



REPORT OF:	The Monitoring Officer
TO:	Standards Committee
ON:	22 June 2023

SUBJECT: Councillors as Foster Carers

1. PURPOSE OF THE REPORT

- To inform the Standards Committee that Councillor Vicky McGurk (Executive Member for Finance & Governance) has notified the Monitoring Officer of becoming a Foster Carer for BwD.
- To provide assurance to the Standards Committee that appropriate advice has been provided to Councillor McGurk and the necessary arrangements in place to avoid any potential conflict of interest and safeguard against other risks to the Council or the Councillor.
- To consider other arrangements necessary to facilitate councillors who wish to become foster carers with BwD.

2. RECOMMENDATIONS

The Committee is asked to:

- Note that Councillor Vicky McGurk had applied and has been accepted as a Foster Carer for BwD.
- Note that the Monitoring Officer has issued appropriate advice/guidance to Councillor McGurk to avoid any potential conflict of interest and safeguard against other risks to the Council or the Councillor.
- Consider any other arrangements that it feels should be in place to avoid any potential breach of the Member's Code of Conduct.

3. BACKGROUND

Foster carers are a valuable resource to the council and play a vital role in providing safe and supportive homes for children in care. Children who need to be fostered often have complex family histories and require foster carers who are highly skilled to meet their needs. Councillors will often possess the necessary skills, understanding and motivation to become foster carers.

However, whilst councillors can become foster caring for the same local authority appropriate safeguards need to be in place to avoid any potential conflict of interest and safeguard against other risks to the Council or the Councillor. In addition, other considerations include confidentiality & access to information, maintenance of objectivity, complaints procedures and their employment status as foster carers. Furthermore, the Council's usual processes and procedures for foster carers will apply, which councillors providing foster care should follow.

Councillor McGurk has updated her public Register of Interest to record the fact that she is a foster carer for BwD, having entered in to a Foster Care Agreement with the Council. Councillor McGurk is also the Executive Member for Finance & Governance, and in accordance with the advice provided by the Monitoring Officer any executive decisions solely within the Finance & Governance portfolio that directly relate to fostering shall be taken by the Leader. At Executive Board, Councillor McGurk has been advised to consider (and seek any advice on agenda items), and withdraw from the meeting before any decisions relating to foster care are considered. Similarly, Councillor McGurk has been advised to consider and seek any necessary advice on agenda items at other council and committee meetings.

The Monitoring Officer and the Strategic Director for Children's & Education will continue to review and ensure that the necessary processes and arrangements are in place to safeguard against any potential to the Council or Councillors who put themselves forward to provide fostering care to children in BwD.

4. RATIONALE

The Committee has a role in promoting and maintaining high standards of conduct and make appropriate recommendations to Council in this regard. This includes monitoring all relevant procedures and processes, in order to facilitate arrangements for councillors who wish to put themselves forward to provide a much needed service.

5. LEGAL IMPLICATIONS

Under the Children Act 1989, local authorities have functions and duties in relation to a Looked After Child, with an overarching general duty to safeguard and promote the welfare of looked after children. This includes care planning and in many cases arranging foster care for looked after children. Foster carers, when approved enter into a Foster Care Agreement with Council, which sets out the expectations of foster carers, the offer and support, and training foster carers can expect.

Although there have been some legal cases relating to their status, foster carers are not employees of the Council. Therefore, councillors (subject to the approval process) are able to enter into and Foster Care Agreement with same local authority. However, any potential conflicts of interest need to be considered and arrangements put in place to avoid such risks. This includes consideration of any additional special responsibilities an individual councillor holds. Councillors applying to become foster carers should also be provided with the necessary advice in complying with their obligations under the foster care agreement whilst holding their public role as an elected member of the same local authority.

In addition to the Member's Code of the Conduct, Councillors must also comply with the Protocol on Member/Officer Relations, and in particular the advice note contained in Appendix A.

6. POLICY IMPLICATIONS

A good governance framework in local authorities is necessary to promote and maintain high ethical standards, and to ensure public confidence. In this regard,

where councillors wish to become foster carers for the same local authority, the Council must ensure it has considered its processes and procedures, and adequate safeguards are put in place to protect the Council and the Councillor.

7. FINANCIAL IMPLICATIONS

None.

8. CONSULTATIONS

The Committee has a role in promoting and maintaining high standards of conduct, and should be informed and consulted on arrangements that are put in place to avoid any potential breach of the Member's Code of Conduct.

Chief Officer/Member

Contact Officer: Asad Laher, Deputy Director – Legal & Governance and Monitoring Officer.

Date: 8 June 2023

Background Papers: None