**Exemption to Foster Beyond the Usual Fostering Limit Policy and Procedure**

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# **About This Document**

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| Title | Exemption to Foster beyond the usual fostering limit policy and procedure  |
| Purpose | **Policy and procedure for fostering services to undertake for foster carers who are fostering beyond the usual fostering limit** |
| Updated by  | **Rosemarie Cronin – Panel Advisor (Fostering)** |
| Approved by | **Fostering Board** |
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# **Version Control**

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| --- | --- | --- | --- |
| Date Issued | Version | Summary of Changes | Created by |
| June 2017 | **4.0** | **Updated version of the Exemption form for Appendix A** | **Rosemarie Cronin** |
| May 2022 | **5.0** | **Appendix A removed as forms stored separately. Policy reviewed and checked for Accessibility. No significant changes required.** | **Rosemarie Cronin** |

# Table of Contents

[About This Document i](#_Toc103870964)

[Version Control ii](#_Toc103870965)

[Table of Contents iii](#_Toc103870966)

[1. Introduction and Legal Framework 1](#_Toc103870967)

[2. Exemptions to foster beyond the usual fostering limit 1](#_Toc103870968)

[3. Procedure for gaining an exemption and a change in the foster carer’s terms of approval 2](#_Toc103870969)

# Introduction and Legal Framework

* 1. Foster carers must not foster more than three children or young people, unless they are all siblings. If foster carers do foster beyond this limit, they either require an exemption from the local authority to do this or they must become registered as a children’s home.
	2. The Children Act of 1989 Schedule 7 lays out the circumstances in which a person may foster more than three children without being treated as a children’s home. Additional guidance is given in the (Assessment and approval of foster carers: Amendments to the Children Act 1989 Guidance and Regulations (2013)).

# Exemptions to foster beyond the usual fostering limit

* 1. The only circumstances in which a fostering household may foster more than 3 children or young people are:
* “The foster children are all siblings in relation to each other, **OR**
* The local authority where the foster carer lives exempts the foster carer from the usual fostering limit in relation to specific placements (in which case they must set out the terms as detailed below), **AND**
* The foster carer’s terms of approval allow it. Any terms of approval must be compatible with the number of children the foster carer is caring for even if an exemption to the usual fostering limit has been granted, unless the placement is in an emergency and for less than six days (Assessment and approval of foster carers: Amendments to the Children Act 1989 Guidance and Regulations, 2013).
	1. Where it is anticipated that an exemption to the usual fostering limit will be required, for instance, if foster carers are regularly providing respite in a planned way for additional children, a revision of approval to reflect the numbers of children placed can be requested in advance of the exemption being required. The exemption will then be required as and when it is needed, this is as it needs to name all the children/young people in placement.
	2. In line with this, any foster carer who fosters for Essex but lives outside of the Essex boundary must seek an exemption from the local authority where they are living. Any foster carers who foster for other local authorities or agencies and require an exemption must seek this from Essex fostering service.
	3. The Children Act states that a local authority must consider the following when considering whether to an agree an exemption for a fostering household:
1. The number of children whom the person proposes to foster.
2. The arrangements which the foster carer proposes for the accommodation and care of the fostered child.
3. The intended, and likely relationship, between the person and the fostered child.
4. The period for which the carer proposes to foster the children.
5. Whether the welfare of the fostered children (and of any other children who are or will be living in the accommodation) will be safeguarded and promoted.

# Procedure for gaining an exemption and a change in the foster carer’s terms of approval

* 1. To request an exemption, supervising social workers of foster carers in Essex should complete the ‘Exemptions to the “usual fostering limit”’ form.
		1. In addition to this, the foster carer’s terms of approval will need to be changed to make it compatible with the number of children the foster carer is caring for unless the placement is an emergency **AND** for less than 6 days.
		2. If the fostering service proposes to revise the terms of a foster carers approval the supervising social worker should provide a statement for the fostering panel (and/or Agency Decision Maker) which sets out what they consider the foster carer or any member of the fostering household (including children or young people who have been placed) that may have additional support needs as a result of the proposed revision of approval, and how these needs will be met. Furthermore, the foster carer’s agreement, in writing to the proposed revision of approval, should be requested from the foster carer. (Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013 Regulation 28 (7)(aa)).
		3. If the written agreement has been received and the written statement concerning the foster family’s support needs is completed, a decision to change a foster carer’s terms of approval can be implemented immediately, with the agreement of the Agency Decision Maker.
	2. Consideration will be given for an exemption in any of the following circumstances:
	3. Where a child or young person has a strongly established link with a foster carer, and termination of this arrangement would be detrimental to the child.
	4. Where a child or young person has had a link under the short break scheme and termination of this arrangement would be detrimental to the child or young person.
	5. Where a child or young person with a strongly established relationship with a foster carer needs to return following disruption of an adoption or other placement.
	6. Where a child or young person with a strongly established relationship with a foster carer needs to return for respite care and this is in the child’s best interests.
	7. Where it enables siblings to stay together.
	8. This form should be sent to the Agency Decision Maker.
	9. If the exemption is agreed, the Agency Decision Maker will inform the foster carer in writing:
1. That the foster carer has been exempted to foster beyond the usual fostering limit.
2. The name of the child(ren) or young people whom the foster carer may foster under this exemption.
3. Of any condition to which the exemption is subject.
	1. The fostering household’s family safer care plan must be updated to include all the children or young people in the household.
	2. The exemption may be cancelled or varied at any time, additional conditions may be added. Any such changes must be agreed with the Agency Decision Maker and the foster carer and the fostering team should be notified of these changes in writing.
	3. If a further extension is required, this process should be repeated, and agreement sought prior to the previous exemption running out.