

# Revising the National Minimum Standards (NMS) for Adoption, Children's Homes and Fostering

## Consultation Response Form

The closing date for this consultation is:  
17 December 2009

Your comments must reach us by that date.

department for  
**children, schools and families**

**THIS FORM IS NOT INTERACTIVE. If you wish to respond electronically please use the online or offline response facility available on the Department for Children, Schools and Families e-consultation website (<http://www.dcsf.gov.uk/consultations>).**

The information you provide in your response will be subject to the Freedom of Information Act 2000 and Environmental Information Regulations, which allow public access to information held by the Department. This does not necessarily mean that your response can be made available to the public as there are exemptions relating to information provided in confidence and information to which the Data Protection Act 1998 applies. You may request confidentiality by ticking the box provided, but you should note that neither this, nor an automatically-generated e-mail confidentiality statement, will necessarily exclude the public right of access.

**Please tick if you want us to keep your response confidential.**

Name Justin Humphreys  
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If your enquiry is related to the policy content of the consultation you can contact Shelley Stewart-Murray by email at [Shelley.Stewart-Murray@dcfs.gsi.gov.uk](mailto:Shelley.Stewart-Murray@dcfs.gsi.gov.uk) Telephone: 020 7783 8089.

If you have a query relating to the consultation process you can contact the Consultation Unit on:

Telephone: 01928 794888

Fax: 01928 794 311

e-mail: [consultation.unit@dcfs.gsi.gov.uk](mailto:consultation.unit@dcfs.gsi.gov.uk)

Please tick the box that best describes you as a respondent.

<input type="checkbox"/> LA (please specify role below)	Fostering (please X complete next section)	Adoption (please X complete next section)
<input checked="" type="checkbox"/> Children's Residential Care (please complete next section)	<input type="checkbox"/> Birth parent/family	<input type="checkbox"/> Child
<input type="checkbox"/> Professional body/Association	<input type="checkbox"/> Other professional ie teacher social worker GP	<input type="checkbox"/> Carer
<input type="checkbox"/> Other (please specify below)		

Please Specify:

Please tick the box below that best describes you or your role:

<input checked="" type="checkbox"/> Independent fostering provider	<input type="checkbox"/> LA fostering provider	<input type="checkbox"/> Fostered child
<input checked="" type="checkbox"/> Voluntary adoption agency	<input checked="" type="checkbox"/> Adoption support agency	<input type="checkbox"/> LA adoption agency
<input type="checkbox"/> Prospective adopter	<input type="checkbox"/> Adopted adult	<input type="checkbox"/> Adopter
<input type="checkbox"/> Child (adopted /placed for adoption)	<input type="checkbox"/> LA children's home	<input type="checkbox"/> Residential child care worker
<input type="checkbox"/> Child in residential care home	<input checked="" type="checkbox"/> PVI children's home provider	

**Questions up to and including question nine are relevant to all respondents. Additional questions are then asked in your specific area, so please choose the set of questions which are relevant to you or your organisations.**

- **Questions ten to fourteen are relevant to adoption**
- **Questions thirteen to seventeen are relevant to fostering**
- **Questions fifteen and eighteen to twenty are relevant to children's homes**

1 Do you think that the layout of the NMS is helpful?

X Yes

No

Not Sure

Comments:

Written in clear accessible format and language. Appreciate fact that focus on children first. There is an argument that the standards sometimes seem to be directly addressing foster carers as opposed to the agency.  
Some requirements are not as clearly referenced, for example information about complaints in residential standards, referenced in 2 places

2 Do you think that the values stated in the General Introduction capture the important principles for the service?

X Yes

No

Not Sure

Comments:

They cover all main areas. Obviously application of values such as promoting contact with siblings, relatives etc, and the foster carers' role in this process, is determined by the relevant local authority and not at discretion of fostering agency. Some aspects stated in the standards are not necessarily within the carers' or the fostering agency's direct control.

Think it is positive to state a clear value base in the residential standards and specifying the responsibilities of the registered person to make support available to carers. like the use of word carers rather than staff as focuses on the role

A specific issue (not sure where else to refer to this) is that in 6.19 where it

requires the foster carers to undertake the SDQ. We are working towards requiring all carers to complete this but a problem is that not all LAs complete this process which rather limits the full application and intention of the SDQ model.

These seem to have been lifted from Adoption NMS and should be proof read to ensure they fully relate to Children's homes.

3 Are you content with the statement in the General Introduction about how the standards fit with the five Every Child Matters outcomes?

Yes

No

Not Sure

Comments:

The standards are written in an accessible way and promote ECM outcomes.

4 Do you think that the standards represent the minimum standard we should expect for the agency/service/setting and if not why?

No

Not Sure

Comments:

The standards seem rather over-prescribed and extremely detailed (more so than current NMS) which is arguably clearer and helpful but could have downside of stifling flexibility and versatility. The draft NMS, at times, seem to go beyond setting the standard but prescribe the specifics and detail of how to interpret the standard. Just looking at quantity of text, under promoting good health and well being, for example, there are 8 paragraphs in the current version and there are 19 in the revised version

Also need to be clear that while there are some overarching common areas of consistency and compatibility between family based care and residential care, there is also the fundamental difference that the carers are operating with their homes in a family setting and this demarcates the two areas - this is pertinent to expectations about restrictive interventions, for example, where a carer may be working alone with the child in a family home.

How will inspectors ensure that these NMS are working with young people who have PMLD, who cannot relate atypically with others and have no formal way of communicating their feelings?

5 Do you think any of the standards are not needed or would fit better elsewhere for example within revised statutory guidance or regulations? Please explain which standards you are referring to.

Yes

No

X Not Sure

Comments:

Arguably some of the detail as referred to in question 4 could be helpfully located in supporting practice guidance.

Some of the detail in complaints monitoring and recording is placed in standard 1 without cross reference and this makes it difficult to get clarity. The training section is very vague and would be helpful if made clearer training expectations

6 Are there any additional standards you think should be included and if so what should they be?

x Yes

Not Sure

Comments:

There is no mention of parent child placements which is an increasing area of our work and regulation and practice guidance on this area of fostering work would be welcome.

Young people should be supported towards financial independence and as such there ought to be a NMS around benefits and access to them by the young person. There should be guidance on when and how young people access their benefits in particular and when a parent/guardian cannot refuse to let these benefits be accessible.

Standards of participation and governance arrangements would be welcomed.

7 Do you think that the stated outcome for each standard is appropriate? If you do not think the outcome appropriate please explain which standard and outcome you are referring to.

No

x Not Sure

Comments:

Some outcomes difficult to measure and open to interpretation

8 Do you think that the standards address the needs of all children or are there any particular groups that are not served well by the standards?

Yes

x No

Not Sure

Comments:

Apart from parent child placements and young people who have Profound and Multiple Learning Difficulties (PMLD) as referred to above.

9 a) Do you agree that the transitional period which allowed individuals without certain qualifications/experience to be appointed to the post of manager is no longer required?

Yes

No

Not Sure

Comments:

Our view is that there could usefully remain some transitional arrangements for existing managers to obtain or complete the qualification (perhaps 1 year but will depend when can start a course which may be 2 year's in duration).

One issue that concerns us is that if there are no transitional arrangement built in it could potentially act as a disincentive or deterrent for some experienced and able people to apply to be registered managers. It is absolutely appropriate to have requirement that they undertake the management qualification once a registered manager if they have not got this already.

There are so many routes into this field of work and the qualifications are changing constantly and closer links between professions being encouraged and facilitated. We should guard against being so prescriptive that we prevent those from allied professions with excellent skills and knowledge being able to take up posts of this nature.

9 b) Do you agree that the qualifications and experience for managers and branch managers, provided for in the standards are appropriate?

Yes

No

Not Sure

Comments:

See above.

Not clear enough what 'senior level' means (17.6)

9 c) Do you agree that the qualifications and training requirements provided for in the standards for staff, adoption panel members, foster carers and others working for an agency are appropriate?

Please explain in the comment section whether your response refers to, children's residential staff, foster carers, fostering agency staff, adoption agency staff.

No

Not Sure

Comments:

Keen to ensure that the role of DIPSW/CQSW qualified social worker is strongly maintained in the whole process.

As close as many larger multi-faceted homes (e.g. those attached to a school) get to 80% qualified staff at NVQ 3, the quicker we fall away from this target. Deeper thinking is required around this NMS as staff at this level are not the best paid in the world and are doing tough tasks in difficult settings. There is potential (and some evidence) that they soon move out of the profession and never use the qualification we have invested time and money in delivering.

### **ADOPTION NMS QUESTIONS**

10 Do you agree that the amalgamation of the current two sets of adoption NMS will make them simple to use and understand?

Yes

No

Not Sure

Comments:

Improvement to have both sets of standards in one place when agency undertaking both roles.

11 a) Are the two children specific standards:

a) comprehensive?

Yes

No

Not Sure

Comments:

Further guidance on the timescales for coming to a decision on an adoption plan, if left open possible for drift.

Explicit statement about the child's views and opinions about contact and clear recording of this

More definition of how the child's pace is measure during introductions

Ability to review introductions independently

11 b) adequate to meet the requirements of both domestic and intercountry adoptions, in respect of looked after children and children who are being brought into the British Islands by prospective adopters who have been assessed and approved by an English adoption agency/Welsh voluntary adoption agency?

Yes

No

Not Sure

Comments:

Do nt cover specific requirements of intercountry adoption and demonstration of ability to meet child's ongoing cultural and heritage needs

12 a) Do you agree that disclosure of adoption information counselling should be undertaken by social workers?

Yes       No       Not Sure

Comments:  
Important that the counsellor has the knowledge of social work practice and legislation to enable them to provide full context in counselling role.

12 b) is the transitional time period long enough?

Yes       No       Not Sure

Comments:

## **ADOPTION AND FOSTERING NMS QUESTIONS**

13 a) We would like to extend eligibility for enhanced disclosure CRB checks to fostering and adoption panel members. Currently while, for example, a social worker or medical professional sitting on a panel would be eligible for an enhanced disclosure CRB check because of their profession this is not the case for all panel members.

Do you agree that enhanced disclosure CRB checks should be sought for those adoption and fostering panel members who do not already have one by virtue of their profession and work with children? Please explain your reasoning.

X Yes

No

Not Sure

Comments:

This is our current practice within Action for Children

13 b) We would like to make fostering and adoption panel members 'regulated activity' under the Safeguarding Vulnerable Groups Act 2006 and require panel members to have their Independent Safeguarding Authority (ISA) registration verified by the agency advisor and CRB checks sought on those who do not already have them by virtue of their professional position.

Do you agree with this ambition? Please explain your reasoning.

Yes

No

Not Sure

Comments:

14 a) Do you agree with the standards requiring the agency decision-maker in local authorities, voluntary adoption agency and independent fostering providers to have specific qualifications and experience?

Yes

No

Not Sure

Comments:

We welcome greater clarity on this than that in current standards and believe that having a social work qualification is appropriate. However we think it will be too limiting and is not necessary for the agency decision maker to directly have fostering or adoption experience. We think experience in children's services work is sufficient for this role.

14 b) Are those standards appropriate and comprehensive?

Yes

No

Not Sure

Comments:

But see comments above in 14 a

### **FOSTERING AND CHILDREN'S HOMES NMS QUESTIONS**

15 a) Do you agree that the standards adequately address issues relating to short-break care?

If no please explain other areas where there should be specific consideration of short breaks.

Yes

No

Not Sure

Comments:

Would be helpful to have some overall statement about the role and involvement of parent where short break service, particularly in issues such as behaviour management where techniques need to ensure primary care giver able to follow similar practices and regimes.

15 b) We recognise that certain standards do not apply to short break care, because the carer may have the child with them only for short periods and the parent remains central in such matters as the health and education of the child. We are proposing the disapplication or flexibility in relation to certain standards for providers of short break care.

Do you agree with the proposals within the NMS to disapply specific standards for providers of short break care?

Yes

No

Not Sure

Comments:

Need to be absolutely specific where disapplication occurs and if only in one part of standard this is clearly stated

15 c) Do you agree with the proposals within the NMS to allow flexibility in relation to specific standards for providers of short break care?

Yes

No

Not Sure

Comments:

Flexibility needs to be reflected in inspection standards otherwise findings could vary widely, particularly relevant in a national based organisation

**Do you agree that we should seek to make it easier for foster carers to transfer between agencies?**

16 This would require a greater standardisation of the assessment process and further clarity in standards and regulations in terms of what is expected. We would be grateful for your views on what information should be provided for in regulations and in standards.

Yes

No

Not Sure

Comments:

17 Currently, a foster carer (approved by the service) or member of the foster carers household cannot work in a management or social work position for the fostering service. They may work in a professional position for the fostering service as long as the work undertaken is on an occasional basis, as a volunteer, or for no more than 5 hours in any week.

Do you agree this provision is needed to avoid conflict of interest where a foster carer may both work for and be assessed by the agency?

We would find it helpful to get views about how we could avoid conflict of interest where a person may inappropriately be able to sway decision making, but allow foster carers to work for the service, for example, by attending recruitment events or helping with training.

Yes

No

Not Sure

Comments:

This is appropriate within the fostering agency but the current NMS are ambiguous for us within a diverse child care organisation in terms of whether a member of staff working in a different type of children's service or non connected role can be a foster carer (presuming any potential conflict of interest considered)

This is particularly relevant for short breaks care where staff in a more general disability service may build up positive links with a child and want to undertake some part time short breaks foster care which offers continuity to the child

## CHILDREN'S HOME NMS QUESTIONS

18 Do you think that it should be compulsory for the systems of restraint used in children's homes to be subject to some form of accreditation to evaluate the safety of the restraint techniques?

Yes

No

Not Sure

Comments:

Agree that any form of restraint should be set against nationally recognised accreditation that assures and evaluates safety of the method used. Any methodology used should be clear to understand and set against clear criteria for when appropriate to use restraint and focus on methods of de-escalating or managing situations without recourse to restraint. Restraint should always be referred to within a wider context of behaviour management and not ever seen as the only form of managing difficult situations.

Clear and robust monitoring of restraints should ensure that any patterns are identified.

19 Do the standards allow sufficient flexibility to deal with children who have very challenging behaviour, while sufficiently safeguarding those children (in particular, with regard to behaviour management and restricting movement)?

Yes

No

Not Sure

Comments:

Standards set out clearly circumstances in which restraint can be used, increased focus on the behaviour of staff and the impact this can have. More focus on the involvement of children and young people in developing and understanding their behaviour support plan would be useful.

Use of 'reasonable' as a measure is always difficult because it is very open to interpretation and guidance around this would be helpful.

Standard 22 is very much open to interpretation and further guidance around this would be useful.

20 Currently Children's Homes which have different buildings on the same site or adjacent sites are operated as a single home, but establishments on different, non-adjacent sites must be registered and operated as separate children's homes. We would welcome views about how regulations could be improved both safeguard children and avoid duplication of information as part of the registration process?

**Comments:**

Clarity of management arrangements for homes on different sites, may have overall registered manager with delegated responsibilities on site, this needs to be made clear if permissible in regulations. Where one set of procedures operates across sites, this should only need to be seen once, but clarity in terms of staff understanding and application of those procedures can always be assessed through evidence gained in interview etc...

The registered manager could be registered to manage home(s) up to agreed number rather than homes on separate sites having different registrations. It is the quality of the care that is important not where the home is situated.

It would be very helpful to retain the same inspectors where possible – recognising that there is probably an optimum time period for any relationship to exist that enables objectivity without over-familiarity. Clear lines of reporting and accountability would also be helpful.

**Additional Comments regarding Complaints & Representations**

Children's Homes.

We felt the standard should also mention linking to the IRO in respect of any complaints made by the young person since the last review, and that the placing local authority should be informed of any complaints made by a young person placed by them.

Some references to the complaints process are not to be found in the complaints section but in 1.17 to 1.19. This includes procedural details such as the timescale in which complaints should be addressed. It would be helpful to have all the references to complaints in the one place, or cross-referenced.

There is a new requirement for the complainant to sign off the complaint form. The reference to a form is positive - our experience is that many inspectors ask to see a complaints book, which is of limited value as it should not contain any confidential detail. The requirement to sign off is generally positive in offering clarity about the resolution of the complaint. There does need to be flexibility however as not all complainants will be willing to sign.

There is no mention of advocacy, we felt this was a serious omission as it is a specific right in relation to children and young people making a complaint. The old 16.2 is very clear on this. In the new standard 1 there is mention of family members, independent visitors and advocates but this is very vague.

Overall - the preamble to the standard does state that legal requirements and guidance should be checked in relation to complaints. However we feel there has been a dilution of the standard on complaints compared to the existing standards, and some good practice information has been lost.

### Fostering

As above this misses out mention of advocacy, training, review of complaints, link to the IRO and home local authority.

The reference to 'child protection' should be safeguarding?

### Adoption

28.3 there is no mention of Ofsted and in role in relation to complaints (which is fairly minimal but they like to be referenced).

28.3 information on other possible avenues should include the panel appeal process and the independent review mechanism for people who wish to appeal a decision.

28.3 states the complaints procedure 'does not restrict the issues that can be complained about', we felt this was just inappropriate and probably the result of copying and pasting from other documents, as the complaints process is not suitable for appealing decisions.

We felt it was positive that the sections on training for staff and regular review of complaints records have survived in this document. Clear reference to advocacy would be appropriate, but there is at least reference to helping a child to make a complaint.

Because the standard does not contain all the necessary information about adoption complaints handling, we felt it would be useful to reference legal requirements and guidance at 28.1, in the same way as has been done for the children's homes and fostering standards.

Thank you for taking the time to let us have your views. We do not intend to acknowledge individual responses unless you place an 'X' in the box below.

**Please acknowledge this reply X**

Here at the Department for Children, Schools and Families we carry out our research on many different topics and consultations. As your views are valuable to us, would it be alright if we were to contact you again from time to time either for research or to send through consultation documents?

X Yes

No

All DCSF public consultations are required to conform to the following criteria within the Government Code of Practice on Consultation:

Criterion 1: Formal consultation should take place at a stage when there is scope to influence the policy outcome.

Criterion 2: Consultations should normally last for at least 12 weeks with consideration given to longer timescales where feasible and sensible.

Criterion 3: Consultation documents should be clear about the consultation process, what is being proposed, the scope to influence and the expected costs and benefits of the proposals.

Criterion 4: Consultation exercises should be designed to be accessible to, and clearly targeted at, those people the exercise is intended to reach.

Criterion 5: Keeping the burden of consultation to a minimum is essential if consultations are to be effective and if consultees' buy-in to the process is to be obtained.

Criterion 6: Consultation responses should be analysed carefully and clear feedback should be provided to participants following the consultation.

Criterion 7: Officials running consultations should seek guidance in how to run an effective consultation exercise and share what they have learned from the experience.

If you have any comments on how DCSF consultations are conducted, please contact Donna Harrison, DCSF Consultation Co-ordinator, tel: 01928 794304 / email: [donna.harrison@dcsf.gsi.gov.uk](mailto:donna.harrison@dcsf.gsi.gov.uk)

**Thank you for taking time to respond to this consultation.**

Completed questionnaires and other responses should be sent to the address shown below by 17 December 2009

Send by post to:  
Consultation Unit  
Area GB  
Castle View House  
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WA7 2GJ

Send by e-mail to: [nms.consultation@dcsf.gsi.gov.uk](mailto:nms.consultation@dcsf.gsi.gov.uk)