Policy Statement

Foster Carer Reviews

1. **Underpinning Regulations and Standards**
   - Care Planning, Placement and Case Review (England) Regulations 2010
   - The Fostering Services (England) Regulations 2011
   - Regulation 28 Reviews and Terminations of Approval
   - The Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013
   - Assessment and Approval of Foster Carers: Amendments to the Children Act 1989 Guidance and Regulations, Volume 4 Fostering Services July 2013
   - Care Planning and Fostering (Miscellaneous Amendments) Regulations 2015

2. **Related Chapters to this Policy**
   - Participation and Consultation
   - Joint Fostering Panel
   - Assessment and Approval of Foster Carers
   - Training Policy for Carers
   - Complaints, Representations and Compliments Policy and Procedure
   - Disqualified Persons
   - Access to Records
   - Safer Care Practice, Personal Care and Relationships
   - Working Together to Safeguard Children
3. **Introduction**

The purpose of a foster carer review, as laid out in Regulation 28, is to consider whether the foster carer continues to be suitable to be a foster carer and their household continues to be suitable, and whether the terms of the foster carer’s approval continue to be appropriate.

The process of a Foster Carer Review is described in NMS 20.6 Fostering Services 2011 as “The Reviews of each Carer’s approval include an appraisal of performance against clear and consistent standards set by The Agency, and consideration of training and development needs, which are documented in the Review report. The Foster Carer’s personal development plan is Reviewed and the effectiveness of training and development received is evaluated. Reviews take into account the views of each child currently placed with the Foster Carer.”

In summary, this means that the Review is to provide an appraisal of the Carer’s ability and their experience of fostering during the last year.

Therefore the Foster Carer Review provides an excellent opportunity to ensure that the quality of care provided meets the standards demanded by The Agency. To be effective, the Review has to be based upon reliable evidence regarding the standard of care provided.

To achieve a balanced, factual and evidence based Review that underpins the Foster Carers capacity to meet standards of care, we use the Secure Base Model alongside standard Review procedures to assess the ability to provide a secure base in a wide range of circumstances based on practice experiences. Please refer to Appendix 1 for details of this Model.

The Foster Carer Review should be seen as a process, involving a fresh look at the Foster Carer’s approval and any significant changes in the household and support network, rather than a one-off event or a rubber-stamping exercise. In this way, the Foster Carer Review is a key part of The Agency’s approach to quality assurance.

The Foster Carer Review provides an opportunity for the Foster Carer to demonstrate good practice and to provide feedback upon the quality of supervision and support they have received. It also provides an opportunity to reflect upon the learning and development needs of Foster Carers and their individual training profiles. Such information can then be analysed to develop the training strategy of the service as whole.

The Review concludes with a written report provided by The Agency, ‘setting out whether the foster parent continues to be suitable to be a foster parent and the foster parent’s household continues to be suitable, and the terms of the foster parent’s approval continue to be appropriate.’ (Fostering Regulations 2011, 28(4))

4. **Frequency and Timing of Reviews**

The timing of Carer Reviews will occur within the requirements set out in the Fostering Services National Minimum Standards 2011, the Fostering Services (England) Regulations 2011 and as required by The Agency as follows:

- First Foster Carer Review – All carers’ first Review has to be completed within twelve months of initial approval and presented to a Fostering Panel.
Subsequent Foster Carer Reviews – It is a regulatory requirement to Review a Foster Carer’s approval within twelve months of the previous Review. The subsequent Reviews are normally conducted between the Foster Carer, the Supervising Social Worker and a Reviewing Officer or Manager of the organisation and the final report directly presented to The Agency Decision Maker for consideration of continued approval.

The Reviewing cycle:
- The twelve months’ Reviewing cycle begins on the date that the carer has been initially approved. This is the date The Agency Decision Maker has made the decision and signed the ADM sheet following the initial application and presentation at the Fostering Panel.
- In the event that this is a transferring carer from another agency or registration, it is the ‘effective from’ date as indicated on the ADM decision sheet.
- The 12 months cycle finishes with the Reviewing Officer’s completion of the RO report
- The agency will aim to bring and present the first Review to Panel within 12 month
- Successive twelve months cycles start and end with the Reviewing Officer’s completion of the RO Report

The Agency has to be satisfied that the Foster Carers continue to meet the required standards (as set out in Regulation 28 (2) and (4)) and as a result of this, Reviews may be held at the discretion of The Agency or at the request of the Foster Carer, earlier than twelve months from the previous Review.

Reviews will not usually need to be considered by a Panel -
- Where the Foster Carer is taking on a new type of fostering (e.g., or changing significantly the age range they will be fostering), thus requiring a change in their terms of approval.
- Where the Foster Carer is in agreement with the proposed change.

But the following circumstances are likely to require presentation to the Fostering Panel:
- Following a serious complaint, allegation of abuse, or other matters of serious concern regarding Foster Carers’ practice or where there are uncertain and contentious issues which may require the independency of Panel. Under these circumstances, the Review report should indicate if the Supervising Social Worker and manager consider the concerns significant enough for a referral to be made to the Disclosure and Barring Service DBS. The Fostering Panel can formulate a view on this which can be considered by The Agency.
- In response to significant change of circumstances, such as a Carer’s adult child returning home, relationship problems or separations, significant health issues, pregnancy, a significant break of more than six months of the Foster Carer etc.;
- At the request of the fostering panel;
- Where a Change of Approval is being requested and the change of approval is likely to be disputed.
- Where a Termination of Approval is being recommended.
- Where change of approval to include parent and child is being considered.
NB: In accordance with the amendments to the Children Act 1989 Guidance and Regulations, Volume 4 Fostering Services July 2013, The ADM’s Decision to change a Foster Carer’s approval, following a Foster Carer Review, can be implemented immediately if the Foster Carer provides written agreement and there is a written statement concerning the foster family’s support needs. This agreement should be completed before or at the Foster Carer Review meeting.

5. The Foster Carer Review Phases

The Review of Foster Carers consists of these distinctive phases -

a) The Supervising Social Worker’s information gathering, including consultations.

b) The Supervising Social Worker’s Report that will be shared with the Foster Carer and Reviewing Officer or Manager of the Organisation.

c) The Review Meeting between the Supervising Social Worker, Foster Carer and Reviewing Officer or Manager of the Organisation, that concludes with a recommendation regarding approval and terms of approval and is written up in a Review Report.

d) The First Review will be presented to Panel prior to consideration by the ADM; successive Reviews will go directly to the ADM unless otherwise advised.

5a. Information gathering

The underpinning regulations demand the following parties are consulted prior to any Review of a Foster Carer’s approval (Regulation 28(3)):

- The Foster Carer;
- Any child placed with the Foster Carer (subject to the child’s age and understanding), and
- Any placing authority which has, within the preceding year, placed a child with the Foster Carer.

The regulation also requires fostering services to “make such enquiries and obtain such information as they consider necessary in order to Review whether the foster parent continues to be suitable to be a foster parent and the foster parent’s household continues to be suitable” (Regulation 28(3)(a)).

In order to comply with the regulations The Agency seeks feedback from the following:

- The Foster Carer;
- Birth children of the Foster Carer living in the household;
- Any adults living in the fostering household;
- Children currently in placement with the Foster Carer;
- Children who have lived with the Foster Carer during the period under Review; (acknowledging this is likely to be largely reliant upon the placing authority’s social worker);
- The social worker of any children placed with the Foster Carer during the Review period;
- The birth parents or relatives (if appropriate) of any children living with the Foster Carer during the Review period.
There is a strong emphasis upon the voice of the child in the 2011 fostering standards, regulations and guidance. Given it can be difficult for children in foster care to provide genuine and balanced feedback regarding a fostering household where they are still living, particular care will be taken to provide opportunities for foster children to participate meaningfully in the Foster Carer Review process. How this is best achieved will depend upon the age and character of the specific child, but the invitation to contribute to the evidence for the Foster Carer Review should in any case extend beyond simply sending them a consultation form. Support to assist with consultation with young people and children may include the following:

- Assisting the young person to complete the feedback form (a task that, for reasons of bias and potential awkwardness, it is usually not appropriate to delegate to the Foster Carer);
- Speaking with the foster child away from the foster home;
- Engaging in an email or text exchange with the young person, or using other communication methods such as artwork, which they may be more comfortable with than a formal feedback template.

The supervising and placing social workers should determine the best way of maximising the quality and honesty of the feedback from the child in placement. Sometimes, non-verbal communication can provide eloquent evidence of the child’s experience of foster care. This may be particularly true of disabled or pre-verbal children, but can also apply to other children uncomfortable or unwilling to express their opinions and views more formally.

As a minimum, the Supervising Social Worker should ensure feedback from young people and children is provided regarding the following areas:

- Whether they were made to feel welcome upon arrival;
- What they think of their bedroom, toys, equipment provided, food provided;
- What it’s like on a day to day basis living with the Foster Carers;
- How the Foster Carer helps them keep in touch with their birth family or others (where appropriate);
- Whether they feel able to speak to their Foster Carer if they’re feeling unhappy or worried;
- How the Foster Carer helps them with their school work;
- How the Foster Carers have encouraged them to get involved in sports, clubs, other interests;
- How the Foster Carer helps them with any health issues;
- How the Foster Carer prepares them for independence (where appropriate);
- Who they would talk to if they were unhappy about something in the foster home.

These should be regarded as areas of carefully planned consultation and feedback, not just the headings of a feedback form.

5b. The Supervising Social Worker’s Report

The Supervising Social Worker’s report should address the areas set out in The Agency’s Foster Carer Review Policy.

The report sets out -

- Compliance, such as:
Date of most recent DBS, Medicals/LA checks, Validity of Vehicle and Household Insurances, Family Safe Care Plan and others as per the Statutory Compliance Check list that will be copied from Charms and included into the SSW Report

- Health and Safety Checks, including Pet Questionnaire, Health Checks
- Supervision visits and unannounced visits

- Factual matters, such as:
  - Changes to the composition of the household
  - Number of bedrooms and sleeping arrangements
  - Initials and dates of placement for any children placed
  - Foster Carer’s placement history with reasons why children have left
  - Any significant changes or issues since the last Review
  - Financial Arrangements, such as children’s savings, pocket money or use of Disability Living Allowance, if applicable
  - Social Media Security arrangements
  - Foster Carer Reporting
  - Complaints, Allegations and Standards of Care Matters

- The following areas must be covered and assessed in detail through the Foster Carer Review. Throughout the following areas there needs to be an emphasis on evidencing by giving practice examples where applicable, including the impact of fostering upon the Foster Carer and their family; Highlights of the Review period; the quality of professional relationships, effectiveness of the support network, outcomes and learning from complaints and allegations if there were any, open actions and achievement of agreed targets:
  - Current circumstances;
  - A Pen-Picture and overview of the children placed during the period under Review;
  - Ability to provide a Secure Base to explore the Foster Carer’s capacities and to identify areas for further development and support:
    - Availability: helping the child to trust
    - Sensitivity: helping the child to manage feelings
    - Acceptance: building the child’s self-esteem
    - Co-operation: helping the child to feel effective
    - Family Membership: helping the child to belong
  - The Foster Carer’s ability to support and promote children and young people’s education. The children’s and young people’s educational attainment;
  - The Carer’s ability to safeguard children and young people, for example managing children who go missing, who are at risk of Child Sexual Exploitation (CSE) or at risk of Radicalisation;
  - The Carer’s ability to provide opportunities for individual interests, hobbies, social and leisure;
  - Ability to promote contact, positive identity and valuing diversity;
• Training attendance and learning and development needs of Foster Carers, including a consideration of their personal development plan;
  o Views and comments
    o Of the Children and Young people in placement;
    o Of the Carer’s under age birth children, if applicable;
    o Foster Carer’s Views;
    o Local Authority Social Worker’s comments;
    o Comments of any other professionals involved, when available;
    o A conclusion and comments from the Supervising Social Worker and Team Manager/Registered Manager (if not acting as the Reviewing Officer), including their recommendation with a particular focus upon whether the terms of approval and preferences expressed by the Foster Carer remain appropriate.

To support the Foster Carer Review process, it is the Supervising Social Worker’s responsibility to ensure that the report is balanced, clearly identifying any issues and the steps taken to address these. It is the Reviewing Officer’s responsibility to note when significant information is not recorded or not fully addressed in the Review paperwork.

5c. Foster Carer Review Meetings

The purpose of the Foster Carer Review is to consider the evidence drawn from the consultation parties set out in section 5 of this policy, which is then weighed up and evaluated by the Supervising Social Worker in her/his report. The Review should hold no significant surprises for the Foster Carer: as set out in NMS 13.9, “areas of concern, or need for additional support, that are identified between Reviews are addressed. Such matters identified between Reviews are addressed at the time they are identified, where appropriate, rather than waiting for a Review.”

The Review meeting should be attended by the Reviewing officer, the Supervising Social Worker and, unless a single carer, both of the Foster Carers. Foster Carers who are approved as respite carers only, should attend their Reviews even when they provide a limited number of respite days and nights. Following the meeting, the Reviewing Officer should prepare a report summarising the discussions of the meeting and the conclusions reached. Where continued approval with no changes to the terms of approval is recommended or when a change of approval with written consent is proposed, this is subsequently considered by The Agency Decision Maker. The Reviewing Officer’s report should confirm or otherwise whether the recommendation of the Supervising Social Worker is supported by the Review meeting chair and all those present.

The Review meeting location may be the Foster Carer’s household or The Agency’s office premises. This is a matter to be determined by local Agency management, having considered the specific local context. The statutory guidance, standards and regulations do not state a position on this issue.

In order to comply with the requirements of Regulation 28, if no Review meeting is possible within the necessary timescale, a Review must take place and the relevant paperwork completed in the absence of the meeting. Circumstances leading to this can be, for example, unforeseeable and exceptional; like a bereavement situation, serious health concerns, including accidents and personal incidents preventing completion of the review on time.
The Review will be completed on the date when the Reviewing Officer signs the Review report, the ‘Review date’. For details refer to the ‘Reviewing cycle’ in section 4: Frequency and Timings of the Review.

At the conclusion of the Review, the Reviewing Officer prepares a written report setting out, as in Regulation 28 (4):

- If the Foster Carers continue to be suitable to act as Foster Carers and if their household continues to be suitable, and
- Whether the terms of the approval continue to be appropriate.

There may be occasions, with more complex Reviews, where more than one meeting will be required in order to share the information appropriately and gauge the Foster Carer’s response to any concerns, complaints or allegations.

Following completion of the Reviewing Officer report the recommendation is then passed to:

- A Panel for the first Review and for their recommendation prior to passing this on to the ADM for deliberation;
- A Panel when required for subsequent Reviews as outlined in section 4 of this Policy, and their recommendation prior to passing this on to the ADM for deliberation
- Directly to the ADM for Reviews not presented to a Panel for consideration of the Review recommendations

The ADM decision will be confirmed verbally and in writing and will be taken forward by the Supervising Social Worker in supervision with the Foster Carers.

5d. First Review

All First Carer Reviews are required by the regulations to be considered by a Fostering Panel. This first Review will be presented to Panel prior to consideration by the ADM; successive Reviews will go directly to the ADM unless otherwise advised. The preparatory work for the Reviews that go to a Panel is similar to Reviews that do not. The documentation will be presented to Panel. Foster Carers are expected to attend. The Panel will deliberate and formulate a recommendation which will be considered by the ADM as per section 6 of this Policy.

6. Agency Decision Making following the Foster Carer Review and Qualifying Determination

The Panel Minutes should reach the Agency Decision Maker in 7 working days from Panel.

In line with legislative requirements (Assessment and Approval of Foster Carers, Amendments to the Children Act 1989, Guidance and Regulations, Volume 4, Fostering Services), in reaching a decision or making a qualifying determination, the decision maker should consider Hofstetter for guidance for the way in which a decision maker should approach a case. The ADM will list the material taken into account in reaching the decision, identify key arguments, consider whether they agree with the process and approach, consider whether there is any additional information now available to them that was not available before, identify the reasons given for the relevant recommendation that they do or do not wish to adopt, and state the adopted reasons by cross reference or otherwise and any further reasons for their decision.
If, having considered the Carer Review, the Agency Decision Maker decides that approval should continue s/he will write to the Foster Carers informing them of the decision and the terms of approval (Regulation 28 (6)) within five working days of the decision. The Agency will inform the Foster Carer verbally within two working days of the decision being made. All First Carer Reviews are required by the regulations to be considered by a fostering panel as described in 5d.

In the case that the Agency Decision Maker considers an existing Foster Carer no longer suitable to foster a child or young person, or believes that an alteration is needed or disagrees with the recommendation of the Reviewing Officer or Panel's recommendation of the existing Foster Carer’s terms of approval, a ‘Qualifying Determination’ (QD) is made by the ADM. A Qualifying Determination follows a Review considered by The Agency Decision Maker. Please note that this does not apply where the Foster Carer, The Agency and the ADM are in agreement – refer to Changes to Terms of Approval in section 7.

The new applicant or existing Foster Carer will receive a decision with reasons in the form of a letter. The applicant or Foster Carer will have the options to exercise one of the following three options:

- Make written representations to the ADM within 28 calendar days of the date of the letter. If written representation is made, the matter must be referred back to a Fostering Panel, and a decision then made taking account of the Panel's future recommendations.

- Apply to the IRM for a Review of the Agency’s qualifying determination, within 28 calendar days of the date of the letter. The decision maker must take account of the recommendation of the IRM, as well as that of the original Fostering Panel, in reaching a decision.

- Accept the QD, in which case the Agency Decision Maker can proceed to make their decision 28 calendar days after the date of the letter.

7. **Changes to Terms of Approval**

The Agency must ensure that where the Review includes proposed changes to Terms of Approval, the Review must always include information gathering and reporting on the sleeping arrangements for all children that could be placed with the carers, in line with their proposed Terms of Approval. The impact on any child in the household would need to be considered.

In accordance with The Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013, where following a Foster Carer Review the fostering service provider and the approved Foster Carer agree to a change in the Foster Carers’ Terms of Approval, The Agency Decision Maker can proceed directly without the need for a qualifying determination.

An Agreement to Proposed Change in Terms of Approval form is completed by the Foster Carer requesting this and forwarded with the Foster Carer Review paperwork to The Agency Decision Maker for consideration.
However, where, following a Foster Carer Review, the Foster Carer is not in agreement with a proposed change to terms of approval / there is no Agreement form, The Agency Decision Maker makes a proposed decision - a ‘qualifying determination’. Please refer to section 6: Agency Decision Making following a Review and Qualifying Determination.

Reviews where changes of approval are recommended with the Agreement of the carer(s) do not have to go to a Fostering Panel prior to reaching the decision maker, unless the service chooses to refer it to a Panel.

Proposed changes to Terms of Approval where the carer(s) are not in agreement/there is no Agreement form will go to a Fostering Panel for a recommendation, prior to reaching the decision maker.

8. **Emergency Placements**

There will, however, be occasions where a child must be placed in an emergency.

Where the responsible authority have to place a child in an emergency, the Care Planning, Placement and Case Review (England) Regulations 2010 provide they may place the child with any Foster Carer who has been approved in accordance with the 2011 Regulations for a period no longer than six working days, if the terms of their approval are not consistent with the placement [regulation 23(1)].

When the period of six working days expires, the placement must be terminated in accordance with regulation 23(2) unless the Foster Carer’s terms of approval have been amended so that they are consistent with the placement.

These powers to make emergency placements with Foster Carers are intended to be used exceptionally, in unforeseen circumstances, and are not intended to be used in situations where appropriate contingency plans could have been made.

Agreement to place outside of the normal carer approval range must always be discussed with the Registered Manager and decided by a Senior Officer who will satisfy themselves that all safe care issues have been addressed with the LA and appropriate supports are available to the carers. In exceptional circumstances where the placement may be required for longer than six working days The Agency will undertake a Review in accordance with Regulation 28 within the six working days permitted. Any recommendation to change the Carer’s approval will require the carers written agreement to the change and approval of the ADM.

9. **Proposal to Terminate a Foster Carer’s Approval**

Where, as a result of a Review, the termination of a Foster Carer’s approval is proposed, written notice of the proposal and the reasons must be sent to the Foster Carer within five working days of the decision and the Foster Carers must be advised that if they wish to challenge the decision, they have the opportunity to make representations to The Agency
Decision Maker or to request a Review by an Independent Review Panel under the Independent Review Mechanism (IRM). Please refer to section 6: Agency Decision Making following a Review and Qualifying Determination. Grounds that might lead to a recommendation to terminate an Approval may be -

- Where the outcome of the investigation is that the Foster Carer or adult member of their household is found to have committed a specified offence (In such cases the Foster Carer will not have recourse to the Independent Review Mechanism (IRM));
- An allegation of abuse and/or neglect has been found to be true;
- A series of allegations have occurred whether founded or unfounded;
- A serious complaint has been upheld;
- A serious offence has been committed or on the balance of probabilities has been committed;
- A breach of the Foster Carers Agreement has occurred;
- A series of Quality of Care concerns have arisen;
- Failure to keep the child/young person safe from harm through non-compliance with the Agency’s Health & Safety requirements and/or the specific risk assessment relating to the placement;
- Matters of concern arising in another setting (e.g. in the Foster Carer’s place of work; as a result of a DBS update), which may indicate a risk to a child in placement;
- Failure to adhere to The Agencies policies and procedures;
- Bringing The Agency’s reputation into disrepute.

This list is not exhaustive.

10. Resignations by Foster Carers

A Foster Carer may give written notice at any time of their wish to resign from the role. Once written notice has been given, their approval will automatically be terminated 28 days after receipt of the notice. The notice cannot be withdrawn once received. The ADM cannot decline to accept the resignation. The Panel will be advised of the resignation as part of their monitoring role.

11. Appendix –

1. The Secure Base Model
2. Review of Approval Chart
APPENDIX

1. The Secure Base Model

The Secure Base Model is used as part of the Review as a means of exploring, with the current Foster Carers their approaches to the child's needs within the ‘five dimensions of caregiving’. This approach places the relationship between the child and the Foster Carer at the centre of the Review discussion.

For example, using the Model as part of the Review Interview, it can

- Highlight the needs and strengths of the child or young person and the capacities of the Foster Carers.
- Identify areas for further development and support.
- Help to set and monitor goals for the child’s development and to develop the caregivers’ capacities.

Within each dimension, the Social Worker will give specific examples of an event which illustrates the child’s needs and capacities. When preparing the Supervising Social Worker Review Report, the Social Worker will work with the Foster Carer during this information gathering phase and ask them to think about why the behaviour might have occurred, what they did about it and how they felt about it. This will then be written up and shared with the carer and the Reviewing Officer as part of the Review.
The Model offers the Foster Carer to demonstrate their Strengths and Practice through the Social Workers exploration in the report, for example by:

- Showing their ability to provide descriptions that includes detail and is specific to this child.
- Showing that they offer warmth, are interested, and have pleasure in the child.
- Give balanced descriptions in terms of strengths and difficulties of the child.

The Model also helps the Social Worker to identify areas for development or areas where the Foster Carer requires additional support. This enables The Agency to develop and promote the carer/s’ skills and ensure that the carers are well looked after and their well-being.
2. Review of Approval Chart

**Foster Carer Review**
(including Review of Terms of Approval)

First Review
(and subsequent Panel reviews when required)

2nd and subsequent Reviews within every 12 months

Presented to Panel within 12 months from first Approval (or when required for subsequent)

Panel’s recommendation considered and decision made by ADM (28 days QD if applicable)

No CoA
(Note: Agency may decide to refer to Panel prior to ADM)

CoA with signed Agency and Carer consent
(Note: Agency may decide to refer CoA to Panel prior to ADM)

FC not in agreement with CoA

Presented to Panel

Decision letter to carer and ADM sheet for information at next Panel

Noted at next Panel and feedback from Panel to ADM if necessary

Uploaded to CHARMS Reg. 31 when the Review is completed

*When written representation is made, the matter must be referred back to a Fostering Panel, and a decision then made taking account of the Panel’s future recommendations.*