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Conflict of Interest for Fostering Service Employees, Foster Carers, and Fostering Panel Members

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Conflict of Interest for Fostering Service Employees, Foster Carers, and Fostering Panel Members

About this document

Title	Conflict of Interests for fostering service employees, foster carers and fostering panel members
Purpose	To provide guidance to all those involved with the fostering service regarding any potential conflicts of interests
Updated by	Rosemarie Cronin, Training, Development and Compliance Advisor (Fostering)
Approved by	Jenny Boyd, Director of Local Delivery
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Date Issued:	Version	Summary of Changes	Created by
March 2016	4	Change terms from children's services to family operations	Rosemarie Cronin
March 2016	4	Updated policies available on the intranet for staff, references to them, and added that employees should complete declaration of interest form annually in line with the corporate policy	Rosemarie Cronin
August 2019	5	Review of policy	Rosemarie Cronin

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Introduction

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

Fostering Service Employees

Essex County Council have a number of relevant policies which employees should familiarise themselves with. These policies are available on the ECC intranet and include:

- Close Personal Relationships Policy
- Gifts and Hospitality Policy
- Declaration of Interests Policy
- Outside Work Policy

If anyone working for the fostering service considers that there is any potential conflict of interest which affects their role they should discuss this with their line manager immediately and the discussion should be documented and placed on the supervision file. In line with the Declaration of Interests Policy, all employees are expected to complete the declaration form every November to confirm they have nothing to declare or to re-declare.

Foster Carers

Our policy allows Essex County Council to recruit foster carers employed by us unless they are a member of staff working in the Children and Families Service or an Essex County Councillor, as this is likely to cause a conflict of interest due to the dual role. Applications could be considered if the prospective carer is planning to cease working in Children and Families in Essex after they are approved.

If a member of staff working for Essex County Council wishes to become a foster carer or is a member of a fostering household, care should be taken to avoid any actual or perceived conflict of interest or negative impact on foster children e.g. access to records. Further guidance is included in the Fostering Service Guidance 2011 (4.12). If any potential conflicts were likely then Essex County Council would signpost the interested person to another fostering service provider. (see Recruitment and Assessment policy).

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 supervising social worker.

Foster carers should be advised to inform their 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

particular, if they are also employed by an agency, firm or organisation that is in any contractual or service relationship with Essex County Council they should advise the Fostering Service.

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 Family Operations.

Potential conflicts of interest may be less likely through a foster carer's involvement in community activities or membership of organisations, or other affiliations, but carers should still be alert to any potential conflict of interest. If there is a conflict or any concerns that there may be conflict then the foster carer should discuss this with their supervising social worker. Foster carers often need to attend professional meetings such as case conferences, reviews and placement planning meetings. It is possible that these could present a conflict of interest and again this should be disclosed to the supervising social worker or the chair of the meeting if it not known prior to the meeting.

Fostering Panel

The Fostering Panel is made up from an independent chair, a panel adviser and panel members from the Central List.

Those members of the Central List should consider any possible conflicts of interest in relation to panel agenda items. A potential conflict arises if an interest could be seen to adversely affect a panel member's capacity to act without prejudice or preference in a matter that was being dealt with by the panel. If a panel member considers that there is conflict of interest they should inform the Panel Chair and/or the Panel Adviser as soon as they become aware of the potential conflict.

Those on the fostering panel may well, due to their roles outside of panel, have professional knowledge of a case; this is not likely to affect a member's capacity to participate in the panel. However, should this occur the panel member should still notify the panel adviser. If there is a personal interest or connection, it is likely that the person from central list should not participate in the case discussion.

Where an Essex panel member is also a member of another panel which has had some involvement in a matter now being considered by the Essex panel, the panel member should always outline the nature of their knowledge gained in the previous panel and seek guidance from the panel adviser in relation to the Essex panel agenda item. The Panel Adviser will consult with the Panel Chair. Members of the Essex panel who are foster carers (from another authority) may also have had a colleague relationship with a person wishing now to foster for Essex, and they should advise the panel adviser of this fact.

Similarly, panel members employed by a fostering, adoption or other child care agency that is working with, or who has worked with, a child and family or applicant to foster for Essex or one being reviewed by the Essex panel need to advise the panel adviser or the panel chair of this involvement. The nature, degree, relevance, date and length of involvement in the case will be factors guiding consideration of this.

The involvement of panel members from other agencies outside the council, for example, health authority workers, with, say, applicants to foster, might less often give rise to conflict of interest than is the case with social worker members of panel, but they may also be significantly involved as participants in child protection cases or in providing expert knowledge to police, case conferences and, sometimes, the courts. The involvement does need to be declared and the panel adviser and panel member should weigh up the degree, nature of involvement, etc., before deciding if there is any potential conflict or prejudicial interest.

Just knowing someone does not usually provide a problem of possible conflict of interest. Nonetheless, the depth of friendship (and consequent sense of affection or obligation) may be strong where the relationship is close and longstanding, and all relationships by panel members with

applicants seeking approval to foster or considered by panel for some other reason should be declared.

Unusually, panel members may be related by birth, marriage or partnership to applicants or even to presenting social workers. Again, the panel adviser or chair should be advised of this relationship, and in all cases, it is better for the panel members to stand down from considering this agenda item even if the relationship is somewhat tenuous. Similar considerations apply with regard to the positions of people wishing to foster who are neighbours or colleagues of any panel member.

If a potential conflict is known in advance then the panel member should inform the panel adviser as it may be necessary to bring in another panel member from the central list to enable the panel to be quorate.

If a decision is made that the panel member may remain to hear the case, the applicant should be informed of that person's presence in the fostering panel and the applicant's views considered.

The fostering panel chair role in Essex is covered by two people. Should there be a conflict of interest arise with the panel chair then it would need to be arranged that the case is either heard by another panel or the vice chair would need to chair that particular item.

Gifts, Hospitality, etc.

In order to prevent any suspicion of dishonesty or of dishonest gain, it is important that line managers are informed of any offers of gifts, hospitality etc and that these are recorded appropriately and in line with the Gifts and Hospitality Policy. Generally Fostering service employees should not accept favours or gifts of tickets for entertainment, events, travel, hotels, etc. and avoid putting themselves in debt to some person, as this might be seen to influence their work.

Neither employees nor their family members should accept gifts relating to an individual's work performance. Where a gift has not been solicited and is of small value the Fostering Service worker should seek the manager's approval to accept this. The manager should register any gift, but if the manager advises against acceptance of the gift, it must be returned and the donor given a courteous explanation of agency policy/the reasons for declining the gift.

Although it is natural for some parents to want to thank foster carers tangibly for caring for their children, carers should avoid accepting gifts or gratuities from the parents of any child they are caring for. Certain gifts of small value such as chocolates/flowers could be accepted, especially where refusal seems awkward, but in all cases the supervising social worker should be informed and the gift recorded on file by the social worker. At the same time, the parents should be discouraged from giving such items, as the acceptance of gifts can also give the wrong signal about the nature of the relationship. If in doubt, the foster care should discuss the matter with their supervising social worker.

It is possible that foster carers may be offered services rather than gifts by parents and others that might make them feel under an obligation or influence their view of the person offering services. Again, wherever possible, carers should avoid accepting any service that could appear to compromise their integrity and objectivity. However, such matters should be kept in perspective, and there is good deal of difference between, say, a one-off lift in a child's parent's car to a contact meeting, and the carer accepting regular free travel for personal benefit. If the foster carer has any doubt as to whether they should accept a service being offered they should contact their supervising social worker

Conclusion

This document provides an outline of policy and some guidance and illustration on the issues of declaring an interest/avoiding possible conflicts of interest, in respect of Fostering Service provision for Essex County Council and in relation to employees, foster carers, and panel members.

The examples given in this document highlight or illustrate possible situations and circumstances where the parties concerned would be expected to declare an interest, seek guidance, and always be mindful of the need to avoid possible conflicts of interest. It requires anyone acting on behalf of the Fostering Service to declare any personal or professional interest when having knowledge, or in a relationship, which is pertinent to the work of the fostering service and which could affect decisions or actions of the service if not disclosed.