**TRANSFER OF FOSTER PARENTS PROTOCOL ENGLAND (2014) (Reviewed 2019)**

**HANDBOOK**

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This protocol has been developed by the Fostering Network and the joint forum of Independent Fostering Providers and is issued with the support of ADCS. It takes account of the legislation, regulation, standards and statutory guidance that govern fostering and recommends good practice guidelines to be followed when an approved foster parent wishes to transfer from one fostering service to another. It is not intended to cover block transfers of foster parents - there is currently no provision within regulations for ‘block transfer’ arrangements. It does not apply when a fostering agency ceases to carry out its fostering functions - Regulations 33 and 34 of the Fostering Services (England) Regulations 2011 govern such circumstances.

**1. Principles**

1.1 The protocol recognises the principles of childcare legislation and seeks to ensure that safeguarding the welfare of children is at the core of fostering policy and practice. It recognises that the welfare of any child in placement is paramount.

1.2 Consideration will be given to the views of the child, and where applicable the views of parent(s) and other relevant parties.

1.3 It must be ensured that children in placement are guarded against unplanned moves and/or moves which are not in their best interests.

1.4 Foster parents have the right to freedom of movement between fostering services.

1.5 All fostering services should be committed to the active recruitment of people new to fostering.

1.6 Fostering Services and Independent Fostering Agencies will comply with all relevant legislation, regulation, standards and statutory guidance.

**2. Aims of this protocol**

2.1 To promote high standards of practice within and between agencies.

2.2 To ensure continuity of care for children in placement during any transfer of foster parents between fostering services.

2.3 To ensure consideration of the child’s care plan throughout the transfer process.

2.4 To minimise the length of time taken in the transfer process.

2.5 To provide a framework for the negotiation of the financial implications of the transfer between fostering services.

2.6 To ensure that where permanence is the plan for a child there is no undue pressure on foster parents to transfer to another fostering service provider.

**3. Recruitment of existing foster parents**

3.1 Fostering services should not approach individual foster parents with a view to recruiting them without the knowledge of their current fostering service. Nor should a fostering service begin an assessment on foster parents who have approached them with a view to transferring from another service without the knowledge of that service.

3.2 It is recognised that there will be circumstances when it is appropriate for foster parents to have initial discussions with a new fostering service before agreeing to begin an assessment and before the foster parent informs their current fostering service.

3.3 All parties, Local authorities, foster parents and independent fostering agencies have a shared responsibility to implement the child's care plan. Before foster parents are approached to explore the possibility of their application for a legal order in respect of a child which would mean that they no longer fostered that child (e.g. Residence, Special Guardianship and Adoption) the current fostering service must be informed and if such an application is to be discussed at a review of a child’s care plan, the fostering service should be invited to attend the meeting.

3.4 Foster parents should not be required to change fostering service in order to secure agreement to a plan for a child e.g. long-term foster care.

**4. Procedure where there is no child in placement**

4.1 The foster parent should inform their current fostering service in writing that they are considering a move to another fostering service. It is recognised that there will be circumstances when it is appropriate for foster parents to have initial discussions with a new fostering service before the foster parent informs their current fostering service.

4.2 The recruiting fostering service may begin an assessment once notification has been received by the current service.

4.3 Once the assessment has been completed and the recruiting service informs the foster parent that they intend to seek their approval as a foster parent through the panel and decision maker, the foster parent should give written notice of resignation to their current service.

4.4. A foster parent cannot be approved by more than one fostering service at the same time, and so they must not be approved by the fostering service to which they are transferring before the date that their previous approval ends. The fostering regulations state that an approval will be terminated 28 days from a written notice of resignation being received from a foster parent (The Fostering Services (England) Regulations 2011, Reg 28 (13)) Once submitted written notice of resignation automatically takes effect after 28 days and cannot be rescinded.

4.5 To ensure that the date the resignation is received by the current service, and thus the date of termination of the current registration, is known by all parties, it is recommended that the foster parent submits their resignation to their current service, either by hand or by a recorded signed for postal service.

4.6 The recruiting service must ensure that they do not approve the foster parent before the date upon which the resignation takes effect. The termination of the foster parent’s approval takes place automatically 28 days following the receipt of the written notice of resignation and requires no action by the current agency, or their panel, to take effect. It is recommended good practice for the current service to conduct an exit interview, where appropriate, and for the information from this to be presented to the service’s panel for information and monitoring purposes.

**5. Procedure where a child is in placement**

5.1 Where there is a child (or children) in placement, foster parents must give written notice of their intention to consider moving to another agency both to the current service and to the placing authority/authorities.

5.2 Upon receipt of the written notice, the placing authority must inform the child’s IRO of the intended change in placement provision [4.7 Volume 2, Care Planning, Placement and Case Review Statutory Guidance (2010)] and shall, within 28-days, convene a meeting of:

• The placing authority/authorities – this may include commissioning/contracting officers as well as the children’s social workers.

• The responsible authority.

• The current service.

• The recruiting service.

• The foster parents/s.

5.3 Where there is more than one placing authority, agreement should be reached on which authority will take responsibility for convening the meeting. Generally, the authority that has had children placed for the longest period with the foster parent will be considered the ‘lead’ authority. By agreement with the placing authorities, and when it is more convenient, the recruiting service may organise the meeting.

5.4 The meeting will consider the following:

• Any decisions made during the child’s latest Case Review, particularly in respect of whether it is in their best interests to continue in their current placement and how their care plan will continue to be followed. (It should be noted that Regulation 14 of the Care Planning, Placement and Case Review (England) Regulations 2010 requires that the responsible authority cannot terminate the current placement unless this has been considered by a case review).

• How the move of the foster parent to another service may affect each child in placement, including the potential loss of or changes in the relationships, activities and support services that a child has developed and/or established whilst in placement with the current agency.

• The particular support needs of the child and the foster parent and how they will be provided by the new service.

• The circumstances in which the recruiting service may use any other placement vacancy once the transfer has been completed.

• The arrangements for approval by the recruiting service and termination of the foster parent’s approval by the current service. The arrangements should be co-ordinated to ensure continuity of approval, and that transfer is made on a mutually agreed date.

• Parallel arrangements for timing a transfer of responsibility for the payment of fees and allowances to the foster parent.

• The views of the child, parent and any other interested parties. (These views should be sought and represented by the placing authority).

• Where it is determined at a case review that the placement is not to continue, the arrangements to move the child/children to an alternative placement, including a timeframe for such a move will be clearly identified. The move should be completed within a timescale which is driven by the child’s needs and care plan, but it is expected that this would normally be completed within three months unless there are exceptional circumstances which mean that this cannot be achieved. In these circumstances all parties should agree a revised timetable.

• A timetable for the approval of the foster parent by the recruiting service. The expectations are that assessment and training will take place and that they will be completed within two to four months of the meeting taking place. There will be occasions when this timescale cannot reasonably be adhered to. In such cases, all parties will be kept informed about developments and the anticipated time to completion.

5.5 The fostering panel should make its recommendation on the suitability of a prospective foster parent within eight months of receipt of their application. NMS 14.4 (England).

5.6 Once the fostering panel of the recruiting fostering service has made its recommendation and the service indicates that it is ready to approve the foster parent, the foster parent should submit their resignation to the current fostering service, as set out in paragraph 4.5 above. The decision maker of the recruiting service may state that they will approve the person as a foster parent on a specific date in the future, which could be planned to coincide with the termination of their existing approval at the expiry of the 28 days’ notice period. It should be made clear that in the meantime the foster parent is not approved by the new provider. Alternatively, the decision maker may delay their decision until the date of the termination of their existing approval. This may not conform to the detail of the Fostering Services NMS 14.9 regarding timescales but still achieve the desired outcome that ‘the fostering panel and decision maker make timely, quality and appropriate recommendations/decisions in line with the overriding objective to promote the welfare of child/ren in foster care’.

**6. Sharing of information**

6.1 A foster parent’s assessment report is the property of the service which produced it. However, foster parents have the right to almost all the information that is in the report under the provisions of the Data Protection Act 2018(DPA)(see revised Statutory Guidance Volume 4 Fostering Services on the assessment and approval of foster parents July 2013); the General Data Protection Regulation (GDPR) 2018 states that references deemed confidential will not be made accessible even via the medium of a subject access request unless consent is given. Sensitive personal data falls within the “special categories of personal data” provisions as defined by the DPA 2018 and the GDPR (Article 9); which are prohibited from processing unless specified exemptions apply, for example in the provision and/or management of social care. These categories of data require greater protection and include racial or ethnic origin, health, political opinions, religious or philosophical beliefs, or trade union membership, genetics, biometrics (where used for ID purposes) and data concerning a person’s sex life or sexual orientation. See DPA 2018 Schedule 1. It is imperative to ensure that foster parents and, where relevant, members of their household fully understand the implications of sharing information pertaining to them; this includes why their information is to be shared, what information will be shared, who will see/have access to their information and the purpose to which the information will be put.

6.2 Provided that the explicit and informed consent of all parties involved has been given, the sharing of information held in existing records about a foster parent or adopter for the purposes of informing a new assessment of a person’s suitability to foster or adopt is permitted; see Regulation 32(6) of the 2011 Fostering Regulations and regulation 42(1) of the Adoption Agencies Regulations 2005. It is recommended that the applicant’s (and where relevant, members of their household) consent is provided in writing and passed to the service which holds the record at the same time as the request to view the record is made.

6.3 If consent is refused, the current fostering service should consider whether there is any information in the records that is a cause for concern and any such information should be shared, even if consent has been refused SEE BELOW (i), (ii), (iii). If there are no concerns and the individual has refused consent information should not be shared.

6.4 The Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013 state that under Regulation 26 (1A) (b) where a person has been a foster parent within the preceding twelve months approved by another fostering service provider the recruiting fostering service must request a written reference from that other fostering service provider. Regulation 26 (1A) (e) states that the recruiting fostering service may, with consent, request access to the relevant case records of a previous fostering service and that the fostering service provider is required to share information as identified in Regulation 32 (6) within 15 working days of request. We recommend that this should wherever practicable include an offer for the recruiting agency to view the files of the current agency and the opportunity to have a conversation with the current supervising social worker.

6.5 In the interest of safeguarding the welfare of children in placement the current service should prepare a comprehensive, accurate reference and arrange access to the relevant case records in respect of the foster parent See 6.4 above re: viewing files. The recruiting service should undertake a comprehensive assessment.

6.6 The recruiting service must request a reference from the current service (see 6.4) on receipt of that request, the current service will provide the recruiting service with a comprehensive written reference as soon as possible (Stage 1 of the Assessment and Approval of Foster Parents Statutory Guidance). Unless there are reasons relating to the safeguarding of children that would prevent this, the current service should also provide the foster parent(s) with a copy.

(i) Assessment and approval of foster parents: Amendments to the Children Act 1989 Guidance and Regulations Volume 4: Fostering Services July 2013

(ii) Information sharing Advice for practitioners providing safeguarding services to children, young people, parents and carers July 2018

(iii) Working Together to Safeguard Children 2018

6.7 The reference should include the following information about the fostering household:

• Length of registration.

• Current terms of approval (if any) and date this was agreed.

• Variations in approval in the last five years.

• Age, sex and length of stay of all foster children during the last five years.

• Extent to which the foster parents were able to achieve placement objectives.

• Strengths and skills of the foster parents.

• Recent training courses attended by the foster parent/s and skills gained post-approval.

• Date and outcome of any investigation of allegations or concerns, other than unsubstantiated, unfounded or malicious allegations (which paragraph 3.79 of the fostering services Statutory Guidance directs should not be referred to in references).

• Details of any current allegations or concerns.

• The outcomes of the latest annual review.

• Any other information considered to be relevant to the assessment of the person’s suitability to foster.

6.8 As stated in 6.4 the recruiting fostering service has the power to request access to records held by the current fostering service and the current fostering service must provide access within 15 working days of a request being received. The information to be shared should include:

• The report of the original assessment of the person’s suitability to foster.

• A copy of the report of the last review of the individual’s continuing suitability to foster.

• Any other review report considered useful to understanding the individual’s current suitability to foster.

• Details of any concerns about standards of practice and any remedial action to be undertaken and/or completed to address them.

• Details of any allegations made against the foster parent or their household members (see guidance paragraph 3.78 and 3.79 Children Act Volume 4: Fostering Services.)

• Any other permitted information considered to be relevant to the assessment of the person’s suitability to foster. The new provider can take account of information obtained by the existing provider so long as they are satisfied with its quality and continuing relevance. (Fostering Statutory Guidance paragraph 5.30 Volume 4). This may, for instance, save having to interview again a previous employer or ex-partner who was interviewed in the past to verify facts and where no further information is required.

6.9 It is recommended as good practice that the current agency provide a copy of a foster parent’s assessment report to the recruiting service and for the foster parent to have a copy of their assessment report minus any confidential information from third parties.

6.10 The current service should keep the recruiting service updated, in writing, of any significant developments between the issue of the reference and the foster parent’s approval by the recruiting service.

6.11 An assessment by the recruiting service should be postponed if the foster parent is subject to a current investigation of allegations, or if there is an investigation relating to significant concerns about their practice, until the outcome of the process is known.

**7. Training, Support and Development Standards**

7.1 Foster parents should evidence meeting the Training, Support and Development Standards for foster care within the timescales set out in NMS 20.3. The workbook and portfolio of evidence belong to the foster parent and they must be allowed to retain them when transferring services. Most foster parents transferring services should have met the Standards and will be able to provide the new service with their certificate of completion. As part of their induction to the new service, they will be required to become familiar with the new policies and procedures of the service, even if they have previously evidenced meeting the Standards.

**8. Payments involving transfers between independent fostering services**

8.1 In the case of a transfer of a foster parent from one independent fostering provider to another, the charge to the local authority for continuing placements will not be any higher than the charges levied by the original service. However, such charges will be subject to the recruiting service’s agreed annual, inflation-linked review. The recruiting service should provide a service at an equivalent level to the previous service.

8.2 Should the responsible authority request the provision of additional services, appropriate additional charges may be negotiated and agreed.

**9. Payments involving transfers between local authority and independent fostering services**

9.1 Where a foster parent transfers from a local authority fostering service to an independent fostering provider (or vice versa) and it is in the best interests of the child for the placement to continue the local authority and independent fostering provider must negotiate an appropriate level of fee. The fee must cover the allowance for the child at a rate which ensures their needs will be adequately met and a fee to the foster parent. In addition, the agency management fee may be negotiated however, if the recruiting service provider has been accepted by the local authority as part of a framework agreement or other contract for the provision of fostering services then the contracted rate should apply.

**10. Payments to Foster Parent’s**

10.1 Where it is agreed that a child’s placement will continue with a foster parent, the recruiting service should, as a minimum, continue to pay the foster parent their current rates of allowances and fees in relation to that placement. These rates should continue to apply for the duration of the placement, subject to any annual agreed increases and movement through the age bands.

**NB – CoramBAAF members’ advice line**

*Thank you for your email to CoramBAAF members’ advice line.  In answer to your question, you can find the requirements to share information between agencies to support the assessment of a foster carer in the*[*Statutory Guidance Assessment and Approval of Foster Carers*](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/275764/20130522statutory_guidanceassessment_and_approval_of_foster_carers_final.pdf)*– and the amendments to the Fostering Services Regulations in 2013 here:*[*http://www.legislation.gov.uk/uksi/2013/984/contents/made*](http://www.legislation.gov.uk/uksi/2013/984/contents/made)

*The only part of Stage 1 which is specifically not required to be repeated is the interviewing of personal referees, so long as the agency has a reference from the previous fostering agency. Otherwise, information may be shared to inform the assessment (with the foster carer’s consent), but the agency must obtain a DBS and medical report.*

*If the applicant has had a recent medical assessment completed, the applicant can ask their GP if they are willing to provide a copy of the report to the applicant or to the recruiting agency, if the recruiting agency’s medical adviser is satisfied that it is current enough to inform their advice to the agency and panel.*

**References**

The Care Planning, Placement and Case review and Fostering Services (Miscellaneous Amendments) Regulations 2013 <http://www.legislation.gov.uk/uksi/2013/984/contents/made>

The Care Planning and Fostering (Miscellaneous Amendments) (England) Regulations 2015 <http://www.legislation.gov.uk/uksi/2015/495/made>

The Fostering Services (England) Regulations 2011 <http://www.legislation.gov.uk/uksi/2011/581/contents/made>

The Care Planning, Placement and Case Review (England) Regulations 2010 <http://www.legislation.gov.uk/uksi/2010/959/contents/made>

The Children Act 1989 Guidance and Regulations, Volume 4: Fostering Services 2011 [https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/274220/Children\_Act\_1989\_fost ering\_services.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/274220/Children_Act_1989_fost%20ering_services.pdf)

The Children Act 1989 Guidance and Regulations, Volume 2: Care Planning, Placement and Case Review [https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/441643/Children\_Act\_Guidance \_2015.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/441643/Children_Act_Guidance%20_2015.pdf)

Assessment and approval of foster carers: Amendments to the Children Act 1989 Guidance and Regulations Volume 4: Fostering Services: (July 2013) [https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/275764/20130522statutory\_guid anceassessment\_and\_approval\_of\_foster\_carers\_final.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/275764/20130522statutory_guid%20anceassessment_and_approval_of_foster_carers_final.pdf)

8 Fostering Services: National Minimum Standards 2011 <https://www.gov.uk/government/publications/fosteringservices-national-minimum-standards>

The Training Support and Development Standards for Foster Care [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\_data/file/287957/TSD \_standards\_guidance\_for\_supervisors.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/287957/TSD%20_standards_guidance_for_supervisors.pdf)

<https://www.fosteringhandbook.com/tact/files/fc_tsd_standards_guidance.pdf>

UK Data Protection Act 2018 <https://www.gov.uk/data-protection>

General Data Protection Regulation 2018 <https://ico.org.uk/for-organisations/guide-to-data-protection>

The Foster Carers’ Charter 2019 <https://www.thefosteringnetwork.org.uk/policy-practice/policies/foster-carerschart>

CoramBAAF https://corambaaf.org.uk