



Variation to the Foster Carer's Terms of Approval Guidance

Any placement of a child with a foster carer must be compatible with the foster carer's terms of approval. If the placement would not be compatible, then a variation to their terms of approval will be required.

There can be occasions when it the Local Authority chooses to consider a change to a foster carer's terms of approval, outside of the annual review process.

The Care Planning, Placement and Case Review (England) Regulations 2010 (Reg 23) states that this temporary variation can only be agreed for up to 6 working days. Beyond this date then the terms of the Foster Carers approval must be formally changed.

To extend the variation beyond 6 working days the guidance to The Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013 states that:

- The fostering service provides the foster carer with a written statement setting out whether they consider the foster carer's household, including any children placed there, to have additional support needs as a result of the change, if so what these support needs are and how they will be met; and
- The foster carer provides their written agreement to the change.

There is a regulatory requirement for a variation beyond 6 days to be considered by the Fostering Panel if the FC is within their first year of approval. However, good practice would suggest that all such changes of approval should be considered by the Fostering Panel.

In order to do this a Variation form must be completed and include the views of children already placed and the views of their social workers. This change in terms of approval must be agreed by the Head of the Fostering Service prior to the placement being made.

Where a temporary variation is agreed that is anticipated to last longer than 6 days, this should be presented to the next Fostering Panel for consideration.

Where the next Fostering Panel falls outside the timeframe for the variation, this should be presented to the Head of Service for consideration and reported retrospectively to the Fostering Panel. The Head of Service in consultation with the Agency Decision Maker will make arrangements for the terms of approval to be altered pending Fostering Panel consideration.

Having altered the terms of approval in this way, the next Foster Carers Review will consider whether the terms should revert to what they were originally or remain as they now are.

Where the Local Authority propose to amend the terms of approval they must under regulation 28(7) of those regulations issue a “qualifying determination.”

The qualifying determination advises the carer that they have 28 days in which to make representations to the Fostering Service or apply to the Secretary of State for a review by the Independent Review Mechanism. There is no provision in the 2011 regulations for the 28 day period to be shortened, even in the event that the carer agrees to the change of status.

LBH has a Variation to Approval template in the document library.