



People, Performance and Development Committee
29 October 2015

Update to Special Leave Policy

Purpose of the report:

To update Surrey County Council's Special Leave Policy with provision for time off for County Council employees who are prospective adopters, special guardians, foster carers, friends and family carers, former foster carers under a "Staying Put" arrangement and supported lodgings providers. Also to support those already providing these types of care by providing time off where necessary.

This report is being brought to the People, Performance and Development Committee because the Committee determines policy on pay, terms and conditions of employment of all staff according to the Scheme of Delegation.

Recommendations:

It is recommended that the Committee:

- i. Agrees to the introduction of an additional leave category in the Council's Special Leave Policy for Council employees who are prospective and approved foster carers, prospective and approved friends and family carers, prospective special guardians, prospective adopters, former foster carers under a "Staying Put" arrangement and supported lodgings providers, to support looked after children and those young people previously in foster care who may be transitioning into adult services or in becoming independent.
- ii. Recognises foster children and young people under a "Staying Put" arrangement or in supported lodgings as dependents for the purposes of emergency leave.

Introduction

1. Surrey County Council (SCC) looks after on average 800 children per year. In line with national trends, this number is increasing, with younger children entering care following abuse or neglect and more teenagers needing to be looked after following family breakdown. 75% of our children are placed in foster care and the remaining children are in residential homes, placed for adoption, in independent living or placed with parents.
2. The shortage of foster families has resulted in a growing number of children being separated from their siblings, or being placed out of county in a placement that better meets their needs.
3. The demographic profile of foster carers, many of whom are approaching retirement age, places further pressure on future foster carer numbers. Research by the Fostering Network in 2009 shows that 94% of foster carers nationally are aged 40 and over and 65% are aged 50 and over.
4. Special guardianship orders were introduced on 30 December 2005 as part of the Adoption and Children Act 2002. The use of special guardianship orders in Surrey has been predominantly for looked after children placed with foster carers who wish to care for the child permanently, but do not wish to adopt, and for Kinship Carers who wish to permanently care for a child known to them who is the subject of care proceedings to SCC. Since 2005, the use of special guardianship orders in Surrey has increased and in recent years has surpassed the number of adoption orders.
5. Surrey's Adoption Service works to secure adoption for children who are unable to live with their birth parents or a connected person. There is currently no provision for County Council employees to take time off during the assessment to approval process, to attend meetings or training. However the Children and Families Act 2014 introduced new adoption arrangements to help people to better balance their work and home life. The Committee is asked to note that the Council's HR Team will be updating the Council's Adoption Leave and Pay Policy to be in line with changes to adoption leave and pay arising from the Children and Families Act 2014. These changes give employees statutory rights to leave and pay of prospective adopters with whom looked after children are placed as well as the right to paid and unpaid time off work to attend adoption appointments.
6. Transition into adulthood is often a turbulent time for any young person. For many young adults, transition to adulthood can be extended and delayed until they are emotionally and financially ready. Young people who are looked after may not have this option and many care leavers are expected to cope with independent living too early and without adequate support. Consequently, the Department for Education (DfE) introduced a new duty on local authorities called "Staying Put". The primary aim of "Staying Put" is to promote a gradual transition for young people from care to adulthood and independent living. It focuses on ways to extend this transition within a family setting for young

people who are or who have been looked after by the local authority.

7. Supported lodgings services enable single people aged sixteen and over to be offered accommodation in a home environment when leaving foster care or residential care. The householder, or host, provides a safe and supportive environment, working alongside professionals to help and support the young person in gaining skills for independent adult life. Young people leaving care are often expected to live independently at a much younger age than young people who have lived at home with their families, and supported lodgings is set up to bridge that gap. Many young people have lived in children's homes or have moved many times in their childhood and need stability, support and guidance to help them move on to successful independent adulthood.
8. To address the challenges around fostering, the Government has called on employers to become "foster family friendly". This report outlines SCC's approach to becoming both a foster friendly employer and introducing further family friendly initiatives for prospective adopters and special guardians in achieving the best outcomes for children and young people in Surrey.

Proposals

9. To introduce more family friendly measures, SCC's Special Leave Policy will be updated to support employees who are prospective and approved foster carers or friends and family carers, prospective special guardians or adopters, former foster carers under a "Staying Put" arrangement or supported lodgings providers in accessing time off. Proposals for time off for staff who are prospective and approved foster carers and friends and family carers are in line with the DfE's Foster Carer Leave and Friends and Family Carer Leave policy.
10. Annex 1, section 5.0 of this report outlines the time off a SCC employee can take under the policy proposals. It also refers to other Council policies that may apply.
11. Currently, any SCC employee who is a prospective or approved foster carer or friends and family carer, a prospective or approved supported lodgings provider, a former foster carer under a "Staying Put" arrangement, a prospective special guardian or adopter, must attend any meetings or training in their own time. In comparison, SCC provides leave to support employees in other circumstances where this supports family friendly or wider public duties benefits, for example managers may grant up to five days paid special leave for absence of staff where they are the "nominated carer" of the birth mother or adoptive mother and/or father.
12. There is no statutory duty on employers to provide time off for their staff who are prospective or approved foster carers or friends and family carers, prospective special guardians or adopters, former foster carers under a "Staying Put" arrangement or supported lodgings providers. Employers do however, have a statutory duty to provide employees who are prospective adopters with time off to attend adoption appointments between being notified of a match with a child and the date that the child joins the family, under the changes to adoption leave and pay from April 2015.

13. A number of local authorities, universities and private sector companies have foster care friendly policies in place:

Tesco and O2	Up to five days paid leave for to attend related meetings and training as part of the fostering assessment process. Tesco recognises foster children as dependents for the purposes of emergency leave and their foster carers also have access to a shift swap scheme.
Brighton and Hove City Council	Up to a maximum of three days paid leave to attend any meetings, home visits or mandatory training as part of the fostering assessment process. In addition, employees who are approved foster carers may be granted up to a maximum of five days paid leave in any leave year to enable them to attend the required training courses, review meetings and any other meetings in connection with the child's placement. Requests for emergency leave are considered under the council's special leave policy.
Leicester City Council	Three days paid leave to attend the fostering assessment and training process, as well as access to other family friendly policy provisions around flexible working.
Birmingham City Council	Up to eight days paid leave during the fostering assessment process.
Norfolk County Council	Up to eight days paid leave during the fostering assessment process.
University of Dundee	A maximum of two days paid leave following a formal fostering arrangement. This is subject to a maximum of four days paid leave per year. This arrangement is only applicable to long term fostering, which would not normally be less than six months. Their policy also applies to friends and family carers.
Department for Education	Leave during assessment for approval - discretionary special paid leave for up to five days in a 12-month period. Can be taken in whole or half days. Additional leave during approval process or when child is in placement - an additional five days' paid or unpaid leave in a 12-month period at line manager's discretion (e.g. for meetings, training, unforeseen emergencies relating to their fostering role, to accommodate an emergency placement, etc). Additional leave at the start of a planned permanent placement - additional discretionary special paid leave for up to ten days in a 12-month period. If both

	parents are employed, one parent would receive up to 10 days and the other up to five days.
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14. In light of the time off required to complete the assessment to approval process and once a child is in placement, it is requested that this additional category of leave is introduced for SCC employees in the Council's Special Leave Policy.

Encouraging other employers to adopt and adapt the scheme within their organisations

15. SCC is working together with Reigate and Banstead Borough Council to become foster friendly employers. It is hoped that this partnership will encourage the other 10 district and borough councils and other organisations based within the county to follow this example.
16. As part of this initiative, SCC's Fostering Service will also identify and engage with big businesses based in the county in the first instance, to encourage them to become foster friendly employers.

Resource implications

17. Foster care is significantly more cost effective in providing care to children than other types of placement. Alternatives to in-house foster care include residential care (which is considerably more expensive), foster care placements through an Independent Fostering Agency commissioned by the Council or friends and family care. The average cost of a Surrey in-house fostering placement is £16k per annum. This compares with an average cost of £44k per annum for an independent fostering agency placement.
18. This proposal forms part of SCC's Fostering Service's strategy to recruit more foster carers. It is anticipated that only a small proportion of foster carers, friends and family carers, and "Staying Put" Carers would come from the Council's workforce, with the majority of these carers coming from the wider Surrey population.

Conclusions:

Financial and value for money implications

19. The update to SCC's Special Leave Policy will be promoted to staff through an internal communications campaign, which will include fostering recruitment event stalls across SCC buildings and information made available on the intranet. It will also be promoted on the website jobs pages as one of the benefits of working for Surrey. As such, any costs incurred will be minimal; communications on the intranet will incur no costs and fostering recruitment events will be run by SCC staff, with any costs for recruitment events being met out of the Fostering Service budget.
20. Costs for paid time off during the assessment to approval process for prospective foster carers, friends and family carers, adopters and special

guardians, as with all other Special Leave, will be absorbed within team budgets. “Staying Put” Carers do not undergo an assessment process and so this does not apply to them.

Equalities and Diversity Implications

21. All SCC employees who are prospective foster carers, friends and family foster carers, adopters and special guardians and are accepted onto the appropriate training programme run by their chosen agency or are a former foster carer under a “Staying Put” arrangement will be able to make a request to access time off under this category of Special Leave. Decisions regarding eligibility for training programmes will be made within the statutory provisions for foster care and adoption.
22. Those staff who work in frontline social work teams in the Children’s and Safeguarding Service and who have direct involvement in the planning and decision making for looked after children may be unable to become approved SCC foster carers. The reason being the potential conflict of interest between their professional role and that of a foster carer. Any conflict of interest may be of detriment to the interests of looked after children and therefore must be avoided. These will be considered on a case by case basis by the Council’s Fostering Service.

Legal Implications

23. The arguments for or against adopting such a policy are not matters for legal review as to whether it will achieve its purpose, its cost, its desirability. The Council is free to adopt policies that go beyond the statutory requirements.

Risk Management Implications

24. None.

Next steps:

To implement the recommendations if agreed by the Committee

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Sources/background papers:

- Brighton and Hove City Council. Foster Carers Support Policy.
- Children and Families Act 2014. Part 7.
- Cumbria County Council. Become a Foster Friendly Employer.

- Department for Business, Innovation and Skills. Changes to Adoption Leave and Pay. Technical Guidance for Employers. April 2015.
- Department for Education. Foster Carer and Friends & Family Carer Leave Policy.
- Leicester City Council. Hours and Leave Policy.
- Norfolk County Council. Foster Training Leave.
- O2, Fostering Leave Policy.
- Surrey County Council. Flexible Working Policy. 2015
- Surrey County Council. Special Leave Policy / Time off for dependents. 2011.
- Surrey County Council. Guidance on Unpaid Leave. 2013.
- Surrey County Council. Management information systems workforce data. 2015.
- Tesco. Foster Care Leave.
- The Fostering Network. The Age of Foster Care. 2009.
- Annex 1 - Policy Proposals. Time off for Surrey County Council employees who are prospective and approved foster carers and friends and family carers, former foster carers under a "Staying Put" arrangement, Supported Lodgings providers and prospective adopters and special guardians
- Annex 2 – Process to become a foster carer with Surrey County Council
- Annex 3 – Process to become a family and friends foster carer and special guardian through Surrey County Council
- Annex 4 – Process to become an adoptive parent with Surrey County Council
- Annex 5 – "Staying Put" arrangement in Surrey County Council
- Annex 6 – Process to become a supported lodgings provider with Surrey County Council
- Annex 7 – Changes to adoption leave and pay. April 2015.

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