

Jay Fostering

Inspection report for independent fostering agency

Unique reference number	SC053859
Inspection date	29/06/2015
Inspectors	Tracy Murty Ros Chapman
Type of inspection	Full
Provision subtype	

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Date of last inspection	15/02/2013

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Service information

Brief description of the service

Jay Fostering Limited was acquired in November 2010 by National Fostering Agency (NFA), a privately owned organisation with a number of independent fostering agencies. The agency's statement of purpose defines the nature of placement types provided as: short term; long term; bridging; respite; pre-adoption and parent and child.

At the time of this inspection, the agency had 132 sets of carers and had 191 children in placement.

The inspection judgements and what they mean

Outstanding: An agency demonstrating and exceeding the characteristics of a good judgement where children and young people are making significantly better progress and achieving more than was expected in all areas of their lives.

Good: An agency where children and young people, including those with the most complex needs, have their individual needs met and their welfare safeguarded and promoted. They make good progress and receive effective services so they achieve as well as they can in all areas of their lives.

Requires improvement: An agency that may be compliant with regulations and observing the national minimum standards but is not yet demonstrating the characteristics of a good judgement. It therefore requires improvement to be good. There may be failures to meet all regulations or national minimum standards but these are not widespread or serious; all children's and young people's welfare is safeguarded and promoted.

Inadequate: An agency where there are widespread or serious failures which result in children and young people not having their welfare safeguarded and promoted.

Overall effectiveness

Judgement outcome: **Requires improvement**

This agency requires improvement to be good. It is not currently good because there are fundamental flaws in its operation. Management systems are not rigorous and reflect a lack of understanding of the legal processes and requirements for a fostering service. Managerial monitoring systems do not identify critical weaknesses in the service and consequently make no effective plan to improve. The manager has not taken sufficient action to meet previous requirements and recommendations from the inspection two years ago.

There are significant regulatory shortfalls in how the agency assesses, approves, and supervises foster carers. There are weaknesses in how the fostering panel conducts its business and makes recommendations. Such shortfalls call into question the ability of the agency to undertake good quality assessments or to promote

consistently safe and appropriate care to children and young people.

Safeguarding procedures are not consistently applied and records of action after concerns are weak. Foster carers do not always have good written information about children and young people to help them manage risk. There is confusion between complaints and concerns about the quality of care. Children and young people do not have a good enough record of the important issues in their lives while living with foster carers. Support for children who do not understand the English language is not good enough.

The agency has a number of strengths. Children make progress and their outcomes are good. Placement stability is good, with a large number of children and young people remaining with their foster carers until their eventual move to independence or returning home. Children and young people engage in education, with the agency employing an education officer to oversee all educational matters. Consultation with children, young people, and birth children of foster carers is very good. Some young people have become involved in interviewing agency staff since the last inspection. Staff regularly seek their views on the care they receive and use this to inform practice development. Foster carers are part of the team working to support children and young people. They receive good quality training and demonstrate competence and skills.

Areas of improvement

Statutory Requirements

This section sets out the actions which must be taken so that the registered person/s meets the Care Standards Act 2000, Fostering Services (England) Regulations 2011 and the National Minimum Standards. The registered person(s) must comply with the given timescales.

Requirement	Due date
ensure that the fostering service is at all times conducted in a manner which is consistent with its statement of purpose (Regulation 3(5))	24/08/2015
ensure that in relation to X and any other members of X's household who is aged 18 or over, an enhanced criminal record certificate is issued under section 113B of the Police Act 1997 which includes suitability information relating to children (Regulation 26(2)(a))	24/08/2015
ensure that if any of the events listed in column 1 of the table in Schedule 7 takes place in relation to a fostering agency, the registered person must without delay notify the persons or bodies indicated in respect of the event in column 2 of the table (Regulation 36(1))	24/08/2015
implement a written policy which provides in particular for the prompt referral to the area authority of any allegation of abuse or	24/08/2015

neglect affecting any child placed by the fostering service provider, and, consideration to be given to the measures which may be necessary to protect children placed with foster parents following an allegation of abuse or neglect (Regulation 12(1)(3)(b)(e))	
give the foster parent such information, which is kept up to date, as to enable him to provide appropriate care for the child. This refers to documentation to help them reduce and respond to risk in any placement (Regulation 17 (3))	24/08/2015
ensure that a written record is made of any complaint or representation, the action take in response to it, and the outcome of the investigation (Regulation 18(4))	24/08/2015
ensure that a system is maintained for monitoring the matters set out in Schedule 6 at appropriate intervals, and improving the quality of foster care provided by the fostering agency (Regulation 35(1)(a)(b))	24/08/2015
ensure that if the fostering service provider considers that X is not suitable to be a foster parent, they give X written notice that they propose not to approve X as suitable to be a foster parent (a "qualifying determination"), together with their reasons and a copy of the fostering panel's recommendations. and advise X that, within 28 days of the date of the qualifying determination, X may submit any written representations that X wishes to make to the fostering service provider, or apply to the Secretary of State for a review by an independent review panel of the qualifying determination (Regulation 27(6)(a)(b)(i)(ii))	24/08/2015
ensure that if the fostering service provider decides to approve X as a foster parent, that they enter into a written agreement with X covering the matters specified in Schedule 5 (the "foster care agreement") (Regulation 27(5)(b))	24/08/2015
taking into account any recommendation made by the fostering panel, if the fostering service provider are no longer satisfied that the foster parent continues to be suitable, or that the terms of the approval are appropriate, they must give written notice to the foster parent that they propose to terminate, or (as the case may be) revise the terms of, the foster parent's approval (a "qualifying determination"), together with their reasons and a copy of any recommendation made by the fostering panel, and advise the foster parent that, within 28 days of the date of the qualifying determination, they may submit any written representations to the fostering service provider or the Secretary of State for a review by an independent panel (Regulation 28(7)(a)(b))	24/08/2015
ensure that no business is conducted by a fostering panel unless at least the following meet as the panel - one member who is a social worker who has a least three years' relevant post qualifying experience (Regulation 24(1)(ii))	24/08/2015
ensure that in relation to the membership of the fostering panel, a person is independent of the fostering service provider and not	24/08/2015

employed by the fostering agency. (Regulation 23(10)(a)(iii))	
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Recommendations

To improve the quality and standards of care further the service should take account of the following recommendation(s):

ensure that each person on the central list is given the opportunity of attending an annual joint training day with the fostering service's fostering staff (NMS 23.10)

ensure that each person on the central list is given induction training which is completed within 10 weeks of joining the central list (NMS 23.9)

ensure that all people included on the central list of persons considered suitable to be members of a fostering panel have references checked to assess suitability before taking on responsibilities. Telephone enquiries are made to each referee to verify the written references (NMS 19.1)

ensure that the fostering service has a record of the recruitment and suitability checks which have been carried out for those working for the fostering service (NMS 19.3)

ensure that the record shows the date on which each check was completed and who carried out the check (NMS 19.4)

ensure that foster carers are supported to make reasonable and appropriate decisions within the authority delegated to them, without having to seek consent unnecessarily (NMS 7.4)

ensure that allegations members of the fostering household are reported by the fostering service to the LADO. This includes allegations that on the face of it may appear relatively insignificant or that have also been reported directly to the police or Children and Family Services (NMS 22.6)

ensure that information about the child is recorded clearly and in a way which will be helpful to the child when they access their files now or in the future (NMS 26.6)

ensure that appropriate arrangements are made to support children and young people for whom English is not their first language (especially refugees and asylum seekers) (Volume 4, paragraph 3.34)

ensure that when reaching a decision or making a qualifying determination the decision maker considers Hofstetter v LB Barnet and IRM (2009) (Volume 4, paragraph 5.40)

ensure that before a child is placed with a foster carer, that consent to such a placement is given by any other responsible authority with a child already placed with the foster carer (Volume 4, paragraph 3.2)

ensure that the fostering panel has the experience and expertise necessary to effectively discharge the functions of the panel (Volume 4, paragraph 5.8)

ensure that each member's performance, including that of the chair, is reviewed annually and that views about the chair's performance are sought from other panel members and from those who attend panel meetings (Volume 4, paragraph 5.15)

ensure that panel members sign an acceptance form to record their agreement to the performance objectives set out by the fostering service (Volume 4, paragraph 5.14)

ensure foster carer supervision meetings have a clear purpose and provide the opportunity to supervise the foster carer's work, ensure the foster carer is meeting the child's needs, taking into account the child's wishes and feelings, and offer support and a framework to assess the carer's performance and develop their competencies and skills (NMS 21.8)

ensure clear and effective procedures for monitoring and controlling the activities of the service. This includes serious incidents, allegations or complaints about the service and ensuring the quality of the service. (NMS 25.1)

Experiences and progress of, and outcomes for, children and young people

Judgement outcome: **Good**

Foster carers work closely and positively with agency staff and placing authorities to ensure they meet the holistic needs of children and young people. Children and young people receive useful information about their foster carers prior to their placements starting. The agency ensures that placing authorities receive detailed profiles, including photographs and information about the proposed foster carers. This enables placing authorities to provide children and young people with relevant information, which assists in their move and reduces anxieties for them. Children and young people enjoy good health because their health needs are met through accessing relevant services. This includes children with disabilities and more complex health needs.

Placements provide children and young people with stability and security. Foster carers demonstrate a detailed awareness and understanding of the complex needs of children and young people and work very well with the placing authority and agency staff to ensure identified needs are met. One young person said, 'my carer motivated and pushed me to do well.' There is positive evidence of children and young people remaining with their foster carers under Special Guardianship Orders, as well as remaining with carers until they move to independence. There are very few unplanned endings of placements; at 4% last year, this is well below the national average of 8%. Children and young people therefore form secure and positive attachments to their carers over time. This assists with their confidence, sense of personal value and integration into their local community. One young person commented about her time in foster care, saying, 'they moulded us to be the way we are.'

Children and young people enjoy a wide range of fun and stimulating activities. These include activities local to their placements, as well as inclusion in events organised by the agency. They feel very much a part of the fostering household and integrated into the fostering family and able to form peer relationships in their new neighbourhoods. One placing social worker commented: 'I cannot express enough how incredible the foster carer is. The young person has thrived in their care; she supports the young person's educational needs and is able to provide stimulation in and out of the placement.'

Contact for children and young people with their birth families is well supported by foster carers. Where siblings are not placed together, agency staff work closely with placing authorities to ensure that meaningful contact is promoted. This is reflected in the comments of one placing social worker at a recent review of a young person: 'The foster carer has been able to attend family contacts, visits and appointments with very little notice and will ensure that she considers and prioritises the needs of the children in her care.' This reflects the commitment and dedication of foster carers in meeting the holistic needs of those children and young people living with them.

The agency seeks regular feedback from children and young people throughout the

year. Such feedback clearly indicates that they feel able to raise any concerns they may have with a trusted adult and are generally satisfied with the responses they receive. Young people have also been involved in recruitment of agency staff recently. This further promotes their sense of engagement with the agency and ability to influence the care and support they receive.

Quality of service

Judgement outcome: **Requires improvement**

Several serious regulatory shortfalls have been identified in relation to the fostering panel and decision-making processes. These cast doubt on the effectiveness of the quality assurance systems, as well as the agency's understanding of regulations and guidance. For example, the agency failed to ensure that applicants had recent enhanced disclosure and barring service checks. This shortfall was not highlighted by the assessing social worker, the supervising manager, the panel advisor, or any of the fostering panel members. This does not promote a safe or robust assessment process, robust panel recommendations or demonstrate effective quality assurance by the agency. The lack of robust, rigorous, and consistent quality assurance by the panel and its chair does not promote thorough assessments or effective decision making.

Further shortfalls in quality assurance are demonstrated by the agency's failure to recognise when the fostering panel is inquorate, and using employees of the agency as independent panel members. For example, one set of panel minutes did not list a social worker in its membership of that meeting. Two panel members who are designated as independent members have actually undertaken recent work for the agency and are therefore not independent. The agency should ensure that the panel establishes that they have enough legally required members, of sufficient skill and independence at each meeting. For example, establishing that members are registered social workers and that members have no other connection with the agency. This shortfall potentially undermines the ability of the panel to effectively carry out its roles and responsibilities with appropriate independence and breaches regulations. It is of concern that the agency has failed to identify this issue through its own quality assurance processes.

The registered person has not ensured that panel members have the ability to undertake their role with the competence and skills required. Panel members did not have access to an annual training day with agency staff within the past year. Their files, including that of the panel chair, do not demonstrate that induction, training or annual appraisals have been consistently carried out as required. Additionally, the current panel agreements do not outline the roles and responsibilities of the panel member or the agency and are only a contract of employment and services. This further indicates a lack of robust or rigorous quality assurance, which could have an impact on the quality of recommendations made by panel. The agency decision maker has also failed to ensure that sufficient challenge and consideration have been made of panel processes and recommendations when making decisions.

Decision making is not robust. The registered person cannot demonstrate a thorough or transparent account of how the decision maker has reached decisions. Applicants and approved foster carers do not have the information they are legally entitled to. For example, the agency has failed on at least two occasions, following a decision by the agency decision maker, to give the legally required information in written notice about refusal of registration or change to approval categories. For example, written notice has not included information about the qualifying determination, of the applicant or foster carer's right to appeal. As a result, applicants and approved foster carers are not informed of their right to challenge or make representation on decisions made by the agency. It also calls into question the robustness of quality assurance, decision-making systems and understanding of the legislative processes.

The agency has not consistently followed statutory guidance when considering placing a child or young person with carers who already have a foster child in placement. It has not consistently consulted with the social worker for the existing child or young person to obtain their views on the impact of the proposed match. This has the potential to undermine placement stability and cause friction within the foster household.

The agency has continued to struggle to secure delegated authority on behalf of children living with foster carers. Some children have had long gaps without any agreement. There has not been routine agreement for foster carers to make reasonable decisions without having to seek consent. There is recent evidence of the agency challenging some local authorities, in the fortnight before the inspection. This undermines a foster carer's ability to support children and young people. For example, there may be unnecessary delay in obtaining permission for school trips and sleepovers with friends, resulting in foster children feeling different and disadvantaged.

The agency recruits a wide range of foster carers who are able to meet the diverse needs of children and young people who need a fostering placement. It is therefore able to provide placements and specialist support for children and young people with particularly complex and challenging behaviours. One commissioning manager stated: 'We are really pleased with the agency, they provide a good service.'

Foster carers receive regular support and supervision. However, because supervision records are limited in content and do not clearly demonstrate agreed actions, timescales, or outcomes, it is difficult to assess the quality and impact of this. This is particularly relevant when any concerns relating to foster carers' practice or standards of care have been identified. They do not provide a clear sense of what action the agency has taken to ensure they have identified and fully addressed concerns.

Foster carers have access to a wide range of training and development opportunities, including online training courses. A team manager within the agency oversees the training programme for all approved foster carers. This provides good oversight and tracking of training needed and provided to carers. A foster carer commented: 'The training is excellent and meets all of my needs.' Almost all approved foster carers

(98%) have completed the development standards in foster care within one year of their approval, with only a small number having yet to complete them. Foster carers can access bespoke training when needed. This ensures that the agency employs foster carers who are well trained, and able to meet the complex needs of children and young people placed with them.

Safeguarding children and young people

Judgement outcome: **Requires improvement**

The agency systems for recording and responding to complaints are not clear or robust. Records do not provide a clear sense of how managers respond to any concerns or complaints raised by children, young people, or others. Timescales and stages of complaints in process are not clear. The agency is failing to ensure that it responds to any complaints made, in line with its statement of purpose. Children and young people demonstrate an awareness and understanding of how to make complaints about any concerns or issues they may have. Some young people have felt the need to progress their complaints to the next stage of the process through the support of children's rights services, after leaving their placement with this agency. This does not indicate a clear, consistent, and rigorous agency response to complaints. The registered manager does not distinguish between allegations and concerns about care. This gives a confusing picture of how many complaints have been made to the agency since the last inspection. Management oversight and monitoring of complaints are not evident and do not reflect the learning of the agency in response to complaints raised.

Placing authorities report confidence in how foster carers and agency staff respond to incidents of young people going missing. Carers and agency staff work closely with placing authorities, police, and other agencies to ensure the safe return of young people. Managers monitor such incidents and provide monthly reports, which include specific analysis of such issues. Young people feel supported to consider any risk-taking behaviours and feel supported by their carers and the agency to reduce such behaviours over time.

The registered manager does not apply safe recruitment procedures robustly to everyone working for the agency. While recruitment and vetting checks for social work staff are thorough, this is not so for panel members or foster carer applicants. This relates to a failure to consistently verify references, make checks on identity and undertake some enhanced disclosure and barring checks. There has been no identified adverse impact on children and young people through this weakness, but it is of concern that systems are not consistent, leading to the potential for employing unsuitable people.

The agency does not demonstrate what action it has taken, or would take, where there are actual or potential risks for some children and young people. Risk assessments are not in place for all children and young people. This potentially undermines foster carers' ability to know what action they should take, in the event of a situation which could have a negative impact on children and young people. The lack of risk management planning undermines the ability of the agency to monitor

and track any identified concerns in relation to foster carers and the care and support they provide to children and young people.

Not all allegations relating to foster carers have been reported to the local authority designated officer (LADO) by the agency. Action has been taken to address identified concerns, but the LADO has not had the opportunity to oversee this and provide advice and guidance to ensure all necessary action is taken by all involved agencies. There is also insufficient information held on young people's records as to the outcome of any allegations made by them. This prevents young people from understanding how their concerns were dealt with, if they were to request access to their records at any time.

The agency has not ensured that children and young people are able to communicate with agency staff in their first language, when this is not English. Agency staff do not routinely use interpreter services to elicit the views of children or young people. They have attempted to communicate with children and young people using other electronic means. This does not provide children and young people with the opportunity to fully express their wishes, feelings, and views about any concerns raised about their foster carers. It also does not enable the agency to then take any necessary action to ensure that the placement continues to meet their needs or address specific concerns about foster carers' practice.

Where some young people have made allegations, foster carers have not routinely recorded what action they have taken to ensure the immediate safety of young people or how and with whom they have shared information. This includes failure on occasion to report concerns to the out of hours' service, complete body maps, or seek medical attention. It reflects a lack of management oversight as to how all allegations have been responded to by foster carers and agency staff.

Records of foster carers' supervision are not always clear as to what actions need to be taken, following allegations or concerns raised with the agency. Supervisors do not routinely read, or have oversight of all foster carer supervision records. Managers are disconnected from the direct support provided to foster carers in these important matters. They cannot monitor, from their recording systems, how issues have been discussed, recorded or plans put in place to address them. Consequently, they are also unable to consider whether early reviews are required for foster carers or if additional training or support are needed.

Leadership and management

Judgement outcome: **Requires improvement**

Leadership and management require improvement because there has been ineffective monitoring, managerial oversight, and quality assurance. This has led to a number of shortfalls in practice which could have an adverse impact on the experience of vulnerable children and young people. Although the registered manager produces detailed monthly management reports, the monitoring of complaints, allegations, assessments, and recruitment is not sufficiently robust and

does not reflect how improvements to the quality of foster care provided by the agency have, or will be made. Therefore, information provided to senior managers is inaccurate.

There is little evidence to suggest that the registered manager considers complaints or uses them to inform improvements in the care provided to children and young people. There is no clear system in place for management oversight of complaints, no complaints recording structure or evidence of management oversight and sign off. This does not assist the agency to ensure continual improvement and could lead to challenge and dissatisfaction from those making complaints to the agency. The recording of educational placements, attendance, and achievements is currently unclear and not centralised. This undermines the agency's ability to demonstrate the starting points of children and young people or track their progress and achievements. Consequently, the manager is not able to demonstrate the progress that children and young people have made and the impact of the agency on this.

The practice of the agency does not adhere to information in the statement of purpose about complaints and when early reviews of approved foster carers should take place, for example, after allegations, or when fostering households change. There have been incidents when such early reviews should have taken place, and have not. This brings into question the registered manager's understanding of the aims and objectives of the agency and how she ensures that the agency is compliant with its statement of purpose at all times.

The registered manager has the skills, qualifications, and experience necessary to perform her role and has worked for the agency in other positions for a number of years. She has formed positive and close working relationships with a range of agencies and professionals. Feedback from placing social workers, independent reviewing officers, and commissioning managers is consistently positive in relation to the effectiveness of the agency in meeting the complex needs of children and young people.

The agency has developed consultation and engagement with children and young people since the last inspection. There is clear evidence that they seek their views on a wide range of issues relating to their care and support. Some young people now take part in interview panels with agency managers and have enjoyed this new role. The agency seeks and acts on their views on social activities and events too. A wide range of fun activities has been organised for them and birth children of foster carers, with very positive feedback from all involved. This promotes the active engagement of all children and young people, including children who foster and increases their confidence and sense of inclusion.

The registered manager ensures that there are sufficient foster carers to meet the needs of children and young people referred to the agency. There is a detailed business plan setting out current and projected recruitment and development plans. There are also very close and positive working relationships with commissioning teams locally, which has led to some imaginative and positive developments. This includes current work with one local authority looking at bridging placements to bring young people back into its own area.

The agency staff report high levels of satisfaction in their roles, supervision, training and management support provided to them. Managers support staff to identify and undertake additional training as needed. Staff receive regular good quality supervision and annual appraisals of their performance, which support them in their role.

Two requirements and two recommendations were made at the last inspection. The recommendation regarding foster carers having copies of relevant local authority documentation has been fully addressed, which ensures they have as much information as possible to inform the care and support of the children and young people they foster. However, there are still two requirements and one recommendation which need attention. The agency has still not notified all significant events to Ofsted, which prevents the regulator from having oversight and scrutiny. Foster care agreements still do not reflect regulatory requirements and therefore do not provide a clear sense of the foster carers' agreement to their obligations as approved carers for the agency. Not all foster carers have delegated authority, despite the recommendation being made at the last inspection in 2013. Consequently, some children and young people may be disadvantaged because foster carers are not able to make reasonable and appropriate decisions without seeking consent from the placing authority.

Although a number of shortfalls have been identified at this inspection, there are also a number of strengths which have been detailed throughout this report, which coupled with the agency's commitment, demonstrates a capacity to improve.

About this inspection

The purpose of this inspection is to inform children and young people, parents, the public, local authorities and government of the quality and standard of the service provided. The inspection was carried out under the Care Standards Act 2000 to assess the effectiveness of the service and to consider how well it complies with the relevant regulations and meets the national minimum standards and to support services to improve.

The report details the main strengths, any areas for improvement, including any breaches of regulation, and any failure to meet national minimum standards. The judgements included in the report are made against the inspection framework and the evaluation schedule for the inspection of independent fostering agencies.