

FOSTER CARER REVIEWS, VARIATION, RESIGNATION OR TERMINATION OF APPROVAL



This policy has been developed in line with Fostering Service (England) Regulations 2011; Regulation 28. It is still a working draft that may require updated (noted: July 2014)

1. The Review process

The primary purpose of the review meeting is to consider whether the foster carers remain suitable to foster and if so, whether their terms of approval remain the same or should be changed.

A review of the approval of foster carers must take place not more than one year after the original approval and thereafter at intervals of not more than a year. These are minimum standards and reviews should be brought forward in the following circumstances:

- where there has been a major change in the circumstances of the carer or a member of their household;
- where there has been a significant complaint against the carer;
- where there is a need to significantly alter the terms of the carer's registration;
- where it is proposed to terminate the carer's approval;

Reviews must take account of the views of:

- The foster carer(s)
- any child placed with the foster carer or who has been in placement since the last review, subject to their age and understanding
- any child's social worker that has, or within the preceding year has had, a child placed with the carer
- The foster carer's supervising social worker
- The foster carer's children, subject to their age and understanding

These views should be recorded in writing using the following Review forms;

- Form A. Supervising Social Worker's Report;
- Form B. Child/Young Persons Feedback;
- Form C. Child's Social Worker Report;
- Form D. Foster Carers Feedback;
- Reviewing Officers Report

Where a child or young person is no longer in placement Form B should be sent via the child's social worker. Where a Form B is to be completed by a child or young person currently in placement, the form should be completed no earlier than four weeks before the review. This is to ensure that the child's/young persons views are as up-to-date as possible. Copies of these forms should be attached to the Supervising Social Workers review form and a full set given to the foster carer and the Reviewing Officer before the review.

An updated health and safety assessment on the foster home must be completed annually. Foster carers motor insurance certificate and household insurance should be checked via the health and safety assessment and information included in the annual

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review report Form A. (Note: If foster carers do not have household insurance for religious reasons, any cost connected with the loss or damage to foster children's property, will be covered jointly by the foster carer and Foster Care Link).

Form A must also include statutory checks status included any that have been updated as required.

The Fostering Services National Minimum Standards requires that each review includes an appraisal of the carer's training and development needs. This should be recorded on Form A and forms part of the foster carers Personal Development Plan. On completion of the review form, a copy of the section on training should be passed to the registered manager. This will be used to help evaluate the effectiveness of the current training programme as well as to help identify future training priorities.

2. The Review Meeting

Provisional dates and times should be sought from the foster carers **first** and then a final date and time agreed with the Reviewing Officer. Copies of all the reports should be collated by the Supervising Social Worker and a full set sent to the foster carers and the Reviewing Officer prior to the meeting. The Reviewing Officer should ensure that they receive all relevant reports and in particular reports from children's social workers.

As a minimum requirement those attending the review meeting must include the foster carer(s), the Supervising Social Worker and the Reviewing officer. It is essential that where the foster carers are a couple that both attend the review and it should therefore be timed to allow both to attend. It may be appropriate in some cases to include the child's social worker and/or the foster carers back up carer and/or other members of the foster carers household. It is important to remember however that this is a review of the foster carers not the child.

The review should consider amongst other things;

- All positive aspects of the care provided during the previous year;
- The carers ability to meet the needs of children and young people placed with them;
- The carer ability to work as part of the team around the child and work with the child's care plan;
- Ensuring that the foster carers supervising social worker is providing sufficient support, sees both carers regularly and has conducted at least one unannounced visit during the preceding 12 months;
- Ensuring that the child's social worker is providing support to the child and keeping the foster carers informed and involved in planning for the child;
- Any concerns about the standard of care and any allegations, whether or not those allegations have been the subject of any Section 47 enquiry.
- That the foster carer(s) remain suitable to foster.

The reviewing officer must make a written report to confirm the conclusions and recommendations of the review. Copies of all the reports should be given to the foster

carers following the review meeting, placed on the carers file and where necessary, presented to the Fostering Panel.

As Reviews make recommendations, copies of all reviews must be sent to the Agency Decision Maker (ADM), for the recommendations to be confirmed or not, as decisions. This should happen as soon as possible after the review or in the case of reviews going to Panel, immediately after Panel with the minutes and recommendations from the Panel.

3. First Reviews and Other Reviews Presented to Panel

The Panel must always consider the first review of a carer's registration. Thereafter reviews should be presented to Panel at periods of not less than once every three years. Reviews may need to be presented to Panel on other occasions;

- where there has been a major change in the circumstances of the carer or a member of their household
- where there has been a significant complaint against the carer (the registered manager must decide if the complaint is significant, but this should normally be taken to include all child protection investigations)
- where there is a need to alter the terms of the carer's registration and the carer is not in agreement with the proposed change
- where it is proposed to terminate the carer's approval. (See Termination of approval report Appendix A).

Once the Panel has considered a review, the Agency Decision Maker must consider the recommendations of the Panel in accordance with the procedure for agency decision-making.

If the Agency Decision Maker accepts the Panel recommendation (s)he must write to the carer to confirm the terms of their continuing approval or to advise them that the agency proposes to revised or terminate their approval.

4. Changes to Terms of Approval and Termination of Approval

The Fostering Panel should defer a recommendation of termination of approval where there is a child or children currently in placement, until after a Looked After Child Review has been convened to consider the potential implications for the child and changes to the child's Care Plan. The LAC Review must also consider whether the child's wishes and feelings about remaining in the placement have been given due weight.

If, after consideration of the Panel's recommendations, the agency decision maker is satisfied that the carers approval should be terminated or that the terms of their approval should be changed, (s)he must notify the applicant in writing within five working days of receipt of the minutes of the intended decision and offer them an opportunity to make representations within 28 calendar days. The letter must include the Agency Decision Makers reasons and a copy of the recommendations of the Panel. This is referred to as a qualifying determination. It must also inform the applicant of their right to have their case reconsidered either by the FCL Fostering Panel or the Independent Review Mechanism, but they cannot do both. If no

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representations are received within 28 calendar days, the agency decision maker is free to confirm his or her decision.

If representations are made back to the agency, the ADM may refer these back to the Panel for further consideration, if there is significant new information. The Panel must once again make recommendations and the agency decision maker may then make a final decision.

This must be notified to the applicant in writing within five working days of the agency decision maker receiving the minutes. The letter must include reasons and a copy of the recommendations of the Panel.

There is no further appeal against this decision, although the applicant should be advised of any rights they may have to challenge the way their case has been handled by way of the Fostering Service Representation and Complaints Procedure.

If the carer chooses to apply for an independent review they have 28 calendar days in which to apply directly to the IRM.

5. The Independent Review Mechanism (IRM)

The IRM is a review process, which prospective or existing foster carers can use when they do not agree with a qualifying determination given to them by their fostering service provider. A 'qualifying determination' is a determination by the fostering service provider that it does not propose to approve a person as suitable to foster or proposes to terminate or change the terms of approval of an existing carer. A prospective foster carer or existing foster carer can ask their fostering service provider to reconsider their case or apply to the IRM for a review, but cannot do both.

The fostering service provider's agency decision maker must give their reasons for intending to not approve, changing approval or withdrawing approval, in writing. The foster carer then has 28 calendar days from the date of the letter to make an application to the IRM for a review.

The IRM is a review process, not an appeals process. As such it cannot overturn the fostering service provider's determination. It can make a fresh recommendation to the provider on the suitability to foster and/or the terms of approval. The service provider's Agency Decision Maker must take the IRM panel's recommendation into consideration when making its final decision.

The review process is conducted by a review panel, which is entirely independent of the fostering service provider. The review panel is constituted in the same way as a fostering panel and has a mixture of lay people and professionals, all of whom will have knowledge or experience of fostering. Wherever possible at least two members of the panel will be or have recently been foster carers.

Foster carers will be invited to attend a panel that is most convenient for them. A maximum of two representatives from FCL will also be invited to attend. The cost of the review panel will met by FCL.

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The IRM does not deal with complaints against a fostering service provider or any member of their staff. These must be dealt with through FCL's own complaints procedure. The IRM is operated on behalf of Department for Education by Coram BAAF.

Full information can be obtained from:

The Contract Manager
IRM
Unit 4, Pavilion Business Park
Royds Hall Road
Wortley
Leeds LS12 6AJ

Tel: 0870 034 6420

or

E-mail: irm@baaf.org.uk

Web: www.independentreviewmechanism.org.uk

6. Notification to Other Local Authorities

Where notice is issued by Agency of the termination or variance of a carer's registration, a copy of this notice must be sent to the responsible authority for any child currently placed with the carer and the area authority in which the carer lives. In practice where there is another child in placement, the responsible authority should be advised of the agency's proposal to terminate the foster carer's approval as early as possible, to enable appropriate arrangements to be made for the child.

7. Resignation of Carers

A carer may give written notice at any time that they no longer wish to foster. The carers approval will be terminated 28 calendar days from the date of receipt of their written notice to resign, (Regulation 28(13)). There is no provision for the Agency Decision Maker to refuse to accept a written resignation. An e-mail from the foster carers known e-mail address is considered an acceptable way for a resignation to be made, but the supervising social worker should try to confirm by telephone that the foster carer did in fact send the e-mail. Resignations given verbally over the phone or by text message are not acceptable and foster carers should be advised that a written resignation is required. A letter should be sent to the foster carer, acknowledging their notice and where appropriate thanking them for their contribution to the agency. Foster carers must be made aware that there is no provision for them or the agency to withdraw their notice once it has been given. If they change their mind and wish to continue fostering for the Borough, they will have to be reassessed.

Although there is no statutory requirement for resignations to be presented to Panel, it is never the less good practice to do so. Panel will have recommended approval in the first place or continued approval after a review and it is helpful for Panel to be aware of the reasons carers resign. See Foster Care Resignation Report Appendix B.

The Supervising Social Worker must ensure that any papers in the carers' possession relating to children are returned to the agency.

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A closing summary should be prepared on the carer's file and countersigned by a senior manager before archiving.

APPENDIX A

REPORT FOR THE FOSTERING PANEL REGARDING TERMINATION OF APPROVAL OF FOSTER CARERS

1. FOSTER CARER DETAILS

Name of 1st Foster Carer: D.O.B.

Name of 2nd Foster Carer: D.O.B.

Address:

Date Approved:

Current Approval Status:

Brief details of placements made since approval, including reasons why placements ended.

Was the decision to recommend termination of approval taken at a Foster Carer Review? **Yes/No. If yes please attach IRO's report.**

If the decision was not taken at a Foster Carer Review, please explain why not and give details of when and by whom the decision was made:

2. BACKGROUND

CHRONOLOGY AND DETAILS OF EVENTS THAT HAVE RESULTED IN THE CURRENT RECOMMENDATION. (Include positive aspects of care as well as concerns. Where historical concerns are included, give details any standards of care or CP investigations, state what action was taken at the time by the Agency, including training, help and support given to the foster carer(s).

Have the foster carers seen this report and made a written response? **Yes/No.** If Yes please attach Foster Carers response. If No please give reasons:

Have the foster carers been invited to attend Panel? **Yes/No.** If No, please give reasons:

Have the foster carers been given written details about the Independent Review Mechanism? **Yes/No.** If No please give reasons:

Name of Social Worker completing this report:

Designation:

Signature:

Date:

APPENDIX B

**REPORT FOR THE FOSTERING PANEL REGARDING THE RESIGNATION OF
APPROVED FOSTER CARERS**

1. FOSTER CARER DETAILS

Name of 1st Foster Carer: D.O.B.

Name of 2nd Foster Carer: D.O.B.

Address:

Date Approved:

Date of Receipt of Resignation:

Date Resignation Acknowledged:

Approval Status immediately prior to resignation:

Brief details of placements made since approval, including reasons why placements ended:

2. DETAILS OF REASON(S) FOR RESIGNATION

**3. DETAILS OF FOSTER CARERS STRENGTHS AND POSITIVE
CONTRIBUTIONS TO THE CARE OF CHILDREN.**

**4. DETAILS OF ANY SERIOUS CONCERNS THAT WOULD POTENTIALLY
PRECLUDE THE CARERS FROM FOSTERING AGAIN FOR THIS OR ANY
OTHER AGENCY.**

Name of Social Worker completing this report;

Designation:

Signature;

Date: