



## TRANSFER OF FOSTER CARERS PROTOCOL ENGLAND AND WALES 2012

This protocol has been developed and is approved by the Fostering Network, the joint forum of independent fostering providers and the ADCS taking account of legislative changes and feedback from members on the previous protocol. It recommends the good practice guidelines to be followed when a foster carer wishes to transfer from one fostering service to another. It is not intended to cover block transfers of carers from one fostering service to another (e.g. following the award of a service contract to a different service).

### Principles

- The protocol recognises the principles of child care 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.
- Foster carers have the right to freedom of movement between fostering services.
- All fostering services should be committed to increasing the overall pool of foster carers by the active recruitment of people new to fostering.

### Aims of this protocol

- To ensure continuity of care for children in placement during any transfer of foster carers between fostering services.
- To minimise the length of time taken in the transfer process.
- To provide a framework for the negotiation of the financial implications of the transfer between services.
- To ensure that foster carers are not pressurised into changing their fostering service.

### Recruitment of existing foster carers

Fostering services should not approach individual foster carers with a view to recruiting them without the knowledge of their current fostering service. Neither should a fostering service begin an assessment on foster carers who have approached them with a view to transferring from another service without the knowledge of that service.

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

Foster carers should not be 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, Adoption) without the knowledge of the fostering service.

Foster carers should not be required to change fostering service in order to secure agreement to a plan for a child.

Procedure where there is no child in placement

The foster carer should generally inform their current fostering service in writing that they are considering a move to another fostering service. It is recognised, however, that there will be circumstances when it is appropriate for foster carers to have initial discussions with a new fostering service before agreeing to begin an assessment and before the foster carer informs their current fostering service.

The recruiting fostering service may begin an assessment once this has been received by the current service. As a matter of good practice, the new service should ensure that the current service has received this notification.

Once the assessment has been completed and the recruiting service informs the foster carer that they intend to approve them as a foster carer, the foster carer should give written notice of resignation to their current service.

The fostering regulations state that an approval will be terminated 28 days from a written notice of resignation being received from a foster carer (The Fostering Services (England) Regulations 2011, Reg 28 (13); The Fostering Services (Wales) Regulations 2003 Reg. 29(11)). The foster carer must be approved by the fostering service to which they are transferring with effect from the date that their previous approval ends.

It follows that the fostering panel of the new service must make a recommendation regarding their approval whilst they are still approved by their original fostering service. If the decision maker for the new service were to delay a decision to give approval until the date that the foster carer's previous approval ended, this would meet the requirements of the regulations although may not comply with Standard 14.9 whereby a decision should be made within seven working days of receipt of the panel recommendation.

Any failure to follow the detail of the standard would need to be justifiable against the stated 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 children in foster care'.

It is recommended that the foster carer submits their resignation to their current service, either by hand or by recorded delivery postal service, 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.

The recruiting service should ensure that they do not approve the foster carer before the date upon which the resignation takes effect. The termination of the foster carer'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 good practice however 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.

Procedure where a foster child is in placement

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

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
- The current service
- The recruiting service
- The foster carer/s.

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 carer

will be considered the 'lead' authority. By agreement with the placing authorities, and where it is more convenient, the recruiting service may organise the meeting.

Placing authorities will need to consider who are the best people to attend such a meeting (this may include representatives of children's services and the commissioning/contracting officers of the fostering services).

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.
- How the move of the foster carer to another service may affect each child in placement.
- The particular support needs of the child and the foster carer 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 carer'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. Once the recruiting fostering service is ready to approve the foster carer, the foster carer's resignation can be submitted and their approval granted to coincide with the end of the 28-day notice period. It must be remembered that panel only makes a recommendation and the decision about approval may be made several days later by the decision maker.
- Parallel arrangements for timing a transfer of responsibility for the payment of fees and allowances to the foster carer.
- The views of the child, parent and any other interested parties. (These views should be sought and represented by the placing authority).
- Where the placement is not to continue, the arrangements to move the child/children to an alternative placement, including a time-frame for such a move. The move should be completed within three months unless there are exceptional circumstances why this cannot be achieved. In these circumstances all parties should agree a revised timetable.

- A timetable for the approval of the foster carer 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.

In any event, the fostering panel should make its recommendation on the suitability of a prospective foster carer within eight months of receipt of their application. NMS 14.4 (England only).

#### Sharing of information

When a foster carer seeks to move to a new provider, the new provider seeks information from the previous provider about the prospective foster carer, and the previous provider complies with such a request within one month of receipt of the written request. (NMS 26.9).

In the interest of safeguarding the welfare of children in placement, the onus will be on the current service to prepare a comprehensive, accurate reference and on the recruiting service to undertake a comprehensive re-assessment.

The recruiting service must request a reference from the current service. On receipt of that request, the current service will provide the recruiting service with a comprehensive written reference within 28 days. The foster carer should be given a copy of this reference by the current service, unless there are reasons relating to the safeguarding of children which prevent this.

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

- Length of registration
- Current approval category (if any) and date this was agreed
- Significant 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 carers were able to achieve placement objectives
- Strengths and skills of the foster carers
- Recent training courses attended by the foster carer/s and skills gained post-approval
- Date and outcome of any investigation of allegations or concerns
- Details of any current allegations or concerns
- A copy of the last annual review report should also be provided.

A foster carer's assessment report is the property of the service which produced it. However, foster carers have the right to almost all the information that is in the report (see The Fostering Network's guidance on confidentiality of information for further details). The recruiting service may ask the foster carer or their current fostering service if they can see a copy of the foster carer's assessment report. If the existing service agrees to share information from its own assessment of the foster carers, it may not be necessary for the new fostering service to collect again all of the information required for the new assessment.

The new provider can take account of information obtained by the existing provider so long as they are satisfied as to its quality and continuing relevance. 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. [5.30, Volume 4, Fostering Services Guidance 2011].

It is good practice for foster carers to have a copy of their assessment report minus any confidential information from third parties. Under the Data Protection Act 1998, they are entitled to access the information. However, foster carers may not have the right to give this report to the recruiting agency as the current fostering service may hold intellectual property rights over the report. Infringing intellectual property rights could expose a foster carer to civil or criminal proceedings.

Any access granted to the assessment form or to the foster carer's file should be given with the consent of the foster carers concerned. This consent should be obtained in writing by the recruiting service and presented to the current service.

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

An assessment by the recruiting service should be postponed if the foster carer 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.

Where the foster carer's approval has already been terminated, the recruiting service can request, with the foster carers permission, an opportunity to inspect the previous service's records relating to the foster carer, (Fostering Services (England) Regulations 2011 Reg 26 (2) (d) and Regs 30,31) and the current service provider should permit this request within one month (Reg.32(6), England only).

## Training, Support and Development Standards

Mainstream foster carers are required to complete the Training, Support and Development Standards for foster care within 12 months of their approval. The workbook and portfolio of evidence belong to the foster carer and they must be allowed to retain them when transferring services. Most foster carers transferring services should have completed 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 completed the Standards. Any transferring foster carer who has not completed the Standards will have six months in which to do so following their transfer.

### Payments involving transfers between independent fostering services

In the case of a transfer of a foster carer from one independent fostering service 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.

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

### Payments involving transfers between local authority and independent fostering services

Where a foster carer transfers from a local authority to an independent fostering service, the local authority must, if it is in the best interests of the child for the placement to continue, negotiate in good faith with the recruiting fostering service regarding 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 carer, not less than they were receiving previously. In addition, the agency management fee may be negotiated. If the recruiting service provider has been accepted by the local authority as part of an authority, regional or other grouping for the provision of fostering services, the contracted rate should apply.

### Payments to foster carers

Where it is agreed that a child's placement will continue with a foster carer, the recruiting service should, as a minimum, continue to pay the foster carer 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.