

Fostering better services: *Helping to improve council services for foster carers and their children*

February 2025



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Ombudsman's Foreword

This focus report looks at our investigations into complaints about fostering services. It is the second half of a duo of publications, which aim to help councils learn from the mistakes of others, when supporting children in their care.

Like its sister publication on [adoption services](#), we aim to encourage better services to a particularly vulnerable group. We want to see councils giving the best possible chances to children and young people who are so reliant on them to achieve their potential.

Sadly, this does not always happen and the stories in this report demonstrate examples of this.

We hear about a pair of siblings, appearing settled with a foster family who wanted to adopt them. The council decided to remove the children without telling them in advance, and they were taken abruptly from school and the family home to another placement. The council did not follow the right process in doing this and it resulted in disruption and unnecessary distress for both the children and the carers.

There are also a few stories about problems managing contact with birth

relations. In one, three children had asked for face-to-face contact with their younger siblings when they became adopted. The original plan for direct contact was changed to yearly written correspondence, without the council explaining why and despite the foster family chasing. Assuming it's in a child's best interests to retain connections with birth relations, it cannot be underestimated how important this contact usually is for their wellbeing.

Another case study tells how a single, first-time foster carer was matched with a child for whom the council did not provide accurate information about their extensive needs. The placement was doomed to fail and ultimately it did – again resulting in unnecessary disruption for a child so needing stability.

In fostering arrangements, the council retains parental responsibility for the children. These examples beg the worrying question: just who is left to fight the corner for these children when the council has let them down? And the foster carers, there to provide some stability, have also suffered injustice trying to advocate for the children in their care.

That is why it is vital we take the opportunity to learn from these stories. They hold important lessons that can help councils make genuine improvements. And by doing so, it could help them to secure more long-term homes for children in their care. These can provide stability, support, education, and therapy to help minimise any harm they have already suffered. If children have several disrupted placements, this can cause additional harm and is likely to have a long-term impact on their welfare.

We hope this report can help councils to reflect on the practical learning from our investigations, while also being of benefit to foster carers and the children they care for, by



helping them to understand the value of raising complaints when they feel things have gone wrong. The stories highlight good examples of how complaints have helped to make things better for others, in the form of service improvement recommendations we have made, to which councils have been receptive.

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“These examples beg the worrying question: just who is left to fight the corner for these children when the council has let them down?”

To help challenge and scrutinise services in local councils, we also present some questions for Councillors and Heads of Service to consider, when looking at fostering services in their area.

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**Local Government and
Social Care Ombudsman**

February 2025

A note on language

In this report, where we use the terms ‘child’ or ‘children’, we are including young people too.

Looked after child - where the council is the child’s legal parent. The children referred to in this report are or have been in foster care.

Introduction from Jim Clifford OBE

Jim Clifford OBE is a social researcher in adoption, special education provision, and children and families amongst other areas. He is Chief Executive Officer of Sonnet Impact, and Hon. Professor at Sheffield Hallam University who, with his wife, has successfully adopted 10 children.

For 20 years I have researched and reported on the social impact of a wide range of services, including fostering and its variants such as kinship care and special guardianship. For a decade more, along with my wife, we have supported adoptive and foster families facing the challenges of parenting some very hurt and needy children and teenagers. Thirty four years ago my wife and I met our first two adopted daughters, then aged six and nearly ten. Sixteen years ago, we met our tenth, aged seven, and on her third attempted adoptive placement. They have all lived with us, monitored by social services, for up to two years prior to their legal adoption.

If you haven't fostered, and don't know a foster carer, you'll probably have little sense of what is involved. Children and teenagers unable to live with their families are cared for by the state – in practice the local authority – which holds parental responsibilities jointly with the parent or parents. Where possible the child lives with adult carers – foster parents – who provide for their needs on a daily, weekly, monthly basis, funded by the local authority.

Think of children you know, and what their needs are. These are far wider than just food, clothing and a roof over their heads. What about emotional growth, nurture, support in meeting life's challenges, school, college, sports and other entertainments, learning about relationships, and their own feelings, and more besides? Added to this, they have all suffered loss – the bare minimum being separation from family – and frequently have lived through awful situations, perhaps experiencing violence, or being deprived of food, safety, and proper care. It is only then, that you start to get an inkling of what parenting these children involves.

Each foster carer approaches the role in their own way, within the boundaries set by law and good practice. Yet they bring much of themselves, with genuine care and kindness, and for many a deep desire to support the child in their need and distress.

Looking at this report, it is clear how important the role of foster carer is, but also how very much damage is caused on the occasions when local authorities fail to support the carer, the child or the placement. These need the investigation and challenge of the Ombudsman, and I am so pleased to see that happening.

Four aspects particularly stand out for me from this report, and from my wider experience in the fostering field:

A shared commitment to the child

The child is a person with needs, but also has much to contribute, now and in the future. Yet it is too easy for the local authority to respond to them more as a cost centre. It risks the shared commitment to the child, from the foster carers and the local authority, being approached from different perspectives. To promote consistency and stability in a placement, it is imperative the child's perspective is prioritised, focusing on them as an asset – to themselves and society.

Information

It is impossible to parent the whole child unless you know the whole child. The idea that a local authority would place a child without giving the foster carer full information is mind-boggling, and yet I have seen it happen. This covers medical, and care aspects, but also those important details about family and past events that enable the parent to make sense for the child. Telling the parent that they cannot discuss the child's perspective of their family with them, which I have encountered from some local authorities, is in a similar arena: you can't parent without being open to discussing what the child needs to discuss.

Power and authority, support and conflict

Foster carers are authorised and supported by local authorities or by private or charitable agencies. Children are placed with them by the local authorities who stand as corporate parent. The foster carer may be trained and guided by the local authority, yet that same local authority is responsible for the interests of the child. It can continue the carer's income, or take it away, for good or less good reasons – but the local authority remains the foster carer's support in dealing with these situations. It is a very real challenge considering foster carers are supporting often very challenging and traumatised children. It takes effort to work within this conflict ensuing from the quite extreme power imbalance between local authority and foster carer.

Supporting the foster carer as advocate for the child

Both the local authority and the foster carer will need to advocate for the child at various stages. Yet they have different levels of insight and different perspectives. How can they balance that and work together? Tackling daily issues that all children encounter with school, health and general life will be dealt with by the foster carer, but they are excluded from some conversations, such as with medical staff, as they are not parents. The child may have expectations of the foster carer as a key adult in their lives, but the foster carer's ability to meet those expectations depends on decisions and strategy within the local authority. The local authority will be dealing with relationships with the child's family, and the child's legal status, but the foster carer supports the child as they encounter the consequences of that. It requires consistent and good communication to make it work.

Fostering is very special: to parent a child touches a depth in both parent and child that little else can reach. We have a special resource here – perhaps not enough, but still very significant – that we should treasure, support and develop.

This report will help to highlight when that falls down, and what we can do to ensure all children and foster carers are helped to deliver the miracles we expect of them.

Jim Clifford OBE

Background and Legal Context

Legal context

The Government's review of children's services (Stable Homes, Built on Love February 2023) emphasised the importance of children in care having stable, long-term homes, either in foster care, in placements with family members or friends (kinship care), or through adoption.

Councils can have their own foster carers or may place children with carers from independent agencies. As independent agencies are working on behalf of councils, we can look at certain complaints involving, or about, them. Councils can also place children with a family member who becomes the child's foster carer (kinship care) after they have been assessed and approved. The council remains the 'corporate parent', making key decisions for the child.

Foster carers are assessed by councils, with a fostering panel recommending them for approval. Panels will also recommend a particular number, and type/age of child they should care for. Foster carers are paid a fostering allowance at a rate determined annually by the Government setting a national minimum payment. Foster carers can also receive one-off payments for other costs, like holidays and birthday/Christmas presents, and can receive an enhanced rate for looking after children with significant difficulties.

Children in care are subject to statutory multi-agency reviews, normally every six months, where care plans are agreed. An appointed Independent Reviewing Officer (IRO) is responsible for ensuring the council adheres to the child's care plan and that the child's wishes and feelings are heard.

The Care Planning, Placement and Case Reviews Regulations 2010 say that children in care should have a permanence plan by their second statutory review. This will set out the long-term plan most likely to meet the child's need, taking account of their health, care and education needs and their wishes and feelings. Children should not be

removed from a foster carer, who is willing and able to care for the child, without such a plan being considered at a statutory review, unless there is an emergency.

Councils, not foster carers, retain parental responsibility for children in care, although councils set out the everyday decisions foster carers can make. Foster carers can give 28 days' notice that they wish to cease caring for a child.

Foster children over 18 can remain with their carers under the Staying Put arrangements. They are no longer considered looked after children but are entitled to services as a care leaver.

Councils have fostering teams which assess, review and support foster carers. Children in care will have an allocated social worker from children's services, and foster parents a fostering supervising social worker.

Human rights

Fostering services provide a key role in protecting and promoting the rights of children. They ensure that children live safely, and with dignity and autonomy. They help children participate in their family lives where possible, and help support access to education, communities, faiths, and cultures. When things go wrong with services, it can have a significant impact on a child's rights.

Rights-based issues will sometimes be an explicit part of a complaint, with individuals talking about their human rights being 'breached' by a local council or service. More commonly though, rights-based issues will be an implicit part of complaints, expressed around principles of fairness, respect, equality, dignity, and autonomy (the FREDA principles).

Background and Legal Context

Our role and experience

We make independent and impartial decisions about whether councils have followed the relevant guidance and their own policies in providing services to foster parents and children. We are the final and independent stage of complaints about local council services in England.

Before we look into a complaint, councils must have been given chance to respond first. For most issues about fostering services, councils must respond using the Children Act 1989 statutory complaints procedure. We have previously published a [guide for councils](#) on following this process.

We can look at complaints from foster carers if they consider a council has caused them, or the children they look after, significant injustice. If we find that a council has got things wrong, we will recommend it provides a remedy, and that it reflects on any learning from the complaint.

We can also look at complaints from people who receive – or have previously received – fostering services, although the law says that complaints should be generally made to us within 12 months of the person becoming aware of the issues. However, in the same way we expect councils to properly consider their discretionary powers, we can sometimes investigate complaints which are outside of this time. For foster children, we may decide to take into account that, when they were younger, they may not have realised what had gone wrong, or what services they should have received.

Some of the common issues we see are:

- > poor care planning for the child's future and decision making
- > delay in implementing care plans
- > not providing sufficient information to the foster carer prior to a child in care being placed with them

- > poor communication
- > faults in fostering payments
- > lack of proper support to foster carers and their children
- > failure to use the statutory children's complaints procedure

When we make recommendations to councils to put things right, we might recommend a written apology, a symbolic payment for avoidable distress and frustration, or additional services to support placements.

We not only try to put things right for the people who complain, we also want to promote learning from mistakes to help improve services for others. We can encourage councils to look into the cause of any issues we've found, for example through overview and scrutiny committees. We may also recommend councils review their policies and procedures, or the training and support they provide to their staff.

In addition, we have the powers to investigate matters coming to our attention during an investigation if we consider that people who have not complained have, or may have, suffered injustice as a result.

Complaint statistics

In recent years we have carried out a consistent number of detailed investigations into complaints about fostering services. In 2023-24, this comprised 37 detailed investigations, of which we upheld 27 (73%).

Common Issues and Learning Points



Failure to use the statutory complaints procedure

The children's services complaints procedure is a three-stage process of:

- > **stage one** – local resolution
- > **stage two** – an investigation with an independent person overseeing it
- > **stage three** – a review panel with an independent chair

Councils must use this process to respond to complaints about issues that qualify, which will include most complaints about fostering services.

Common Issues and Learning Points



Amie's story

Case reference: 24 002 314

Not using the statutory complaints procedure

Amie complained that the council failed to provide safe and suitable care when she became a looked after child. She said it had not dealt with her claims that she suffered abuse when she was in foster care and had not supported her as a care leaver, by placing her in semi-independent accommodation as a teenager. This meant her mental and physical health suffered and she lost out on education.

Amie had requested access to her files and had raised her concerns with the council's leaving care team. She made a formal complaint to the council around two years later. The council would not investigate Amie's complaints, but did invite her to talk to a mediator. The council said Amie's concerns involved historic matters, and she had not complained within the required 12 months from when she first realised something had gone wrong.

When Amie continued to ask for her complaint to be investigated, the council suggested she make a legal claim to its insurers given that she had alleged negligence.

The guidance, [Getting the Best from Complaints \(2006\)](#), says possible grounds for accepting a complaint made after one year are:

- > genuine issues of vulnerability;
- > the council believes that there is still benefit to the complainant in proceeding;
- > there is likely to be sufficient access to information or individuals involved at the time to enable an effective and fair investigation to be carried out; and

- > action should be taken in light of human rights-based legislation.

Our investigation said the council had not considered its discretion to investigate Amie's complaint despite it being about events from more than 12 months before she complained.

Had it done so, it was likely it would have found she met the criteria for investigation.

How we put things right

The council agreed to carry out a statutory investigation and went straight to stage two, allocating an investigating officer and independent person. It helped Amie find an advocate, apologised, and made a symbolic payment for her time and trouble having to pursue her complaint. The council also agreed to train its complaint team on dealing with historic complaints.

Learning point

When older, children who have been in care may want to understand more about their past and why certain decisions were made on their behalf. It is often important for their long-term wellbeing. Councils must properly consider whether to investigate complaints about historic matters, and record how they have used their discretionary powers on individual cases.

Common Issues and Learning Points

Information prior to placements

The [Fostering Services National Minimum Standards \(2011\)](#) say that foster carers have a right to full information about a child they

foster. Information should be up to date, include significant events and be clear and concise.



Valerie and Debbie's story:

Case reference: [22 003 773](#)

Providing accurate information

Valerie was due to take on her first foster placement and the council matched her with Debbie. The council told Valerie that Debbie had complex needs, but did not display significant challenging behaviour.

In the first months, Valerie raised some concerns about coping with Debbie's behaviour. She subsequently complained that there were numerous challenging episodes and Debbie's needs had not been made clear to her. In one episode, Debbie went missing with Valerie's granddaughter while on holiday.

The council offered some respite care, but in the end Valerie said that she could no longer manage Debbie's behaviours and handed in her notice. The council had to move Debbie to another placement.

Our investigation found the information given to Valerie was not sufficiently detailed, and Debbie's needs were far too complex for Valerie to manage as a single, first-time foster carer. This meant the council had prevented Valerie from making an informed decision about whether she was able to accept the placement.

How we put things right

The council agreed to apologise to Valerie and to make a symbolic payment to recognise the toll the events took on her.

It agreed to change its placement information record for foster carers. It would also remind staff to ensure information about children speaks to their strengths and vulnerability, to help foster carers make informed decisions about their ability to look after a particular child.

We did not recommend action for any injustice caused to Debbie because Valerie did not have parental responsibility for Debbie, or consent to make a complaint on her behalf.

Learning point

Foster carers must be given relevant information, prior to a placement wherever possible, so they can make informed decisions about whether they are able to look after the child properly. This will help to prevent placement breakdowns and promote more permanency and stability for children.

Common Issues and Learning Points

Recognising councils' responsibility in foster care arrangements

Councils must distinguish between private arrangements made between parents and carers, and other arrangements in which the child is

accommodated by the council and therefore is a looked after child.



Kathryn's story

Case reference: [22 012 732](#)

Failure to recognise a foster carer and to protect the child she was looking after

Kathryn used to be a foster carer. One of her previous foster children had a child, Yasmin. The council asked Kathryn to look after Yasmin because it was concerned her parents were not able to care for Yasmin properly. Kathryn asked the council to assess her as a family and friends (kinship) carer but it said she did not meet the criteria, and therefore it did not pay her a fostering allowance. Yasmin was with Kathryn for twelve weeks before the parents failed to return Yasmin after having contact. The council advised Kathryn to take legal action. She believed the council agreed to pay her legal costs.

Kathryn applied for a Child Arrangement Order so she could have some parental responsibility for Yasmin. The court granted this stating the parents were unable to care for Yasmin. Kathryn asked for her legal costs to be reimbursed. The council refused. It also transferred the case to the council where the birth parents lived.

Kathryn complained to the council, which considered her complaint through the children's statutory complaints procedure. The council accepted it should have assessed Kathryn as a kinship carer. It also said it would only contribute towards her legal costs, rather than pay them in full.

Our investigation found the council at fault for not assessing Kathryn as a foster carer and for taking too long to backdate her foster carer allowance.

This meant Kathryn and Yasmin lost out on the support they would have had, if the council had accepted Yasmin as a looked after child sooner. We said that because the council had asked Kathryn to look after Yasmin, it should not have left her to deal with the child protection concerns when Yasmin was out of her care.

How we put things right

The council agreed to apologise to Kathryn and pay her £1,250 for the distress caused and her time and trouble complaining. It would recognise Yasmin as a child in care and backdate Kathryn's foster carer allowance, including interest, and pay her legal costs. The council agreed to recognise and provide support and funding for Yasmin as a looked after child.

The council reminded its staff about the legal implications of placing children with family and friends.

Learning point

When having a major role in placement decisions, councils must recognise their child protection duties and should regard the children as looked after.

Common Issues and Learning Points



Support and contact issues

Councils have a duty under section 22 of the Children Act 1989 to safeguard and promote the welfare of all children in their care. To meet this duty, councils must create a care plan for these children. Professionals involved with the child will be invited to a statutory review so that information is collected before decisions are made about the child's welfare.

A council should provide age-appropriate information to children about how they can request an advocate. An advocate can act on

behalf of a child to represent their wishes when important decisions are being made. They can also support children and young people in making complaints.

Section 22(4) directs councils, before making decisions, to find out the wishes and feelings of the child, their parents and other relevant people. Councils must properly consider those wishes and feelings when making decisions, having regard to the child's age and understanding.

Common Issues and Learning Points



Marco's story

Case reference: 22 009 469

Failure to arrange contact with adopted siblings

Marco and his wife complained the council ignored the wishes and feelings of their three foster children, who asked for face-to-face contact with their younger siblings when they were adopted. Marco and the foster children were led to believe they would have direct contact with the siblings. However, it was changed to yearly 'letter box contact' during the adoption process. This is a formal arrangement between relevant adults (often birth parents and adoptive parents/ foster carers) to exchange information about children in care.

The council considered the complaint through the children's statutory complaints procedure and found it had failed to:

- > ensure the fostered children's wishes were represented during the adoption of their younger siblings
- > provide them with an advocate or give up-to-date information about the adoption process
- > tell Marco why face-to-face contact had not been agreed

The council also delayed sharing the younger siblings' 'settling in' letter with the foster children (the first of the letter box contact).

Our investigation found there was no explanation recorded of why the proposed face-to-face contact had changed to yearly letter box, or why the council took so long to tell Marco and the children. We said the opportunity to have the fostered children's views considered during the adoption of their younger siblings was missed, although we could not say whether the court would have made a different decision had their views been heard.

How we put things right

The council had offered to pay symbolic amounts to each foster child for this lost opportunity and to Marco for his avoidable distress. It did not apologise to the siblings as they were not aware of the full extent of the complaint.

We do not expect detailed notes of every interaction, but we recommended the council remind staff to keep records of key meetings and correspondence about care planning. It should also ensure social workers write a handover summary of each case they hold when they leave the council or service.

Learning point

Foster carers must be kept informed of key decisions involving the children they care for. This helps prevent them giving wrong information or raising foster children's expectations. Foster children's contact with siblings who are placed elsewhere is usually very important to the children involved.

Common Issues and Learning Points

Social work visits to looked after children

Social workers should visit a child in care within one week of a new placement and, after this, every six weeks, or more if requested. It is presumed that contact between the child and birth family should continue. Contact should be focused and shaped around the child's needs and welfare. Each child's wishes and needs for

contact should be individually considered and regularly assessed.

The Independent Reviewing Officer (IRO) is responsible for chairing the statutory looked after child reviews at regular intervals and to ensure the children's views are represented.



Candice's story

Case reference: [22 016 887](#)

Failure to ensure regular social work visits and deal with contact issues

Candice looked after two foster children, Evie and Zara, long-term. She complained the council had not provided a good level of service to the children. Evie and Zara had had numerous changes in social workers, irregular statutory visits, and contact with their birth family was not supervised properly, which was distressing for them. The council delayed providing Evie and Zara with a passport, and they nearly missed out on a family holiday. The council considered Candice's complaint through the statutory complaints procedure and upheld it.

Our investigation found that Evie and Zara had been adversely affected by the gaps and frequent changes in social workers.

Sometimes we will decide injustice has been caused by 'service failure'. This is when there are no specific failures by the council to follow a policy or procedure, but there are factors preventing it carrying out its statutory duties.

In this case, we said there was service failure because the council's ability to recruit the staff it needs, would have been impacted by the national shortage of social workers.

How we put things right

The council agreed to make symbolic payments to Candice, and Evie and Zara, for the distress caused. A senior manager would meet Candice to discuss the continued concerns she had regarding contact with the children's birth family.

We also asked the council to consider making Candice a fostering representative as she was keen to contribute to improving services for all children in care.

The council told us it was making improvements following its own investigation into the complaint. These included improving its recruitment and retention of social workers, and ensuring all children in care have an allocated worker and valid passports.

Learning point

Recruiting and retaining foster carers is a key objective. So, it is vital that councils listen to their foster carers' experiences and use their feedback to improve services. It is also likely that, for children in long-term care, contact with birth family members might be difficult to manage for all involved. So, this should be planned and managed carefully.

Common Issues and Learning Points



Fostering payments

The [National Minimum Standards](#) say councils must have a clear and transparent written policy on payments to foster carers that sets out how payments are calculated and the differences between allowances and fees paid. The policy and the current level of payments should be provided annually to foster carers. This is to

ensure foster carers are paid in a fair and timely way and they are clear about the council's payment structures and the payments due to them.

The amount foster carers receive will depend on the number of children cared for, their ages and where they live.

Common Issues and Learning Points



Hannah's story

Case not published

Failure to correct information and to recalculate allowances

The council had a policy where it paid foster carers a skills retainer payment and a weekly retainer allowance, for foster carers willing to take emergency placements for young people.

Hannah provided short term respite and emergency foster placements for the council over several years. When the council reviewed its fostering payments, it decided it had overpaid Hannah. It did not tell her this and she then received a debt recovery letter.

Hannah provided evidence suggesting that she had in fact been underpaid. The council recalculated the payments and reduced the debt which it said she owed due to overpayments.

The council investigated Hannah's complaint and decided there was:

- > no robust process for monitoring fostering payments
- > insufficient evidence to support its claim of the overpayment
- > no foster care agreement setting out what should be paid
- > a delay in dealing with her complaint

The council decided not to pursue Hannah for the alleged overpayment any longer.

Hannah complained to us. During our investigation, the council could show us it had revised its foster carer agreement form, changed the way remittance slips were designed so that they were much clearer, and ensured staff knew about the complaint process.

We also asked the council whether other foster carers might have been affected by the systemic faults and it identified more than 100 others.

How we put things right

The council agreed to apologise for the distress it caused Hannah and make a symbolic payment above the amount it had already paid.

It also agreed to write to the other potentially affected foster carers, telling them about our findings and inviting them to challenge decisions the council had made if they believed them to be inaccurate.

Learning point

Councils must have a clear policy setting out what foster carers should be paid, the difference in allowances and fees, and an annual agreement with foster carers. Foster carers should not have to face the burden of resolving any payment issues.

Common Issues and Learning Points



Allegations against foster carers and ending placements

The statutory guidance says that, where a council proposes to terminate a placement, it must carry out a review of the child's case and ensure that the views of all the people concerned have been heard. This must take into account the child's views (according to their age and understanding) as well as the parents' (if appropriate), the child's carer and other people.

But it does not need to do this if there is an immediate risk of significant harm to the child.

The review can consider if any support or services could be provided to avoid the placement being terminated. If that is not possible, the review is a forum to consider the most suitable new placement for the child, taking into account issues that led it to end.



Sita and Darshan's story

Case reference: 20 007 650

Failure to deal with allegations and consider the children's best interests

Sita and Darshan fostered two siblings and wanted to adopt them. They complained the council did not deal properly with allegations about them and failed to consider properly the decision to remove the children without notice, not following the proper process.

Our investigation agreed the council did not investigate the allegations properly and did not tell Sita and Darshan about all its concerns. This meant they could not challenge what was being said or give detailed information to counter the allegations. The council also failed to keep notes of important meetings, where key decisions were made.

We said the council did not hold a statutory review to ensure all professionals' views were considered, before making such an important decision to remove the children. And the Independent Reviewing Officer (IRO) had failed to obtain and record the children's wishes and feelings. The children were observed at times to be settled and attached to Sita and Darshan.

The older child was picked up from school and told they were moving to a different placement and the younger child was taken from the family home. Sita and Darshan were very distressed by the events. They were worried about what the abrupt move would have done to the children's welfare.

We used our powers to consider the possible injustice to other people affected by the faults in the case to consider the impact on the children. We were able to say the children were likely to have been severely distressed at having to move without notice, and probably had their trust in adults dented.

How we put things right

The council agreed to place a note on the children's files explaining how we had found fault in the way they were removed from Sita and Darshan, and that they should be told Sita and Darshan had not rejected them and had wanted to care for them long-term. The council agreed to put £2,000 in the children's savings account.

It also agreed to apologise to Sita and Darshan and pay them £1,000 for their avoidable distress and lost opportunities for the children to remain with them long-term.

The council agreed to a range of actions to improve its services, including reminding IROs to find out children's wishes when making significant decisions, ensuring statutory reviews happen before removing children from a foster home (unless there is an immediate risk) and notes are made of key decisions and meetings. It would also review how it tells children in its care about their right to advocacy.

Learning point

Foster carers will understandably form attachments. When they are willing to offer a long-term home to children they care for, councils must consider carefully these offers. If a child must be moved, the process must be carefully planned and agreed at a statutory review (unless an emergency) to minimise the distress caused.

Common Issues and Learning Points



Staying put and leaving care

The Children and Families Act 2014 introduced ‘[staying put arrangements](#)’, which enable looked after children to stay with their foster families beyond leaving care at 18, up to the age of 21 (and sometimes longer if all agree). Councils must facilitate these arrangements to extend young people’s relationships with their foster carers, if the young person and the foster carers wish it. While the level of support will depend on individual needs and circumstances, former foster carers will be paid an allowance that will cover all reasonable costs of support to the care leaver remaining living with them.

Among councils’ duties to care leavers is to create a ‘pathway plan’ for them which they must review

regularly. The plan should set out steps to achieve the young person’s potential over the coming months and years and say what the council will do to help. This should consider the wishes and feelings of the young person and the foster carer.

A specific duty was placed on councils in section 23CZA of the Children Act 1989 to advise, assist and support both the young person and their former foster carers when they wish to stay living together after the child reaches their 18th birthday.

Staying put arrangements are open to young people who have disabilities, or who are at university, on an apprenticeship, seeking asylum or in the armed forces.

Common Issues and Learning Points



Sarah's story

Case reference: [21 018 413](#)

Failure to properly support a staying put arrangement

The council agreed a staying put arrangement for Adam with his foster carer, Sarah. It was agreed Adam could 'stay put' until he started in the army or became 21. But later the council changed this to reviewing the staying put arrangement annually.

Sarah became concerned and questioned the decision to review the arrangement annually. The council said this was because, if Adam ended up being mostly stationed away with the army, it would be against the spirit of staying put arrangements, which should be at the young person's main home.

The council ended Adam's staying put arrangement eventually. Sarah complained it was taken abruptly and with no notice to her or to Adam.

In our investigation, we were satisfied the council had explained that the arrangement may end. And it had extended the placement for some of the time while Adam was overseas. However, the council gave incorrect dates when informing Sarah and told her only shortly before it ended.

We also found fault because the staying put arrangement did not include details about duration, review, and termination timescales.

How we put things right

The council agreed to apologise to Sarah and Adam and pay them each a symbolic amount to acknowledge their frustration and uncertainty.

It would also issue written reminders to its staff to ensure they were aware of the staying put guidance, specifically that the council should make sure it recorded properly and communicated its decisions, and that details are always provided on duration, reviews and termination of arrangements.

Learning point

Staying put arrangements enable a child in care to continue to enjoy the stability of a permanent home once they reach 18 and help meet their best potential. Councils must be clear how long staying put arrangements will last so young people and foster carers can make informed decisions and plans.

Common Issues and Learning Points



Immigration status considerations for looked after children

Anyone who moves to the United Kingdom (UK) and does not have an automatic right to live here must make an application to regularise this. A council is expected to pay to seek relevant advice on the immigration status of a child it accommodates for whom it needs resolving. Issues around the immigration status of looked after children should be prioritised and considered under the child's care plan or pathway plan.

Once an adult, councils do not provide help to certain groups of people with no legal status or recourse to public funds. In these circumstances councils should carry out a human rights assessment before deciding not to provide services.



Mosi's story

Case reference: [21 016 871](#)

Delay in ensuring immigration status before turning 18

Mosi complained that the council failed as her corporate parent to resolve her immigration status before she became 18. This meant she had no access to public funds and could not get financial assistance to take up her university place or find employment. The council allowed and paid for Mosi to remain with her foster carer after 18, and paid her a weekly allowance.

Our investigation found the council at fault for a delay in referring Mosi to an immigration solicitor, while she was in its care, which in turn delayed a decision on her immigration status. Eventually, Mosi was granted leave to remain in the country and was able to take up her university place two years later than planned.

How we put things right

The council agreed to apologise to Mosi and pay her £1,000 for the distress caused and for not referring her immigration case to solicitors promptly when she came into care. This also acknowledged that she missed out on other activities she would have expected at her age, particularly in terms of employment.

The council also invited Mosi to meet senior officers so they could learn from her complaint for the benefit of all looked after children.

To help avoid similar problems recurring, the council agreed to provide training for staff on identifying and resolving promptly the immigration status of looked after children. Importantly, it also agreed to check the immigration status for all its currently looked after children and take immediate action if this was unresolved. And it would ensure it had a process for checking and identifying whether a looked after child would have a right to remain in the UK once 18.

Learning point

Councils must ensure any issues with the immigration status of children in their care are resolved before they reach adulthood. Otherwise, any problems will affect their rights and entitlements moving into independence, putting them at a substantial disadvantage.

Common Issues and Learning Points

Foster children with special educational needs

We deal with many complaints about children with Education, Health and Care (EHC) Plans. The plans place a duty on councils to provide the special educational provision required. Looked after children are more than seven times more

likely to have an EHC Plan than the overall population. Councils have a duty to promote the educational achievement of children in their care and can direct certain schools to admit a child with an EHC Plan¹.



Lindsay's story

Case reference: [23 014 839](#)

Failure to meet a looked after child's special educational needs

Lindsey was a family foster carer to Abby, a young child who had an EHC Plan. She complained the council failed to provide education, the special educational provision, and therapeutic support to Abby over a two-year period. The council looked for appropriate schools unsuccessfully. Lindsay said Abby was isolated from all other children, was becoming reluctant to leave the house and this caused Abby and herself avoidable distress, which put the placement at risk.

How we put things right

Our investigation agreed the council did not provide the required special educational provision and therapeutic support over a two-year period. It failed in its duty to promote Abby's educational achievement. We said the council was unaware of its power to direct certain schools to admit a child with an EHC Plan. The council agreed to place a copy of its apology letter on Abby's case file, pay £9,600 for the lost education over the two-year period and a symbolic payment of £1,000 to them both. The council also agreed to train the staff involved in this complaint about its powers and duties to children with an EHC Plan.

Learning point

Being out of education has a significant detrimental impact on any child and their parents/carers. Where a child is looked after, councils not only have duties to secure special educational provision, but also to promote their educational achievement.

1. Office for National Statistics: [Outcomes for children in need, including children looked after by local authorities in England, 2022-23](#)

Local Scrutiny: Questions for Councillors and Heads of Service

Foster care placements

- > Are there sufficient numbers of council approved foster carers? If not, what is the council doing to recruit and retain foster carers?

Complaints

- > How does the council handle, and learn from, complaints from foster carers and foster children?
- > Do scrutiny committees have oversight of findings from statutory children's services complaint investigations, especially those which are not referred to the Ombudsman?

Supervision

- > Do all foster carers have a fostering social worker? If not, why?
- > Are annual foster care reviews carried out annually? If not, why?
- > How many investigations about the standard of care have there been and what lessons have been learned?
- > How many foster carers have been de-registered? What has been learned from this?

Change of foster placements

- > Does the council ensure that all decisions to move a foster child from a foster carer, who is willing to look after the child, are made at a statutory review (unless it is an emergency)?
- > Does the council ensure that any necessary moves are properly planned, and children are consulted and kept informed of the plans?

Education

- > How many foster children have special educational needs, and EHC Plans, and is the council ensuring these needs are being met and services provided?
- > How does the council ensure that foster children, who have to move to a different placement, are placed in a school within 20 days if they cannot continue to attend their previous school?
- > How does the council ensure that children's services, education and health all work together when a foster child has special educational needs and/or an EHC plan?

Access to children services' records

- > Does the council ensure foster children know of their entitlement to see their case files and are they properly supported to request these?

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