

Councillors who are also or may wish to become Foster Carers - Conflict of Interest Guidance

Purpose: To provide guidance about how Foster Carers will work with the service if they also hold a Swindon Councillors position to avoid any potential for a conflict of interest or reputational damage to the Borough or Councillor

Background

Councillors will often possess the necessary skills, understanding and motivation to become foster carers. However, this must be balanced against the need to protect both staff and children from a potential conflict of interest.

Prior to any councillor applying to become a foster carer there are a number of issues which need careful consideration.

- Council Code of Practice on Conflict of Interest
- Complaints Procedures & Allegations Management Procedures
- Employment status should an allegation of abuse or misconduct occur whilst acting as a foster carer
- Confidentiality and access to information
- Maintenance of objectivity
- Local authority's duty to protect and safeguard children
- Capacity to focus on the needs of the child
- Fostering service's commitment to fair and transparent processes

Hence a transparent open discussion that forms the basis of a 'conflict of interest assessment' will be needed between the prospective carer and supervising social worker and his/her manager to explore these issues. With a recorded outcome that refers to the above and the considerations given to the decision as to whether to recommend continued progression of the application with Swindon Borough Council.

If any potential conflicts were assessed and considered highly likely prior to a Councillors approval as a foster carer then Swindon Council could signpost the Councillor to another fostering service provider as a reciprocal arrangement with another agency on a case by case basis. This arrangement would need to be ratified by the Head of Service as the Agency Decision Maker (if they were roles held by different staff)

General statement for fostering that is restated here;

Foster carers are a valuable resource to the council and are central to its child care policy of providing safe, secure, and nurturing substitute care. They are in positions of great responsibility and trust and this can sometimes make them vulnerable to allegations. It can also place them in situations where they need to declare an

interest as there may be potential conflicts of interest in their role as a foster carer. This could include relationships with those working for the local authority or with family members of children or young people who are placed with them. In the case of any potential conflict of interest the foster carer must immediately inform their assessing / supervising social worker and the Monitoring Officer.

Foster carers are advised to inform their assessing or supervising social worker of any employment that they take up, and advise if and how any aspect of their work is likely to affect their caring role.

In order to avoid any possible conflict of interest, a similar requirement of foster carers is expected when any close family members have such a contractual/ business relationship, particularly in respect of Children's Services.

Potential conflicts of interest can occur within any service. It is important that any conflicts of interest are pre-empted so that they can be avoided, and recognised so that they are dealt with in an effective manner should they occur in a way that protects all parties.

Considerations

All Councillors, who wish to become foster carers will need to consider the implications for themselves and their family should they become foster carers. For example, it is important that Councillors are fully aware of the potential serious consequences of any allegation of complaint made against them, and how this may impact on their membership of Council bodies.

Councillors should inform their leaders of their intention to be assessed as a foster carer and whether the application is successful because of any potential conflict of interest and its effect on possible appointments to council bodies.

Normally, applications made by councillors who have direct involvement in the planning and decision making for children will not be progressed without the prior approval of the ADM. The Head of Service will consider the 'Conflict of Interest Assessment' in order to safeguard all parties. The primary consideration will be the best interests of children looked after.

In all circumstances where an councillor has been denied the opportunity to become a foster carer as a consequence of this policy they should be encouraged/ assisted to apply to an alternative local authority agency.

Confidentiality

In line with Swindon Council's Foster Care Agreement the Applicant/Foster Carer will ensure that any information relating to a child placed with them, to the child's family or to any other person, which has been given to them in confidence in connection to the placement, remains confidential and is not disclosed to any person without the consent of the local authority.

In addition, the Applicant/Foster Carer agrees that no discussions regarding any child placed with them will take place in or with anyone from their working/ political environment without consent from the local authority.

This relates to any forum or activity related to the Councillors duties as an elected member and the Councillor must declare an interest as appropriate in any forum at which matters related to their fostering responsibilities or interests as a foster carer apply.

Day to day Activities

Councillors must be extra alert to the power dynamics their role as Councillor may have when working with the council officers/services be that the fostering service, the wider social work service or the health and education providers in the Borough.

Hence it is not acceptable that any communication between the (Councillor) foster carer and the services makes reference to their role as Councillor, other than to acknowledge the role if required to declare an interest or being discussed with the fostering service in relation to an issue relating to approval.

Appropriate escalation of concerns, allegations, complaints or compliments will need to be appropriately made within the usual foster carers' process. i.e. through the supervising social worker (or social worker), their manager if needed or escalated through the normal line management process. A councillor who is a foster carer can advocate on behalf of a resident in their ward

Use of Councillors processes such as the Members Enquiry process should not be used for fostering related matters

Should the Councillor/Foster Carer be unfortunate as to be the subject of an allegation then the usual fostering agencies allegations process will be applied.

However should the Local Authority Designated officer (LADO) determine that there is a matter that has possible risks to the safeguarding of children that may be a factor in the carers role as an elected Councillor then the LADO will take advice from the Head of Service and the Monitoring Officer to ascertain what if any action may be required.

Councillors should not use their linkages with Council Officers gained in their role as Councillor to discuss the progress or determination of any allegation enquiry or outcome. The allegations process allows for representation and complaint through the complaints process and escalated as required through this.

It is considered to be inappropriate for a Councillor who is a foster carer to sit on the same Boroughs Fostering or Adoption Panel.

With the sensitive and proportionate approach to the dual roles of fostering and Councillor the service welcomes applications to foster and believes that the opportunity to support, influence and change a looked after child's life for the better can be achieved with the careful application of this guidance.

Drafted by Karen Reeve
June 15