



City Chambers  
DUNDEE  
DD1 3BY

13th March, 2015

Dear Sir or Madam

You are requested to attend a MEETING of the **SOCIAL WORK AND HEALTH COMMITTEE** to be held in the City Chambers, City Square, Dundee on Monday, 23rd March, 2015 following the meeting of the City Development Committee called for 6.00 pm.

Yours faithfully

DAVID R MARTIN

Chief Executive

## **AGENDA OF BUSINESS**

### **1 DECLARATION OF INTEREST**

Members are reminded that, in terms of The Councillors Code, it is their responsibility to make decisions about whether to declare an interest in any item on this agenda and whether to take part in any discussions or voting.

This will include all interests, whether or not entered on your Register of Interests, which would reasonably be regarded as so significant that they are likely to prejudice your discussion or decision-making.

### **2 MINUTE OF MEETING OF COMPLAINTS REVIEW COMMITTEE**

(The minute of meeting of the Complaints Review Committee held on Friday, 27th February, 2015 is attached for approval).

### **3 COMMUNITY PAYBACK ORDERS**

(Report No 118-2015 by the Director of Social Work, copy attached).

### **4 THE REVISED FINANCIAL SECTION OF THE FOSTER CARERS HANDBOOK AND FOSTERING, ADOPTION AND KINSHIP CARE PAYMENTS 2015/2016**

(Report No 129-2015 by the Director of Social Work, copy attached).

At a MEETING of the **COMPLAINTS REVIEW COMMITTEE** held at Dundee on 27th February, 2015.

Present:-

Mr Thomas TAIT      Depute Lord Provost Christina ROBERTS      Councillor Norma McGOVERN

Mr Thomas TAIT, Chairperson, in the Chair.

Unless marked thus \* all items stand delegated.

## **I                      CHAIRPERSON - APPOINTMENT**

It was reported that in accordance with the Council's Scheme of Delegation to Officers the Chief Executive had appointed Mr Thomas Tait, Chairperson of the Complaints Review Committee.

The Committee noted accordingly.

**The Committee resolved under Section 50(A)(4) of the Local Government (Scotland) Act 1973 that the press and public be excluded from the meeting for the undernoted items of business on the grounds that they involved the likely disclosure of exempt information as defined in paragraphs 3, 5 and 7 of Part I of Schedule 7A of the Act.**

## **II                      DECLARATION OF INTEREST**

There were no declarations of interest.

## **III                      CASE NO DCC 1/2015**

The Committee considered a complaint which had been made by a Complainant requesting a review in relation to the actions taken and care provided by the Social Work Department. The Committee gave consideration to written submissions on behalf of the Complainant and on behalf of the Social Work Department including correspondence, copies of which had been circulated.

The Committee also heard oral representations by the Complainant and the representative of the Social Work Department and witnesses called on behalf of both parties.

Having considered the complaints, reviewed the correspondence and written submissions before them and having regard to the oral representations, the Complaints Review Committee agreed the following in respect of each of the concerns raised:-

### **Concern One**

That a full assessment be carried out that included spending an appropriate time to view the interactions between the mother and child, particularly mornings during seizure activity. This would appear to be a necessary requirement to establish what assistance was needed to safeguard the child.

The Committee recommended that the concern be partially upheld and recommended that a full and proper assessment be carried out in relation to the child's needs including those locations of care provided by both parents, other family members and carers.

### **Concern Two**

That a consistent approach be provided by a carer rather than a number of different staff who had not been given appropriate and essential training. For staff to provide a quality service, they need to understand the seizure activity and training on what was needed to ensure the child was safe.

The Committee recommended that this concern be upheld and that it be recommended that consistent care should be provided by the carer and/or organisation providing care and that full training in epilepsy should be given to each of those carers appointed with responsibility for the child and that this be reviewed on a regular basis.

### **Concern Three**

That a consistent approach be adopted to address morning hygiene issues seven days per week. Confirmation of the role played by Organisation C in terms of their remit both morning and early evening in terms of the child's hygiene. Confirmation of who was managing the process in terms of the package - it would appear the Social Work Department had no detailed plan in place on a weekly basis and it was dictated by the child's mother rather than the Social Work Department.

Confirmation that a "review" had been carried out and whether any concerns had been raised by workers of Organisation C (for example, his behaviour on a date indicated when it was described by the worker as being "a difficult morning").

The Committee agreed to recommend that this concern be partially upheld and that it be recommended that the Social Work Department ensure that this issue be consulted at the next review of the child's care package. Particular regard should be made as to why care is provided on six and not seven days per week.

### **Concern Four**

That a copy of the Conflict Policy and Procedure Policy be made available. Furthermore, an explanation as to how a Family Support Panel could be convened with five panel members that included three members from private companies - two of which directly benefitted financially from awarding their own organisations with lucrative contracts. Assumed that this was not restricted merely to the child's case.

The Committee agreed not to uphold this concern; however if such documents were publicly available these be provided to the complainant by the Social Work Department.

#### **Concern Five**

That if the Social Work Department had no role to play in personal finances as detailed by J H, an explanation as to why S McC wrote a letter to DWP requesting that the father be given a copy of the DLA award letter. Furthermore, why was S McC providing a personal opinion to DWP with no evidence and merely providing a personal opinion?

The Committee agreed not to uphold this concern as it considered it had no remit in respect of matters concerning the DWP. The Committee noted, however that if the complainant had new concerns about the actions of a Social Worker concerning the child's DLA award letter a fresh complaint could be made.

#### **Concern Six**

That clarification as to why this enablement was removed with no consultation. The mother alleges she did not ask for such a reduction as this was much needed early evening assistance to her (as now evidenced by an incident on the date indicated).

It is believed these hours should be reinstated with immediate effect as the child had been penalised by Dundee City Council Social Work Department particularly as now reported that the child was merely going to the mother's house and sleeping for around one hour per night between 4-5pm. This was not good for his physical or mental health or indeed his night-time routine of sleep patterns.

Furthermore, the child required one-to-one enablement - the reduction of hours had now seriously compromised the child's care during holiday periods. It is perceived that the difference between child care and enablement and it was contended that the enablement reduction was detrimental to the child's development.

The Committee agreed that this concern not be upheld.

#### **Concern Seven**

That more detailed discussion/justification about the proposal, the benefits to the child and expected outcomes of the "group work" that was being proposed.

The Committee recommended that this complaint not be upheld and recommended that it be noted that this matter was for the care provider to decide on how care may be supported to the mother in the best interests with the child and that this may not be disclosed to the father.

**Concern Eight**

That confirmation that there were or were not child protection issues. If there was not, why was this language consistently used by three different social workers?

The Committee agreed that it be recommended that Social Work examine this issue further and take accord of it as may be required.

**Concern Nine**

That given the Social Work Department advised they believe it would be beneficial to the child - appoint an appropriate advocate with clearly defined role agreed at the outset.

The Committee agreed that the appointment of an advocate would be beneficial to the child and recommended that this concern be further evaluated with a view to providing advocacy and support with the agreement of both parents.

**Concern Ten**

That a copy of all minutes be made available to the father (including those that the father was not allowed to attend).

The Committee agreed that this concern be partially upheld and recommended that any and all minutes that the father was entitled to should be made available to him after the meeting as soon as practically possible.

Thomas TAIT, Chairperson.

**REPORT TO: SOCIAL WORK AND HEALTH COMMITTEE – 23 MARCH 2015**  
**REPORT ON: COMMUNITY PAYBACK ORDERS**  
**REPORT BY: DIRECTOR OF SOCIAL WORK**  
**REPORT NO: 118-2015**

## **1.0 PURPOSE OF REPORT**

This is the 3rd annual update on the local operation of Community Payback Orders (CPOs) covering the period 2013-14.

The Criminal Justice and Licensing Act (Scotland) 2010 imposes a duty on local authorities to submit annual reports in relation to CPOs to the Scottish Government. The 3<sup>rd</sup> of these reports was submitted in November 2014.

## **2.0 RECOMMENDATIONS**

It is recommended that the Social Work and Health Committee:

- 2.1 Notes continued progress made in relation to the operation of Community Payback Orders as outlined in the report as outlined in the report.
- 2.2 Notes the contribution of Criminal Justice Social Work (CJSW) to the Council Single Outcome Agreement (SOA) in respect of reducing crime and reducing the fear of crime and to the Community Justice Authority (CJA) Area Plan as outlined in the report.
- 2.3 Instructs the Director of Social Work to provide a further report on the operation of Community Payback Orders and related developments in 12 months.

## **3.0 FINANCIAL IMPLICATIONS**

None.

## **4.0 MAIN TEXT**

- 4.1 The Criminal Justice and Licensing (Scotland) Act 2010 was implemented in February 2011 to deliver credible, visible and effective community sentencing as an alternative to short-term imprisonment. The Act includes a presumption against prison sentences of 3 months or less and introduced Community Payback Orders as the single community sentence to which up to 9 requirements, such as supervision, unpaid work, programme and treatment requirements, can be attached by the Courts.
- 4.2 The Scottish Government published a summary of the local authority Annual Reports in February 2015. The summary does not specifically refer to individual local authorities but it is reassuring that Dundee's experience of the operation of CPOs reflects the national feedback. The Government also note their continued commitment to monitoring the impact of increasing numbers of CPOs on capacity and resources.
- 4.3 In 2013-14, CJSW has continued to implement CPOs whilst developing new services to improve overall performance and outcomes for specific groups. In total, 671 new CPOs were imposed and there were improvements across all groups in successful completion of Orders with a supervision requirement. For males this improved from 63% to 71%, for females from 72% to 76% and for 16-17 year olds from 55% to 70%. As Orders continue to be enforced robustly with breaches of requirements reported back to court, these improvements are associated with better engagement of offenders as opposed to a more tolerant approach towards any non-compliance.
- 4.4 In terms of unpaid work, there was a reduction in the total number of unpaid work hours undertaken from 40,008 to 36,291. The average weekly hours carried out by offenders also reduced. This reduction in the total hours carried out and average weekly hours is explained by 4 major Sports Development Projects undertaken in 2012-13. Unusually, this

necessitated dedicated groups of compliant offenders completing their hours more frequently and therefore more quickly than normal on 2-3 days a week. Despite the more recent reductions, the total number of hours completed last year were still 14,000 more than in the year before CPOs were introduced. The overall proportion of offenders successfully completing unpaid work also increased from 73% to 75%, with offenders carrying out the minimum amount of weekly hours over longer periods when compared with the year before.

- 4.5 The unpaid work involved 76 projects being completed at locations across the city. A key part of this has involved liaison with the 8 Local Community Planning Partnerships. In general, the projects had a focus on improving the visible environment for the community but work was also completed for specific groups and individuals. Examples include the painting and internal decorating of a one parent family project, the development of an accessible allotment for patients with respiratory conditions in partnership with the NHS and gardening for older people
- 4.6 A key feature of an unpaid work requirement is the opportunity for offenders to undertake up to 30% or 30hrs, whichever is less, as 'other activity'. In Dundee, this involved 639 hours access to literacy and numeracy training, social skills development and preparation for training and employment.
- 4.7 In terms of feedback from offenders and recipients, 92% of those subject to unpaid work noted that overall support offered was positive and 75% believed the time on unpaid work was spent usefully, with key benefits including having a routine and an opportunity to develop new skills. All recipients were satisfied with the timeliness and quality of the work carried out. Comments include:
- "Getting into routine of getting up for work"
  - "Getting on a course to get my CSCS (Construction Skills) Card"
  - "Meeting new people and learning new skills"
  - "Staying away from trouble".
  - "At last I can enjoy the garden, I wouldn't have been able to without their help"
  - "A very tidy, positive experience, we got everything we wanted done",
  - "Excellent work, very satisfied and the team are to undertake further painting for us".
- 4.8 In terms of other CPO conditions, there has been an increase in Orders with programme requirements, mainly related to domestic violence and sexual offences. The service now includes domestic violence offences as part of the criteria for a new multi-agency Intensive Support Programme, which targets serious and persistent offenders. In terms of sexual offenders, the service is presently implementing the new Moving Forward Making Changes programme across Tayside. This is a new accredited programme which is being rolled out across Scotland and has necessitated changes in the way groups are facilitated. These developments may impact on capacity in the longer-term and are being monitored.
- 4.9 There has been an increase from 25 to 32 CPOs imposed with a Drug Treatment Requirement but a corresponding reduction in the number of Drug Treatment and Testing Orders. Overall, substance misuse requirements remain low but this is believed to be attributable to improvements in access to mainstream substance misuse services. There have been recent revised arrangements between Criminal Justice Social Work and the NHS on substance misuse to standardise assessment and treatment pathways, whether on a Drug Treatment and Testing Order or a CPO with a treatment requirement.
- 4.10 The service has implemented a pilot Community Justice Centre for Women. This pilot is presently being evaluated but at this stage we are attributing improved completion numbers and reducing custody to the model of working that this service delivers. The results of the evaluation will inform discussions with partners about sustainability. The pilot is co-ordinated by a multi-agency steering group which has extended its remit to include vulnerability issues in general, such as prostitution and sexual health.

- 4.11 Over the last 3 years, there has been a reduction in the proportion of Criminal Justice Social Work Reports prepared for Courts which have resulted in prison sentences. Where a prison sentence is imposed, the service continues to try to engage individuals and contribute towards their continued support both in prison and on release. A Resettlement Trial introduced with the Scottish Prison Service at HMP Perth has led to 255 offenders who received short term prison sentences voluntarily engaging with services on release. There were also significant increases in the number of young people and women accessing resettlement services whilst in custody at HMP Polmont and HMPs Edinburgh and Cornton Vale respectively.
- 4.12 This progress with the delivery of Community Payback Orders along with the developing partnership with the Crown Office Procurator Fiscal Service in relation to interventions for diversion from prosecution and Fiscal Work Orders will continue to ensure both early identification and proportionate support across the whole system. This will contribute directly towards the SOA and CJA objectives of reducing re-offending.
- 4.13 The Service will continue to work with the Community Justice Authority, Community Planning and CoSLA to progress the new arrangements for Community Justice in Scotland.

## **5.0 POLICY IMPLICATIONS**

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.
- 5.2 An Equality Impact Assessment is attached to this report.

## **6.0 CONSULTATIONS**

The Chief Executive, Director of Corporate Services and Head of Democratic and Legal Services were consulted in the preparation of this report.

## **7.0 BACKGROUND PAPERS**

None.

Jennifer G Tocher  
**Director of Social Work**

DATE: 20 February 2015

**EQUALITY IMPACT ASSESSMENT TOOL**

**Part 1: Description/Consultation**

<b>Is this a Rapid Equality Impact Assessment (RIAT)?</b>	Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>Is this a Full Equality Impact Assessment (EQIA)?</b>	Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Date of Assessment:</b>	19/02/15	
<b>Committee Report Number:</b>	118-2015	
<b>Title of document being assessed:</b>	Annual Report on Community Payback Orders	
<b>1. This is a new policy, procedure, strategy or practice being assessed</b> (If yes please check box) <input type="checkbox"/>	<b>This is an existing policy, procedure, strategy or practice being assessed?</b> (If yes please check box) <input checked="" type="checkbox"/>	
<b>2. Please give a brief description of the policy, procedure, strategy or practice being assessed.</b>	New legislation and practice guidance introduced in February 2011 to simplify sentencing, reduce short-term imprisonment and promote evidence based interventions with offenders.	
<b>3. What is the intended outcome of this policy, procedure, strategy or practice?</b>	Reduced crime, reduced custody and increased social inclusion.	
<b>4. Please list any existing documents which have been used to inform this Equality and Diversity Impact Assessment.</b>	N/A	
<b>5. Has any consultation, involvement or research with protected characteristic communities informed this assessment? If yes please give details.</b>	No consultation has taken place.	
<b>6. Please give details of council officer involvement in this assessment.</b>  (e.g. names of officers consulted, dates of meetings etc)	N/A	

<p><b>7. Is there a need to collect further evidence or to involve or consult protected characteristics communities on the impact of the proposed policy?</b></p> <p>(Example: if the impact on a community is not known what will you do to gather the information needed and when will you do this?)</p>	<p>No</p>
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**Part 2: Protected Characteristics**

**Which protected characteristics communities will be positively or negatively affected by this policy, procedure or strategy?**

**NB Please place an X in the box which best describes the "overall" impact. It is possible for an assessment to identify that a positive policy can have some negative impacts and visa versa. When this is the case please identify both positive and negative impacts in Part 3 of this form.**

**If the impact on a protected characteristic communities are not known please state how you will gather evidence of any potential negative impacts in box Part 1 section 7 above.**

	<b>Positively</b>	<b>Negatively</b>	<b>No Impact</b>	<b>Not Known</b>
Race, Ethnic Minority Communities including Gypsies and Travellers	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Gender Reassignment	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Religion or Belief	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
People with a disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, Gay and Bisexual	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Socio-economic	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Pregnancy & Maternity	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Other (please state)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

### Part 3: Impacts/Monitoring

<p><b>1. Have any positive impacts been identified?</b></p> <p>(We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another)</p>	<p>Yes – all groups appear to be engaging better with sentences as a result of the new legislation and related initiatives.</p>
<p><b>2. Have any negative impacts been identified?</b></p> <p>(Based on direct knowledge, published research, community involvement, customer feedback etc. If unsure seek advice from your departmental Equality Champion.)</p>	<p>No</p>
<p><b>3. What action is proposed to overcome any negative impacts?</b></p> <p>(e.g. involving community groups in the development or delivery of the policy or practice, providing information in community languages etc. See Good Practice on DCC equalities web page)</p>	<p>N/A</p>
<p><b>4. Is there a justification for continuing with this policy even if it cannot be amended or changed to end or reduce inequality without compromising its intended outcome?</b></p> <p>(If the policy that shows actual or potential unlawful discrimination you must stop and seek legal advice)</p>	<p>N/A</p>
<p><b>5. Has a 'Full' Equality Impact Assessment been recommended?</b></p> <p>(If the policy is a major one or is likely to have a major impact on protected characteristics communities a Full Equality Impact Assessment may be required. Seek advice from your departmental Equality lead.)</p>	<p>No</p>

<p><b>6. How will the policy be monitored?</b></p> <p>(How will you know it is doing what it is intended to do? e.g. data collection, customer survey etc.)</p>	<p>On an annual basis using a standard Government template and performance framework.</p>
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**Part 4: Contact Information**

<b>Name of Department or Partnership</b>	Social Work
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Type of Document	
Human Resource Policy	<input type="checkbox"/>
General Policy	<input type="checkbox"/>
Strategy/Service	<input type="checkbox"/>
Change Papers/Local Procedure	<input type="checkbox"/>
Guidelines and Protocols	<input type="checkbox"/>
Other	<input checked="" type="checkbox"/>

Manager Responsible	Author Responsible
<b>Name:</b> Jennifer G Tocher	<b>Name:</b> Jane Martin
<b>Designation:</b> Director of Social Work	<b>Designation:</b> Head of Children's and Criminal Justice Services
<b>Base:</b> Dundee House	<b>Base:</b> Dudhope Castle
<b>Telephone:</b> 01382 433205	<b>Telephone:</b> 01382 436001
<b>Email:</b> jenni.tocher@dundeecity.gov.uk	<b>Email:</b> jane.martin@dundeecity.gov.uk

<b>Signature of author of the policy:</b>	Jane Martin	<b>Date:</b> February 2015
<b>Signature of Director/Head of Service:</b>	Jane Martin	<b>Date:</b> February 2015
<b>Name of Director:</b>	Jennifer G Tocher	
<b>Date of Next Policy Review:</b>	October 2015	

## **DUNDEE CITY COUNCIL**

**REPORT TO: SOCIAL WORK AND HEALTH COMMITTEE – 23 March 2015**

**REPORT ON: THE REVISED FINANCIAL SECTION OF THE FOSTER CARERS HANDBOOK AND FOSTERING, ADOPTION AND KINSHIP CARE PAYMENTS 2015/2016.**

**REPORT BY: DIRECTOR OF SOCIAL WORK**

**REPORT NO: 129-2015**

### **1.0 PURPOSE OF REPORT**

1.1 This report details changes to the financial section of the Foster Carers Handbook. It is proposed these changes take effect from 1 April 2015. In addition, the report outlines proposed fostering, adoption and kinship care rates to be paid to carers for 2015/16.

### **2.0 RECOMMENDATIONS**

2.1 It is recommended that the Social Work and Health Committee:

- Agree and adopt the revised financial Section of the Fostering Handbook, with effect from 1<sup>st</sup> April 2015 (appendix A).
- Agree the disability living allowance (DLA) for children – guide (appendix B).
- Agree to the proposed fostering, adoption and kinship care rates to be paid to carers for 2015/16 (appendix C).

### **3.0 FINANCIAL IMPLICATIONS**

Provision for inflationary uplifts to fostering, adoption and kinship payments has been made within the Social Work Revenue Budget 2015/16. It is estimated that the changes proposed within the financial guidance of the Fostering Handbook will not result in any net increase in expenditure.

### **4.0 BACKGROUND**

4.1 The Foster Carer Handbook is provided to all Foster Carers who care for children on behalf of Dundee City Council. It covers the aims of the Fostering Service and contains relevant information about the Fostering role including guidance about the Policies and expectations of carers. It also contains guidance on the financial aspects of caring for children.

4.2 The Handbook, although updated in part every year, has not been revised in its entirety for a number of years. A comprehensive review was required to take into account changes in legislation, developments in child care and ongoing work nationally in relation to the changing face of Fostering. It is anticipated that the updated version will promote best practice in the Fostering Service.

4.3 The review of the Handbook was undertaken by the Senior Officer (Fostering and Adoption) who led a Working Group comprising supervising Resource Workers, Managers and Foster Carers.

4.4 The revised version aims to be clearer and more definitive in its guidance. It has sought to eliminate any potential ambiguities and offers Carers guidance which is fair and considers their views. It is also based on the analysis of operational issues that have arisen which have impacted on the care of children in foster care.

- 4.5 The financial section of the Handbook was discussed in the Working Group. The working group offered a range of options on financial guidance and payments. These options were considered and a draft was issued to carers for consultation. The Service considered the feedback, including the feedback from the DFCA, and it was agreed that the issues raised in the feedback would be on the agenda for the Foster Carers Consultative Group, with the provision of respite being one of the main areas of concern.
- 4.6 The group met in October 2014 and considered the background and supporting facts, including detailed information in relation to the use of respite and the perceived impact such arrangements had on children, including babies. Carers did acknowledge the difficulties and the impact respite could have on children and agreed to look at alternative proposals to address the issues and agreed to consult with other carers and come back with alternative options.
- 4.7 At the November consultative group the carers offered the proposal which is now reflected in the financial guidance attached to this Committee report (Appendix A). It was however recognised by those present that this proposal would not have the full agreement of all carers. It was agreed that the new financial arrangements will be reviewed on an annual basis. The revised handbook has been published online over the last few weeks allowing carers to make comment. All three comments which have been received have been made available to all carers. The following are the main proposed changes to the financial guidance for carers:
- There will be set amounts for the provision of equipment supplied to new Carers. All Carers will receive the necessary start up equipment to carry out their role but will choose items up to a certain budgetary level. Replacement of equipment will come under discretionary allowances.
  - Carers will be able to take up to 28 days respite/holidays per year from (March to April) It is recommended at times and acknowledged that some carers may require a break from fostering duties so carers will receive their fee/s for 14 days of this 28 day period.
  - If carers take the children with them on holiday and choose not to take their respite/holidays they will receive their usual payment and they can claim an additional £21 per day for each child in placement. This is an increase from £15.
  - There is more defined guidance on the payment of mileage and the payment of discretionary payments for Carers as this has previously been problematic. This guidance will, as far as is possible with discretionary payments, seek to be fair and consistent.
  - There is also guidance in relation to the use of Disability Living Allowance in respect of any child in their care who qualifies and is paid it. (Appendix B)
- 4.9 The proposed annual increases to the Allowances paid to Carers will remain at 95% of the Fostering Network recommended allowances, with this based on an annualised amount given Dundee City Council will continue to pay one extra week of allowances per year (57 weeks against the Fostering Networks 56 weeks). The proposed fostering, adoption and kinship payments for 2015/16 are outlined in Appendix C.

Some of the above changes do not apply to the ACE carers' scheme as it is currently under review and will have different terms and conditions.

## **5.0 POLICY IMPLICATIONS**

- 5.1 This Report has been screened for any policy implications in respect of Sustainability, Strategic Environmental Assessment, Anti-Poverty, Equality Impact Assessment and Risk Management. There are no major issues.

An Equality Impact Assessment is attached to the report.

**6.0 CONSULTATIONS**

6.1 The Chief Executive, Director of Corporate Services and Head of Democratic and Legal Services were consulted in the preparation of this report.

**7.0 BACKGROUND PAPERS**

None

Jennifer G Tocher  
**Director of Social Work**

DATE: 03 March 2015

## SECTION 4 - FINANCE

### Allowances

Carers will receive an annual statement about the payment of allowance which equates to 95% of The Fostering Network recommended rates on an annualised basis. This payment will be reviewed annually.

### Additional Allowance

In addition to the above weekly allowance, it is proposed that up to 5 weeks age allowance is paid for each child/young person as noted below.

- 2 week allowance for Christmas, payable around start of December each year.
- 1 week allowance for birthday, payable in advance of the young person's birthday.
- 2 weeks allowance for summer holiday activities, payable around the start of the school/nursery summer holidays.

### Fees

These will be reviewed annually (linked to staffing payment scales).

Within Family placement we have two fees that are paid to carers:

Mainstream Fee **or** Enhanced Carer Fee

For carers to receive an Enhanced Carer Fee, a child regardless of age has to meet either the first two criteria or the last one.

- Where there is a written risk assessment that determines the child/young person poses a significant risk of harm to themselves or others and requires significant additional supervision and support from their carer to keep them safe.
- And**
- Where carers require enhanced skills to meet the specific additional needs of a child/young person. These needs will be significant and may include profound physical disabilities or learning disabilities, severe emotional trauma resulting in behavioural and/or emotional difficulties such as increased aggression/self harming/repeated absconding.
- Or**
- The child/young person will meet the criteria for secure care or a residential school.

The terms and conditions when the Enhanced Fee is paid remain the same as that for the Mainstream fee. The enhanced fee is payable only for the length of the specific placement.

The decision regarding an enhanced carer fee is discretionary and would be authorised through RRMG on the basis of meeting the above criteria.

### Respite/ Holidays

Respite/holidays are to give Carers a break from the children in their care if Carers feel they need it, it can also cover Carers events when children living in the household cannot be included in the event. It is important to remember the needs of the children and the impact a number of moves to different Carers can have on their emotional well being when considering respite. Respite can have a detrimental effect on some children. Some children or young people can have regular respite arrangements defined in their care plans.

- Carers can take up to 28 days respite/holidays per year, (1 April to 31 March), in discussion with their Resource Workers. The ACE Carers will be able to take up to 42 days per year. The ACE scheme is currently under review.
- Carers will receive their Fee/s for fourteen days of the 28 days respite/holidays. The carers will not receive a fee for respite/holidays taken over the period of fourteen days
- Carers are unavailable during periods of respite and will not be paid a retainer.
- Any respite arrangements made within the Foster Carers own family will be discussed and planned with the resource worker.
- A child going on residential school trips or with relatives does not count as carers respite or holidays.

If Carers do not take their 28 days respite/holidays, they will be paid an additional £21 per day up to the 28 days allowance. The claim for these monies will be discussed with the Resource worker in terms of how this additional allowance is used for the child (activities, clubs, events etc.). After agreement with the resource worker in terms of the use of the monies it should be claimed within a month of the actual spend.

For Carers who have time out or who have not completed a full year of fostering they will not be entitled to the full 28 days and their respite will be reduced on a pro-rata basis.

When agreeing to requests for holidays/respite the Service must take into account its capacity to meet these requests whilst also minimising the disruption to the children involved. Logistically it is not possible to do so if large numbers of carers take holidays/respite at the same time. Requests for holidays/respite should be made to Resource workers as far in advance as possible with the understanding that it may be refused due to service needs. Carers should not book holidays before they have had discussions with their Resource Workers and it has been granted. Requests for holidays/respite over the Xmas & New Year period will not be granted unless under exceptional circumstances.

### **Retainers**

Retainers can be paid for a maximum of 28 days provided the Carer is available to take a placement. A full fee is paid for each number of approved placements up to a maximum of 3 placements. If a Carer rejects a placement unreasonably in the view of the Department this may result in the retainer not being paid or being stopped. Likewise if a Carer is deemed to have ended a placement prematurely and there has not been agreement for this between the Carer and the Department, then a retainer may not be paid.

On the day a placement ends the 28 day retainer period begins again.

For planned placements a half day fee will be paid for any contact with the child (lasting 4 hours or less) as part of introductions. A full day fee will be paid for introductory contacts with the child lasting more than 4 hours.

Where contact includes overnight stays for the child a fee and allowance (pro rata) will be paid.

If introductions fall within the 28 day period when a retainer is being paid then an additional fee will not be paid as the Carer is already being paid a fee.

The allowance for overnight stays would be paid pro rata.

### **DLA**

The spending of the DLA is to be included in the Day to Day arrangements, with the agreement of all parties.

Any consideration for discretionary payments will take the appropriate use of DLA into account. Carers will generally be the appointee and are legally authorised to spend the money for the welfare of the child as they consider appropriate. If the Department, or anyone else, considers the money is not being used for the welfare of the child then they can report this to DWP. Guidance attached.

When a child in receipt of DLA moves to a respite placement, SWD will pay the equivalent rate to the respite Carer and then deduct from the fee paid to the substantive Carer.

### **National Insurance, State Benefits and Tax Issues**

Foster Carers are treated as self-employed for tax purposes.

The issue of income tax liability can be a complex and confusing area for everyone, and particularly so for Foster Carers. HMRC provides detailed information on their website, [www.hmrc.gov.uk](http://www.hmrc.gov.uk) in relation to tax issues.

Information on National Insurance contributions and State benefits is provided on [www.dwp.gov.uk](http://www.dwp.gov.uk).

The Fostering Network also provides a range of leaflets and information on their website [www.Fostering.net](http://www.Fostering.net).

## **Insurance**

Carers are expected to have their own household insurance. We would advise Carers that accidental damage should be covered by their own insurance.

Carers are required to have comprehensive car insurance with cover for transporting children in Foster placements.

Dundee City Council has in force a range of insurance policies in respect of Foster Carers and Foster children, and young people in their care.

A summary of the policies in place and the procedures for claiming are detailed in Appendices.

## **Transport Costs**

Mileage will be paid to Carers in relation to the following:

- Transporting children and young people to visit parents, other relatives or other Carers, in order to enable the child to retain contact with his or her past.
- Medical appointments other than routine appointments at the GP or the dentist.
- Transport to school or other educational establishments where transport is not provided by the Education Department.
- Attendance at reviews, case conferences, or other meetings or visits in connection with the care of the child (excluding Children's Hearings). In respect of attendance at Children's Hearings, expenses can be claimed from the Reporter's office, if the Carer is deemed a relevant person.
- Carers undertaking introductory visits to a child prior to placement.

All other transport costs would be met by the transport percentage included in the Fostering Allowance. Claims for travelling expenses should be submitted on the Foster Carer Travel form (F39) which is available from your resource worker. The F39 should be completed on a monthly basis and then given to your resource worker who will process the claim. These expenses will be paid with the Fostering payment.

Bus passes may be provided to a young person to enable them to attend their previous school or to participate in activities they were involved in prior to moving to the current Carer's address. This should be included in the Day to Day Arrangements

It is noted that Education Department do not provide free transport where the child resides less than 3 miles from their school.

## **Telephone**

A telephone allowance of £100 per annum will be paid.

## **Clothing**

When the child arrives in placement on an emergency basis without any or sufficient suitable clothing, an emergency payment up to the value of £75 can be paid. This is a discretionary payment which is agreed by the team manager or with the Out of Hours worker if the placement is made after office hours.

When children and young people initially become looked after they should have their own clothes with them whenever possible. It is the responsibility of the child's social worker to try to get the child's clothing from home or previous placement. Foster Carers should encourage the child to wear his/her own clothes.

The decision as to whether the amount and condition of clothing is suitable will be made following discussion between the child care Social Worker, Resource Worker, Carer and young person if they are of an age to engage in this discussion and family. If there is agreement by this group that some additional clothing is required then the Resource Worker will have responsibility for presenting a case to their line manager. These payments are discretionary and Foster Carers should not purchase clothing without the authorised agreement of the Resource Team Manager/Service Manager.

The Department will endeavour to make a decision regarding authorisation within 5 working days; payment may take longer to process.

Some clothing will be essential whilst other garments can be purchased over time from the regular Fostering allowance. Carers should keep a record of what clothes are bought for the child during placement.

It is expected that where a child or young person is moving placement from one Foster Carer/residential unit to another that adequate, suitable clothing will be provided from the placement the child is moving from. If the Carer receiving the child does not consider the clothing is adequate this needs to be discussed with the resource worker and the previous Carer. The same process above will be followed if additional clothing is necessary.

### **Child Care Costs**

Carers are expected to use the same child sitting arrangements for a child being looked after as they would normally use for their own children.

A Carer can claim child sitting expenses to cover the cost of child sitting when this is needed by a Carer who is away as a result of his or her Fostering duties. Such occasions may be when Carers attend meetings; Children's Hearings', hospital or any other occasion on behalf of the child placed and if there is no crèche or child facility available.

When a Carer requires child care in such circumstances, they should discuss with their Resource Worker in the first instance and before making any other arrangements (unless in an emergency). The Resource Worker will establish whether the Department can provide child sitting via Child Care at Home.

Child sitting expenses cannot be paid to Carers when they are working and unavailable to care for the child. Claims should be made on an AO11 and given to the Resource Worker for processing.

### **Equipment**

The Social Work Department has responsibility to provide essential equipment for newly approved Foster Carers who are offering placements.

The Resource Worker and Foster Carer will agree what furniture is already available in the home which the Carer is prepared to use for any child or children placed, and to see what additional items are required.

The Resource Worker passes all requests for equipment to the Resource Team Manager/Service Manager for consideration. There are funding limits on this provision, guidance is available.

No replacements will be provided unless under exceptional circumstances. Any request for replacements under these circumstances will be dealt with as a request for a discretionary payment.

All equipment must be agreed by Resource Team Manager/Service Manager prior to purchase.

Prospective Adopters may also be reimbursed reasonable costs of purchasing equipment, if they choose not to purchase these items themselves. Again, this should be discussed with their Resource Workers in advance of buying the items.

### **Ancillary Payments**

Fostering allowances cover all costs, with few exceptions.

#### **These are:**

- Passports – the full cost will be paid by childcare teams.
- Birth certificates - the full cost will be paid by childcare teams.
- Residential educational trips - there will be a contribution made from the Carers to these trips in discussion with the social worker and resource worker.
- Life-story work expenses should be covered by the child care teams including photographs and DVDs.

**Discretionary Payments**

Fostering allowances and ancillary payments should cover all costs in relation to the care of a child and only in exceptional circumstances will a discretionary payment be made. The definition of discretionary payments is broad so that each case can be decided upon based on the individual needs of the child and their circumstances. Where the Foster Carer, childcare Social Worker and Resource Worker consider that such an exceptional circumstance exists, they should provide evidence of this in writing. The Resource Worker will submit this to the Resource Team Manager/Service Manager for consideration. Foster Carers should not make any payments in advance in anticipation of these being reimbursed by the Department.

**Suspension of Payments**

Where a Carer has been suspended, the payment of their fee will be suspended after six weeks.

## DISABILITY LIVING ALLOWANCE (DLA) FOR CHILDREN - GUIDE

### 1 Overview

Disability Living Allowance (DLA) for children may help with the extra costs of looking after an eligible child who:

- is under 16
- has difficulties walking, and or,
- needs more looking after than a child of the same age

The amount you could get in a week is dependent on the level of help the child needs. The child may need an assessment to work out what help they need.

Complete a DLA for children claim form to apply.

#### **When your child turns 16**

Your child may be affected by Personal Independence Payment (PIP) when they turn 16. This is a new benefit that is replacing DLA for people aged 16 to 64.

### 2 DLA rates for children

Disability Living Allowance (DLA) for children is a tax-free benefit made up of 2 components (parts). The child might qualify for one or both components.

#### **How DLA for children is paid**

DLA is usually paid every 4 weeks.

All benefits, pensions and allowances are paid into an account, e.g. your bank account.

Foster Carers cannot claim tax relief, child benefits, income support or free school meals for children in their care. A child with a disability may be entitled to 'Disability Living Allowances' from the DWP. This allowance is payable in addition to the Fostering allowance. If you consider the child you are caring for is entitled to this benefit, discuss the matter with the child's social worker before approaching the DWP

DLA is a payment that is for people who have greater care or mobility needs than others of the same age. Any adult who is caring for a child with additional needs, providing the child is not in hospital or residential care for more than 28 days (this is cumulative and does not have to be consecutive) can apply for DLA for the child.

DLA should be used so that children with a learning or physical disability can be included in activities and learning experiences within their local community, and to access social and leisure activities allowing them to enjoy an active and fulfilling life.

The team around a child has a duty to ensure that the child's welfare is being met and DLA is part of this and a record of what has been spent is best practice and keeping receipts of larger expenditures i.e. over £30. Although this is good practice the social worker and the local authority does not have the authority to decide how the money is spent, if however they feel the money is being misused then it is expected that they will report this to DWP who then investigate.

It is recommended that the undernoted rates for 2015/16 are paid, effective from 6<sup>th</sup> April 2015.

**1. Fostering Allowances**

It is recommended that Dundee City Council allowances are increased to represent 95% of the recommended annualised rate set by the Fostering Network for 2015/16, with effect from 6<sup>th</sup> April 2015. Payments will continue to be paid fortnightly, with additional 5 weeks per annum to cover summer holidays, Christmas and birthday.

**2. Foster Carer and ACE Carer Fees**

These fees, as previously agreed by Social Work and Health Committee are linked to staff pay scales and it is recommended that these are increased in line with the equivalent inflationary staff pay increases.

**3. Kinship and Residence Allowances**

The amount paid is the equivalent of income support rates. It is recommended that these allowances are increased in line with relevant income support rates.

**4. Adoption Age Allowances**

It is recommended that Adoption Age Allowances are increased by 1.25% in line with budgeted provisions. (Child benefit will continue to be deducted from these allowances if received for the child).

**5. Respite & Holidays**

In line with proposed Foster Carer Handbook guidelines, it is recommended that payment of additional respite / holiday allowance is increased to £21 per day per child.

**6. Other Allowances**

Allowable Additional Mileage – 45p per mile

Telephone Allowance – £100 per annum (paid in 2 instalments, around June and December)

Summary of recommended rates and allowances

Note		2014/15 Weekly Rate £	2015/16 Weekly Rate £
1	Fostering Age Allowance 00-04	130.97	133.34
1	Fostering Age Allowance 05-10	149.19	151.88
1	Fostering Age Allowance 11-15	185.73	189.07
1	Fostering Age Allowance 16-18	225.94	230.01
2	Foster Carer and ACE Carer Fee	149.82	Tbc
2	ACE Carer Fee	577.52	Tbc
3	Kinship Carer Allowance	66.33	66.90
3	Residence Allowance	66.33	66.90
3	Kinship & Residence Family Premium	17.45	17.45
4	Adoption Age Allowance 00-04	86.65	87.71
4	Adoption Age Allowance 05-10	97.66	98.86
4	Adoption Age Allowance 11-15	121.62	123.12
4	Adoption Age Allowance 16-18	155.27	157.19
5	Holiday allowance	£15 per day	£21 per day

**EQUALITY IMPACT ASSESSMENT TOOL**

**Part 1: Description/Consultation**

<b>Is this a Rapid Equality Impact Assessment (RIAT)?</b>		Yes <input checked="" type="checkbox"/>	No <input type="checkbox"/>
<b>Is this a Full Equality Impact Assessment (EQIA)?</b>		Yes <input type="checkbox"/>	No <input checked="" type="checkbox"/>
<b>Date of Assessment:</b> February 2015	<b>Committee Report Number:</b>	129-2015	
<b>Title of document being assessed:</b>	Fostering, Adoption and Kinship Care Payments 2015/16 and Updated Foster Carers Handbook		
<b>1. This is a new policy, procedure, strategy or practice being assessed</b> (If yes please check box) <input type="checkbox"/>	<b>This is an existing policy, procedure, strategy or practice being assessed?</b> (If yes please check box) <input checked="" type="checkbox"/>		
<b>2. Please give a brief description of the policy, procedure, strategy or practice being assessed.</b>	Report recommends the level of weekly Fostering and Adoption payments to be paid to Dundee City Council Foster Carers and Adopters and seeks approval to Adopt the revised financial section of the Foster Care Handbook		
<b>3. What is the intended outcome of this policy, procedure, strategy or practice?</b>	To set the level of weekly Fostering and Adoption payments for 2015/16 and update the Foster care Handbook to reflect updated practices; to provide consistency and equity in the application of these fees and allowances and set the expectations of the Council and Carers.		
<b>4. Please list any existing documents which have been used to inform this Equality and Diversity Impact Assessment.</b>	Fostering Network revised allowances for 2015/2016 National Drivers NRCCI Consultative Groups Inspection reports		
<b>5. Has any consultation, involvement or research with protected characteristic communities informed this assessment? If yes please give details.</b>	Foster Carers were involved in the working group considering the changes to the revised Handbook. There were also two consultative groups where carers discussed the proposals and came up with the one around respite.		
<b>6. Please give details of council officer involvement in this assessment.</b>  (e.g. names of officers consulted, dates of meetings etc)	Dave Berry, Margo Dymock, Jane Martin		

<p><b>7. Is there a need to collect further evidence or to involve or consult protected characteristics communities on the impact of the proposed policy?</b> (Example: if the impact on a community is not known what will you do to gather the information needed and when will you do this?)</p>	<p>No – Fostering or Adoptive Carers are assessed and monitored on their abilities to provide a safe, caring and nurturing environment for children. The proposals have been under review for the last year, changes affect Dundee City Council Foster Carers and the children they care for.</p>
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**Part 2: Protected Characteristics**

**Which protected characteristics communities will be positively or negatively affected by this policy, procedure or strategy?**

**NB Please place an X in the box which best describes the "overall" impact. It is possible for an assessment to identify that a positive policy can have some negative impacts and visa versa. When this is the case please identify both positive and negative impacts in Part 3 of this form.**

**If the impact on a protected characteristic communities are not known please state how you will gather evidence of any potential negative impacts in box Part 1 section 7 above.**

	Positively	Negatively	No Impact	Not Known
Ethnic Minority Communities including Gypsies and Travellers	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Gender Reassignment	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Religion or Belief	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
People with a disability	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Age*	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lesbian, Gay and Bisexual	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Socio-economic	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Pregnancy & Maternity	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Other (please state)	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**\* The recommended improvements will benefit children and young people**

### Part 3: Impacts/Monitoring

<p><b>1. Have any positive impacts been identified?</b></p> <p>(We must ensure at this stage that we are not achieving equality for one strand of equality at the expense of another)</p>	<p>Children with challenging behaviour often resulting from disability will have a better chance of living in a nurturing and safe home. The increase to Fees and Allowances will improve the care of children in respect of the cost of living. Changes to respite will mean a potential improvement in the number of changes of placement children have to experience.</p>
<p><b>2. Have any negative impacts been identified?</b></p> <p>(Based on direct knowledge, published research, community involvement, customer feedback etc. If unsure seek advice from your departmental Equality Champion.)</p>	<p>Although the changes will have a positive overall impact in socio-economic terms some Carers may have their income reduced during periods of respite, depending on the number of placements they are approved to take and the amount of respite they choose to take..</p>
<p><b>3. What action is proposed to overcome any negative impacts?</b></p> <p>(e.g. involving community groups in the development or delivery of the policy or practice, providing information in community languages etc. See Good Practice on DCC equalities web page)</p>	<p>Discussions with Carers will continue regarding the use of respite and the impact on the child. Respite will always be available for Carers who are struggling to cope with some aspects of a child's behaviour. It will bring a balance to the service between Carers' needs and more importantly the child's needs. The new arrangements will be reviewed in a year.</p>
<p><b>4. Is there a justification for continuing with this policy even if it cannot be amended or changed to end or reduce inequality without compromising its intended outcome?</b></p> <p>(If the policy that shows actual or potential unlawful discrimination you must stop and seek legal advice)</p>	<p>n/a</p>

<p><b>5. Has a 'Full' Equality Impact Assessment been recommended?</b></p> <p>(If the policy is a major one or is likely to have a major impact on protected characteristics communities a Full Equality Impact Assessment may be required. Seek advice from your departmental Equality lead.)</p>	No
<p><b>6. How will the policy be monitored?</b></p> <p>(How will you know it is doing what it is intended to do? e.g. data collection, customer survey etc.)</p>	The work of the Fostering and Adoption service is presented to Social Work and Health Committee on an annual basis. The service gathers information from Foster Carers and the separate panels as part of this process. The changes will be reviewed every year in keeping with the annual increases to Carers Fees and Allowances

**Part 4: Contact Information**

<b>Name of Department or Partnership</b>	Social Work
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<b>Type of Document</b>	
Human Resource Policy	<input type="checkbox"/>
General Policy	<input type="checkbox"/>
Strategy/Service	<input checked="" type="checkbox"/>
Change Papers/Local Procedure	<input type="checkbox"/>
Guidelines and Protocols	<input type="checkbox"/>
Other	<input type="checkbox"/>

<b>Manager Responsible</b>	<b>Author Responsible</b>
<b>Name:</b> Jenni Tocher	<b>Name:</b> Margo Dymock
<b>Designation:</b> Director of Social Work	<b>Designation:</b> Service Manager
<b>Base:</b> Dundee House	<b>Base:</b> Dudhope Castle
<b>Telephone:</b> 433205	<b>Telephone:</b> 433608
<b>Email:</b> jenni.tocher@dundeecity.gov.uk	<b>Email:</b> margo.dymock@dundeecity.gov.uk

<b>Signature of author of the policy:</b>		<b>Date:</b> 3 March 2015
<b>Signature of Director/Head of Service:</b>		<b>Date:</b> 3 March 2015
<b>Name of Director/Head of Service:</b>	Jenni Tocher	
<b>Date of Next Policy Review:</b>	Annual	