

RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL

CORPORATE PARENTING BOARD

MUNICIPAL YEAR 2013 – 2014

CORPORATE PARENTING BOARD

18th MARCH 2014

**REPORT OF THE GROUP DIRECTOR
OF COMMUNITY & CHILDREN'S
SERVICES**

Agenda Item No:4

**CONFLICT OF INTEREST DRAFT
POLICY**

Author: Andrew Wilkins, Solicitor, Legal Services Tel No. 01443 424000
Pam Lonergan , Head of Service Looked After Children
Tel No: 01443 495103

1. PURPOSE OF THE REPORT

- 1.1 To provide members of the Corporate Parenting Board the opportunity to consider and discuss the process outlined in the Draft Report that allows consideration of expressions of interest from Rhondda Cynon Taf Council Employees and Councillors who wish to be approved as Foster Carers for the Authority.
- 1.2 To consider the Draft Policy and make comments to inform the final document which will become a Council wide Policy.

2. BACKGROUND

The welfare of Children and Young People who are looked after remains of paramount importance to the Council both at a Strategic Policy level and through the operational work within Children's Services.

This Draft Policy outlines a process which will protect both Children and Young People, Staff and Councillors should expressions of interest to Foster be forthcoming.

3. Looked after Children are by definition extremely vulnerable they have all suffered significant harm and as such it has been recognised that the 'Council' has a duty to ensure that they do not suffer further through any Conflict of Interest.
4. Currently there is no Council Policy which details a process to safeguard Children and Young People from possible conflict of interest. This Draft Policy provides a transparent and common sense approach which will aid the Fostering Service to make appropriate decisions in order to provide the best placement for Children and Young People looked after by the Council.



STRONG HERITAGE | STRONG FUTURE
RHONDDA CYNON TAF
TREFTADAETH GADARN | DYFODOL SICR

Foster Carers: Employees Conflict of Interest Policy

Purpose: To provide a process that allows consideration of expressions of interest from Rhondda Cynon Taf Council employees and councillors who wish to be approved as foster carers for the Authority.

Table of Contents

1. Scope of Policy	4
2. Background.....	4
3. Considerations	5
4. Procedure	5
5. Review	6
Foster Carer Conflict of Interest Declaration Form	7
Guidelines for completing the Conflict of Interest Assessment Form	10
Conflict of Interest Assessment Form.....	11
Feedback Form.....	14

1. Scope of Policy

This procedure is applicable to Rhondda Cynon Taf employees, particularly those employed within Children's Services, all Rhondda Cynon Taf County Borough Council elected Members and other professionals who work with children and young people in Rhondda Cynon Taf.

This document should be read in conjunction with Rhondda Cynon Taf's Officer and Members' Codes of Conduct.

2. Background

Members of staff and 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 council employee or councillor applying to become a foster carer there are a number of issues which need careful consideration.

- Working Time Directive
- The Council's Complaints Procedure
- 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

Some employees are automatically barred from applying under the Fostering Services (Wales) Regulations 2003

Regulation 20 : Subject to Regulation 50(7), the fostering service provider shall not employ to work for the purposes of the fostering service a position to which paragraph (7) applies, a person who is -

- (a) a foster parent approved by the fostering service; or
- (b) a member of the household of such a foster parent

This paragraph applies to any management, social work or other professional position, unless in the case of a position, which is not a management or social work position, the work is undertaken on an occasional basis, or for not more than 5 hours in any week.

This regulation automatically precludes applications from:

- Social workers/support workers/managers working directly with the Fostering Service (and, to all intents and purposes) the Adoption Service.

3. Considerations

Staff employed within Children's Services or councillors may already have evidenced skills in working with/caring for young people and therefore have the potential to make excellent foster carers. Interest in fostering from such staff should therefore be received positively and encouraged.

All employees or 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 members of staff employed within Children's Services are fully aware of the potential serious consequences of any allegation of complaint made against them, and how this may impact on their employment.

Employees working within Children's Services must inform their Team Manager of their intention to be assessed as a foster carer. The employee's Team Manager will then inform their Service Manager and Head of Service. Employees will be made aware of the process to assess any conflict of interest and this should be discussed with the Fostering Team Manager and the employee.

Normally, applications made by staff working in Children's Services or councillors who have direct involvement in the planning and decision making for children will not be approved. This is likely to occur in circumstances where a specific child has developed a particular attachment to a member of staff or councillor.

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 looked after children.

Applications made by staff in the wider Community and Adult's Services department, education and associated support services may be considered where there is a consensus of opinion initially between the employee, line manager and the fostering service that any outstanding issues can be resolved and managed appropriately. The conflict of interest process should then be followed.

Applications made by any other council employee/councillor should be encouraged and the conflict of interest process should again be followed.

In all circumstances where an employee or 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.

4. Procedure

Any Rhondda Cynon Taf employees or councillors wishing to become a Foster Carer must complete a Conflict of Interest Declaration Form, which must be forwarded to and then approved by the Service Director of Children's Services.

Where, at any time of an initial visit, an enquirer is found to work with young people in Rhondda Cynon Taf (e.g. a designated nurse for children in care), then a Conflict of Interest Declaration Form should be completed and forwarded as above.

Corporate Parenting Board - 18.03.14
Agenda Item 4

Following approval of the Declaration Form, a Conflict of Interest Assessment will be completed by a member of the Fostering Team after the initial visit, at the same time as a formal application is made. The assessment must be approved by the Service Director of Children's Services before a formal fostering assessment (Form F) is begun. It will include a recommendation by the fostering officer based on a risk assessment. It will identify potential conflicts of interest and suggest ways in which these can be avoided or effectively managed.

If permission to proceed is granted, the fostering assessment will be carried out by staff and supervisors who are not in the management line of the employee.

Applicants should discuss their application with their own line managers so that any further potential conflicts of interest can be identified and resolutions considered at an early stage. The views of line managers will be sought in respect of such applications.

The completed assessment should be presented to the Foster Panel in the usual way. The Panel should not have members from the establishment or team where the applicant is employed or known.

The recommendation of the Foster Panel will be taken to the 'Agency Decision Maker'.

Following successful approval as a foster carer for Rhondda Cynon Taf County Borough Council, all placements with the carer should be appropriately matched to ensure no conflict of interest in the dual roles of a carer and that of an employee or councillor. The child's interests should always be paramount.

On approval, the Fostering Team should ensure that the SWIFT Performance Management Team ensure that the employee's electronic records are made confidential (access only to team managing their fostering enquiry) to protect the confidentiality of their personal information from colleagues.

5. Review

If an existing foster carer becomes an employee or councillor of Rhondda Cynon Taf County Borough Council then the process above should be undertaken immediately on appointment.

The process for all subject to the conflict of interest process should be reviewed during the annual foster carer review.

Corporate Parenting Board - 18.03.14
Agenda Item 4

Foster Carer Conflict of Interest Declaration Form

To be completed and agreed either, when the formal foster carer application is made and prior to commencement of the assessment, or following a change in the employment status of an existing foster carer.

Purpose

This form applies to Rhondda Cynon Taf County Borough Council employees (including relief and casual staff), particularly those employed within Children's Services, to all Rhondda Cynon Taf County Borough Council councillors and to other professionals who work with children and young people in Rhondda Cynon Taf.

The Fostering Service recognises that many Council employees and councillors will 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 any potential conflict of interest.

The Conflict of Interest Assessment seeks to identify any potential conflicts of interest in relation to the applicant/foster carer and provide recommendations on how these may be avoided or effectively managed.

This form should be reviewed as part of the annual review for each foster carer. Where there are no changes this should be recorded in the review documentation. Where there are changes a new form should be completed and further approval sought where necessary.

Applicant/Foster Carer

Name

Address

Employment Details

Position

Service

Hours Worked p.w. (max & average if casual employee).....

Line Manager

Work Address

Employment Issues

The applicant/Foster Carer is aware that:

- 1) The Applicant/Foster Carer is aware that:
 - I. The Fostering Service will inform the employer should an allegation of abuse or misconduct occur whilst he or she is acting as a foster carer, and that this may have an impact on their employment.
 - II. His/Her status as a foster carer may be affected in the event of an employer disclosing any allegation of or act of abuse or misconduct in relation to his/her employment.
- 2) The Applicant/Foster Carer has discussed the application with his/her line manager and the views of the line manager have been sought as part of this assessment.

Confidentiality

In line with Rhondda Cynon Taf 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 environment without consent from the local authority.

The assessment will be reviewed annually.

Guidelines for completing the Conflict of interest Assessment Form

Area of Employment	Level of Risk	Decision making Process	Comment
Social workers/support workers/managers working for Fostering and Adoption Services	Disqualified by the regulations	Enquiry registered. Not able to proceed under regulations. Automatic refusal	Administrative staff / support workers may be able to apply under the 'no more than 5 hours rule' (Reg 20, (6) & (7))
Independent Reviewing Officers, Community Nurses in the LAC Team, Safeguarding and Family Support staff	High	Enquiry registered. Automatic refusal	Administrative staff / support workers may be able to apply under the 'no more than 5 hours rule' (Reg 20, (6) & (7))
Staff of Children's Services, outside Safeguarding and Family Support. Other health professionals, Teachers and support workers in schools, Councillors	Medium	Conflict of Interest. Assessment sent for approval by the Service Director for Children's Services	Recommended that Nurses do not provide care for children whose care service is provided in their team. Recommended that staff do not provide care for children attending their school.
Other RCTCBC employees, working in unrelated departments	Low	Conflict of Interest. Assessment send for approval by the Service Director for Children's Services	

CONFLICT OF INTEREST ASSESSMENT FORM

Applicant

Name.....

Employment Details

Position.....

Service.....

Line Manager.....

STAGE 1: IDENTIFY ANY POTENTIAL RISKS

1) RISKS:

--

STAGE 2: WHO COULD THIS AFFECT AND HOW?

2) Child:

3) Foster Carer:

4) Others (List individuals):

STAGE 3: EVALUATE THE RISK

CONFLICT OF INTEREST LEVEL OF RISK	DEFINITIONS OF LEVEL	RISK TO CHILD TICK the current level of risk	RISK TO FOSTER CARER TICK the current level of risk	RISK TO OTHERS TICK the current level of risk
HIGH (Risk Concern)	Risk of conflict of interest which is considered significant or likely			
MEDIUM (Risk Aware)	Risk identified but conflict of interest not thought to be significant or likely			
LOW (Risk Minimal)	No evidence at present to indicate that a conflict of interest will be likely			

STAGE 4: IDENTIFY THE MEASURES TAKEN

Control Measures/Management Strategies

STAGE 5: REVIEW AND ASSESS

List any known incidents, which suggest that a conflict of interest might exist, along with details of any specific responses

DRAFT

STAGE 6:CONFLICT OF INTEREST AGREEMENT

Control Measures and Management Strategies

The Foster Carer/Applicant and Fostering Service agree to adhere to the following recommendations, as identified in Stage 4 of the assessment, in order that any conflict of interest may be either avoided or effectively managed:

RECOMMENDATIONS AND MANGEMENT PLAN:

DRRAFT

Foster Carer Assessor:-

Name.....

Date.....

DRAFT