

Policy for Termination of a Foster Carer Approval

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About this document

Title	Policy for Termination of a Foster Carer Approval
Purpose	To inform the fostering services regarding policy and procedure for termination of approval for foster carers.
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Introduction and Legal Framework

Foster carers may cease fostering for a number of reasons. The foster carer may or may not be in agreement with the resignation or termination. Essex has a clear process to accept the resignation or termination of foster carer approval and will always work towards this being as efficient and timely as is possible.

The National Minimum Standards for Fostering Services (2011) standard 22.8 states:

As soon as possible after an investigation into a foster carer is concluded, their approval as suitable to foster is reviewed. There is a clear policy framework which outlines the circumstances in which a foster carer should be removed as one of the fostering service provider's approved foster carers, in the interests of the safety or welfare of children. This is available to foster carers.

The Fostering Guidance 2011 states:

The fostering service must have a clear policy framework which outlines the circumstances in which a foster carer should be removed as one of the fostering service provider's approved foster carers, in the interests of the safety or welfare of children. The fostering service must also have a policy which makes clear what allowances and fee will be paid should the fostering household be subject to an allegation. These policies must be available to foster carers.

Fostering Regulation 28 also covers the termination of approval of foster carers and amendments to this regulation are also included in 'The Assessment and Approval of Foster Carers: Amendments to the Children Act 1989 Guidance and Regulations' (2013). These should both be read alongside this policy.

Essex Policy and Procedures

Uncontested resignations

1. If the foster carer wishes to resign or agrees with the supervising social worker's recommendation to de-register, they should formally tender their resignation in writing to the fostering service.
2. Once a resignation has been given it will automatically take effect after 28 days regardless of whether the foster carer withdraws their notice. Should a foster carer who has resigned want to foster again, their suitability would need to be reassessed in line with the 2011 Fostering Regulations. (Amendments to the Children Act 1989 Guidance and Regulations (2013)).
3. Any foster carer fees will continue for 28 days after the last placement has left the placement or 28 days from the date of resignation. The allowances for children will cease from the day that the last placement has left.
4. The Fostering Team Manager should consider if the request should be presented to the fostering panel because of concerns about practice or safeguarding. If this is required the procedure below should be followed.

5. If there is no need for the resignation to be presented to the fostering panel the relevant information should be sent to the Agency Decision Maker:
 - Resignation Letter
 - Front Sheet to confirm documents sent
 - Current Notice of Approval
 - Closure/transfer summary
6. When a carer has indicated that they are resigning, a letter will be sent from the Agency Decision Maker to the foster carers to acknowledge this. A Notice of Termination of Approval is completed. Copies of all paperwork should be uploaded onto the foster carer file.
7. The termination of approval date will be 28 days from the date of the resignation letter.

Termination of approval when there have been no allegations and a resignation letter has not been received

1. If a foster carer wishes to resign or agrees to cease fostering but has not sent a letter of resignation, their termination of approval would need to go to the fostering panel.
2. Any foster carer fees would cease after 28 days from the last placement left. The fostering allowances would cease from the day the last placement left.
3. Supervising social worker to book a slot at the first available fostering panel.
4. The supervising social worker should provide the relevant information for the fostering panel
 - Details of the foster carer,
 - Report from SSW regarding current situation and why the carer is ceasing to foster
 - Current Notice of Approval
5. The foster carer would be invited to the fostering panel.
6. If the fostering panel agree with the termination of approval they will make recommendations to the Agency Decision Maker regarding termination.
7. If Agency Decision Maker agrees that the fostering approval should be terminated a letter will be sent to the foster carers to notify them of the proposed termination of approval. A Notice of Proposed Termination of Approval is completed. Copies of all paperwork must be uploaded onto the foster carers record.
8. Foster carer(s) will be informed that they have 28 days in which they may submit any written representations to the fostering service or they are able access the I.R.M (Independent Review Mechanism).
9. If there is no written representation or request for a review by the IRM after 28 days then the fostering service will proceed with their decision.

10. If there is written representation from the foster carer this should be referred to the fostering panel for its consideration. The Agency Decision Maker will then make his or her decision based on the recommendations of the fostering panel.
11. If the foster carer(s) apply for a review by the IRM this process should be completed. The recommendations from the IRM will then be given to the fostering service. The Agency Decision Maker will then make his or her decision based on any recommendations from the IRM as well as any recommendations from the Fostering Panel.
12. Fee paid foster carers will continue to be paid their fee throughout this process but these fees will cease if a decision is made to terminate the approval.

Termination of approval after allegations

1. When there has been an allegation against a foster carer this needs to be investigated in line with the SET Child Protection Procedures (see allegations against foster carers policy).
2. Independent support is always offered to foster carers facing allegations serious complaints or termination of approval.
3. When the investigation has been concluded there should be one of the following final outcomes (SET procedure 7.3.21):
 - i. Substantiated: there is sufficient identifiable evidence to prove the allegation;
 - ii. False: there is sufficient evidence to disprove the allegation;
 - iii. Malicious: there is clear evidence to prove there has been a deliberate act to deceive and the allegation is entirely false;
 - iv. Unfounded: there is no evidence or proper basis which supports the allegation being made. It might also indicate that the person making the allegation misinterpreted the incident or was mistaken about what they saw. Alternatively they may not have been aware of all the circumstances;
 - v. Unsubstantiated: this is not the same as a false allegation. It means that there is insufficient evidence to prove or disprove the allegation; the term therefore does not imply guilt or innocence.
4. Within 28 days from the conclusion of the investigation a household review of approval must be completed and the review report should be presented to the fostering panel. This process provides the carers with the opportunity to reflect on their experience and consider what action they might wish to consider. The review report should address the following:
 - The findings of the enquiry, including if a report has been forwarded to the Crown Prosecution Service
 - What, if any concerns remain
 - The views and experience of the foster carer(s)
 - The views of the Supervising Social Worker
 - Training Issues

- Any other issues relevant to the annual household review of approval
- Other information relevant to the child in placement.

In addition to this the reviewing officer should consider whether an updated foster carers assessment is required and include this within the recommendations.

5. Foster carers must be informed of the panel date and information on the complaints and access to files procedures.
6. Following the household review, the quadrant service manager responsible for fostering must confirm in writing to the carer(s) the recommendation that will be made to the panel and give them a copy of the review report. The possible recommendations could include:
 - Immediate re-instatement of carer(s) if approval and use had been suspended
 - Re-assessment of the carer(s) in relation to the identified concerns
 - Carer(s) remaining on hold pending the decision of the Crown Prosecution Service
 - Carer(s) choosing to withdraw.
 - Concerns are sufficiently serious to warrant termination of approval regardless of CPS decision about prosecution
7. If a re-assessment in relation to identified concerns is recommended, this should be completed in a timely way. Foster carers should be encouraged to take up appropriate training and to use support being offered to them in try and address the areas of concern and improve the standards of care. If foster carers are suspended they should not access face-to-face training but are still able to access online training or distance learning modules.
8. Foster carers should receive a copy of any reports a minimum of 10 days prior to the date when the paperwork needs to be sent to panel members (5 working days prior to the fostering panel). This gives the foster carer 10 days if they wish to take up the opportunity to present their own written report in response and to allow for it to be sent to panel members within the timeframe laid out in the National Minimum Standards (2011).
9. Termination of approval may be recommended if:
 - The welfare or safety of any child or young person cannot be safeguarded
 - The foster carer is not meeting the National Minimum Standards for Foster Care (2011)
 - The foster carer is in breach of their Foster Care Agreement
10. The Supervising Social Worker and the relevant fostering team manager must attend the panel meeting.
11. The Foster Carer (s) must be invited to the Fostering Panel
12. The Fostering Panel must consider the following information prior to drawing its conclusions:
 - The review report and recommendations by the supervising social worker
 - Any written submission by the carer(s)
 - Minutes from any relevant child protection conference
 - Minutes of strategy meetings

13. The Panel Chair should without delay, forward the panel's recommendations to the Agency Decision Maker.
14. The Agency Decision Maker, informed by the panel's conclusions, must then make her/his qualifying determination and progress it in accordance with the Fostering Regulations 2011.
15. Written notice will be sent to the foster carer(s) with any proposed change to their approval, this may be termination or a revision of approval. The reasons and any recommendations from the fostering panel will also be sent to the carer(s).
16. Foster carer(s) will be informed that they have 28 days in which they may submit any written representations to the fostering service or they are able access the I.R.M (Independent Review Mechanism).
17. If there is no written representation or request for a review by the IRM after 28 days then the fostering service will proceed with their decision.
18. If there is written representation from the foster carer this should be referred to the fostering panel for its consideration. The Agency Decision Maker will then make his or her decision based on the recommendations of the fostering panel.
19. If the foster carer(s) apply for a review by the IRM this process should be completed. The recommendations from the IRM will then be given to the fostering service. The Agency Decision Maker will then make his or her decision based on any recommendations from the IRM as well as any recommendations from the Fostering Panel.
20. Fee paid foster carers will continue to be paid their fee throughout this process but these fees will cease if a decision is made to terminate the approval.
21. If a foster carer's approval ends a copy of the notice must be sent by the fostering team to the responsible authority for any child placed by another local authority and to the relevant local authority if the foster carer lives outside the area of the fostering service.
22. Where the approval is terminated the Agency Decision Maker, in consultation with the LADO will decide whether to refer the former foster carer to the Disclosure and Barring Service for consideration whether the carers should be barred from working with children or vulnerable adults.