2014: 14 days
  - Level 4 Parent and Child foster carers approved after November 2014: 28 days
  - Level 4 foster carers approved prior to November 2014: 28 days

(Annual Leave entitlement is not available for those Level 2 and 3 foster carers who are approved to provide respite placements only).

- 10.3 Foster carers should provide sufficient notice of taking any leave entitlement with their SSW and ensure arrangements for any child / young person in placement affected are discussed in advance with the child's social worker.
- 10.4 Only those Level 4 foster carers with 28 days leave entitlement are allowed to 'carry over' unused leave into the next leave year (April to April). Up to a maximum of 7 days is allowed and any leave carried over must be taken before the end of June. Requests and reasons for carrying over leave and the arrangements for achieving it must be discussed in advance by the foster carer with the SSW and agreed by the Fostering Team Manager.
- 10.5 Arrangements for taking leave entitlement should always reflect the child led needs and priorities of the service. Foster carers commencing fostering during the financial year will be entitled to the proportion of leave available for the remainder of that year (April to April).
- 10.6 PFS Family Placement foster carers caring for a child meeting the LCC eligibility criteria for disabled children may be entitled to respite in addition to their leave entitlement.
- 10.7 PFS Level 2, 3, and 4 foster carers may take unpaid leave. Requests should be made via the SSW and agreed by a Fostering Team Manager & SDM Fostering. Requests for unpaid leave in excess of 28 days for PFS Level 4 carers will trigger a review of the carer. No fee is payable for unpaid leave periods.

## **11 Leave due to Personal Circumstances (Compassionate leave) / Sickness Leave (Carer illness)**

- 11.1 If foster carers need time without the child in placement due to personal circumstances rather than as part of the childcare plan, the Department has the discretion to allow this and not to reduce fee payments. The situations where this might apply include bereavement, serious illness of a family member or other significant person or a domestic crisis, and would be unlikely to extend beyond two weeks in total. All requests for paid "compassionate leave" should be made via the SSW, agreed by a Fostering Team Manager and approved by the SDM Fostering.
- 11.2 During periods of foster carer illness (where children cannot be maintained in the carer household), foster carers may receive in any one financial year up to 3 continuous weeks fee payments per household at a level equivalent to the fee rate being paid to them in the week immediately preceding the period of illness, plus the clothing element of the maintenance allowance, calculated on a 1/7<sup>th</sup> basis. At the end of the 3 week period the situation will be reviewed

and may be extended for a further period, the length of which and level of fee will be determined by the Head of Service / Assistant Head of Service.

## **12 Annual Leave Entitlement Payment**

12.1 PFS Level 2, 3 and 4 foster carers registered for one placement will receive leave pay at the first placement fee level. Level 4 foster carers registered for two or more placements will receive holiday pay at a maximum of the two placement fee level.

12.2 The clothing element of the maintenance allowance will continue to be paid to the primary foster carer.

12.3 Leave (Holiday) pay is based on the number of nights the child is away from the placement and is paid at 1/7<sup>th</sup> of the weekly fee rate per night.

## **13 Relatives and Friends offering Leave (Holiday) Cover for Level 4 carers**

13.1 Relatives and family friends offering leave (holiday) cover will be subject to an assessment completed by the SSW for the primary foster carer and approved by the SDM Fostering.

13.2 For foster carers new to the service, an initial assessment of suggested family / friends able to provide leave / holiday cover will be undertaken as part of the applicant's Form F assessment.

13.3 New relatives / family friends leave / holiday carers will be paid the maintenance allowance and the first child level 2 fee, on a pro-rata 1/7<sup>th</sup> day basis (minus the clothing element).

13.4 For family and friends who care for children in the home of the primary carer, the leave / holiday carer will receive the fee element only. The maintenance allowance will continue to be paid to the primary foster carer who will provide the necessary food, equipment etc.

## **14 Foster Carer Respite**

14.1 Leave entitlement (see 10) is provided to assist with foster carer opportunities to 're-charge batteries'. However, it is acknowledged that some foster carers who have very challenging children / young people may exceptionally require respite in addition to their leave entitlement and in order to continue to support a placement in the best interests of the child.

14.2 Foster carer requests for respite are made to the SSW who will discuss with the child's SW and a decision made by the Fostering Team Manager with reference to the SDM Fostering.

## **15 Unplanned Endings / Disruptions**

15.1 The SDM (Fostering) has the discretion to continue payments of a fee for a child where the placement has ended abruptly. This is dependent upon being satisfied that the circumstances were such that the minimum of 28 days notice could not be given, and that the ending of the placement was for matters beyond the foster carers control. Payment of a fee can be continued for up to 28 days.

## **16 Staying Put (Young People age 18 years+ remaining with former Foster Carers)**

16.1 The Staying Put Policy (2014 onwards) details arrangements and financial support for former foster carers making commitments to young people remaining in placement 18 years plus. For the purposes of fostering regulations for fostering approval purposes, the young person will not count as a fostering placement, but as an adult member of the household under Staying Put arrangements.

16.2 For disabled children placed with former Family Placement foster carers, a separate policy and procedure – Transitions to Adulthood Disabled Young People Post 16yrs and Post 18yrs (2014 onwards) - sets out detailed information regarding disabled young people who are FAC (Fair Access to Care) eligible for adult care remaining with their foster carers.

16.3 Where a young person with this level of need remains with their foster carers, combined placements of young adults and foster children will not exceed 3 in any household.

## **17 Failure to meet PFS requirements**

17.1 Where concerns about a foster carer consistently failing to meet PFS TSC requirements are identified, the SSW will discuss this with the foster carer and Fostering Team Manager at an early stage.

17.2 If the issues remain unresolved, a joint visit to the foster carer will be undertaken by the SSW and Fostering Team Manager with reference to the SDM Fostering.

17.3 The Fostering Team Manager / SDM Fostering may decide that a Foster Carer Review should be undertaken and referred to a Fostering Panel within eight weeks of the review being completed. Should the outcome of the Review be unsatisfactory, Panel may request a period of “probation”, during which time the foster carer will be given the opportunity to achieve and maintain the relevant PFS level TSC requirements over a specific period of time.



17.4 If the outcome of this period is successful, then the PFS approval level will subsequently be reconfirmed.

17.5 If the outcome is unsuccessful, Panel may decide to lower the foster carers PFS approval level, or to reduce the number of children/young people approved for. Should significant concerns still remain the foster carers approval may ultimately be suspended or withdrawn.

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(Amended: April 2015 – para 10.4 added)