**Policy for Termination of a Foster Carer Approval**

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# **About This Document**

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| 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.** |
| Updated by | **Rosemarie Cronin and Julie Macer-Wright** |
| Approved by | **Fostering Board** |
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# **Version Control**

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| Date Issued | Version | Summary of Changes | Created by |
| June 2017 | **5.0** | **Updated SET procedures references** | **Rosemarie Cronin** |
| June 2017 | **5.1** | **Update terms used** | **Rosemarie Cronin** |
| February 2023 | **6.0** | **Inclusion of Exit Interviews for carers who leave the service** | **Rosemarie Cronin and Julie Macer-Wright** |
| February 2023 | **6.0** | **Updated in line with the Managing Allegations, Standards of Care concerns and Complaints policy with the inclusion of the Outcome Household Review** | **Rosemarie Cronin and Julie Macer-Wright** |

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# Introduction and Legal Framework

* 1. Foster carers may cease fostering for several reasons. The foster carer may or may not agree 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.
  2. 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.
  1. 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.
  1. 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

All foster carers (excluding temporary approved carers) who leave Essex fostering service should be offered an exit interview, conducted by the independent household reviewing service. Supervising Social Workers or team managers must inform the household reviewing service when a carer is leaving the service.

## 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. Foster carer fees for one child may continue for 28 days after the last placement has left. The allowances for children will cease from the day that the last placement has left.
    4. Once a foster carer has resigned, the documents below should be sent to the Agency Decision Maker:
* Resignation Letter
* Closure summary
  + 1. 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.
    2. 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. SSW and/or fostering team manager to actively seek resignation letter from the carers.
    4. Supervising social worker to book a slot at the first available fostering panel.
    5. The supervising social worker should provide the following documentation for panel:
* Supervising social worker summary report that includes reason for termination, what attempts have been made to receive a resignation letter, dates children have left the placement, the circumstances of them leaving and any views obtained.
* Last notice of approval
* Closure Document
  + 1. The foster carer would be invited to the fostering panel.
    2. If the fostering panel agree with the termination of approval, they will make recommendations to the Agency Decision Maker regarding termination.
    3. 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.
    4. 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).
    5. 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.
    6. 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.
    7. 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.

## Termination of approval after concerns (allegations or standards of care)

* + 1. When there has been an allegation against a foster carer this needs to be investigated in line with the SET Child Protection Procedures and Essex Fostering Service Policy for Managing, Allegations, Standards of Care Concerns and Complaints.
    2. Independent support is always offered to foster carers facing allegations or concerns about their standard of care.
    3. Any standards of care or allegation should have a formal outcome following the investigation.
    4. Within 28 days from the conclusion of the investigation an ‘Outcome Household Review of Approval’ must be completed and the review report should be presented to the fostering panel.
    5. 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.
* Clear recommendation regarding ongoing registration
  + 1. 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).
    2. 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.
  + 1. The Supervising Social Worker and the relevant fostering team manager must attend the panel meeting.
    2. The Foster Carer (s) must be invited to the Fostering Panel. When considering deregistration following concerns the fostering panel could be offered in person to the carers rather than virtually. This must be discussed with the foster carers as early as possible in order to facilitate this request. SSW to liaise with fostering panel advisers.
    3. Foster Carers can invite any person offering independent support to attend the fostering panel with them.
    4. The Fostering Panel must consider the following information prior to drawing its conclusions:
* The review report and recommendations by the supervising social worker
* Standards of Care Report
* Any written submission by the carer(s)
  + 1. Agreed fostering panel minutes, with recommendations, are sent to the Agency Decision Maker.
    2. The Agency Decision Maker, informed by the panel’s recommendations, will make their decision. If, they have concerns regarding the applicant’s suitability to foster the ADM must then make their qualifying determination and progress it in accordance with the Fostering Regulations 2011.
    3. 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).
    4. 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).
    5. 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.
    6. If there is written representation from the foster carer requesting a further Essex Fostering Panel, a further panel comprising of a different fostering panel chair and panel members. 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.
    7. 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.
    8. 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.
    9. Where the approval is terminated the Agency Decision Maker, following a standards of care or allegation, a referral of the former foster carer to the Disclosure and Barring Service must be considered by the registered fostering manager in consultation with the Lead for Safeguarding (LADO Service)