

# Family and Friends

## Care: becoming a foster carer

### Introduction

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When parents have difficulties at home and their child is suffering as a result, the child may need to be looked after by someone else, for example a relative, friend or other person who is connected with the child. These arrangements can be made directly between parents and their relatives/friends or a social worker may be involved because they are concerned that the child is suffering significant harm and they do not believe it is safe for the child to remain in their parents' home.

When a social worker is involved and the child is **looked after** in the care system, they must give first preference to placing the child with a relative, friend or person connected to the child (who is approved as a local authority foster carer) over placing them with unrelated foster carers, unless that is not in the child's best interests. This can be a short-term arrangement or it may be on a permanent basis. It can also be done in an emergency.<sup>1</sup>

If you are a relative, friend or other connected person and the child is looked after and placed with you, you **must be assessed and approved as a foster carer by Children's Services** for the placement to be lawful. This advice sheet explains what is involved when you are approved as a foster carer by Children's Services. It is quite long so we have divided it into 4 sections to make it easier to read:

- Part 1: Fostering assessments of relatives or friends (page 4)
- Part 2: Temporary approval of relatives and friends so children can be placed with them immediately (page 17)
- Part 3: The implications of becoming a foster carer (page 21)
- Part 4: Where to get more information (page 24)

Becoming a foster carer is quite a complicated process - you may want to ask a friend or a solicitor to explain anything in the advice sheet that you don't understand. You can also call Family Rights Group advice line for further information and advice (contact details in Part 4 of this advice sheet).

We have included the references for all the legal and practice requirements in endnotes which you can find at the end of the advice sheet. For full details of all the documents referred to in the endnotes, see the references section at the end of the advice sheet.

**Note: “Social services” are now known as “children’s services”. This is how they are referred to throughout this advice sheet.**

Key terms used in this advice sheet include:

- ❑ **‘Accommodation’** means that a child is being looked after by the local authority with the agreement of the parents/other with parental responsibility.
- ❑ **‘Connected person’** is a word used in regulations and guidance to include relatives, friends and other persons connected to the child.
- ❑ **‘In care’** means that the child is under an interim or full care order or an emergency protection order made by the court. For more information see FRG advice sheet on Care (and related) proceedings <http://www.frg.org.uk/need-help-or-advice/advice-sheets>
- ❑ **‘Looked after’** means that the child is in the care system (either under a care or emergency protection order) or *accommodated* (with the formal agreement of the child’s parent or other person with parental responsibility) and the local authority; (For further information see FRG advice sheet on Duties on

Children's Services when children are in the care system:  
<http://www.frg.org.uk/need-help-or-advice/advice-sheets>).

- **'Parental responsibility'** means the legal right to make decisions about a child's care and how they are raised. For further information see FRG advice sheet on Parental Responsibility:<http://www.frg.org.uk/need-help-or-advice/advice-sheets>

- **Private arrangement:** this is an arrangement made directly between you and the parents for you to look after the child and there is no social worker involved. In these circumstances, you cannot become a foster carer approved by Children's Services, although you could be a private foster carer (see below).

**But note:** sometimes social workers ask relatives or friends if they will care for a child who cannot stay safely at home with their parents, but then say that it was a **private arrangement** between you and the parents so that Children's Services does not have any financial or other responsibility for, or involvement with, the child. This may not be correct legally and it can affect whether or not you get support to raise the child.

If this has happened to you, it is a good idea to take advice from a solicitor or Family Rights Group straight away – contact details in part 6 of this advice sheet. See also FRG advice sheets on Immediate Placements of vulnerable children with relatives and friends and Support for relatives and friends who are caring for children: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

- **Private foster carer:** You are a private foster carer if:
  - you are caring for a child in a private arrangement, which is, or is intended to be, for 28 days or more, and
  - you are not foster carer approved by Children's Services; and
  - you are not the child's grandparent, uncle, aunt, sibling or stepparent.

In these circumstances, you (and the parent) must notify Children's Services. They will then monitor the arrangement and inspect your home.<sup>2</sup> For further information on this contact FRG's advice line – contact details in Part 4 of this advice sheet.

## PART 1: ASSESSING RELATIVES & FRIENDS AS FOSTER CARERS

### **Do Children's Services have to place a child who is *looked after* child with someone in my family?**

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When Children's Services are *looking after* a child, they must make arrangements for the child to live with the following people in this order:

- a suitable parent or other person with parental responsibility if that is practical and best for the child; but if not, then with
- a relative, friend or other connected person, again if that is practical and best for the child, but this person needs to be assessed and approved as a foster carer for the child by Children's Services; but if not then with
- a foster carer who is approved by Children's services and who is not related or connected to the child.<sup>3</sup>

This means that if:

- the child is looked after (see page 2 for definition); and
- you are a relative or friend and
- the social worker places him/her with you

you must ***be assessed and approved as a foster carer*** for the child by Children's Services, otherwise the placement of the child with you will be unlawful.<sup>4</sup>

But if the social worker wants to place the child with you and there isn't time to complete a full fostering assessment and approval process before the child comes to live with you, ***they may assess you quickly as a temporary foster carer so the child can be placed with you immediately.*** This temporary approval can last for 16 weeks (or up to 24 weeks in exceptional circumstances). A full fostering assessment must also be carried out within that time period for the child to remain lawfully with you after the 16 (max 24) weeks runs out.<sup>5</sup> For further information about this see page16.

For further details of other duties on Children's Services when children are looked after, see FRG advice sheet: [Duties on Children's Services when children are in the Care System](#) and [Immediate placement of vulnerable children with relatives or friends](#) <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

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## What will happen when I am assessed as a foster carer by Children's Services?

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Although ideally you will have been assessed and approved as a foster carer before the child comes to live with you, it is possible, for practical reasons, that you will only be assessed after the child has moved in with you.

The assessment will be undertaken by a social worker, who is likely to be the child's own social worker or someone from the fostering team or the kinship team if they have one. As a relative or friend of the child, the assessment process should focus on your ability to meet the needs of the **specific child** you want to care for. The assessment must also follow the rules set out in:

- i) the Fostering Services Regulations 2011 (FSR) and
- ii) the Fostering Services: National Minimum Standards (FSNMS).<sup>6</sup>

The aim of the assessment is to gather information about you which will:

- help Children's Services' decide whether you should be approved as a foster carer, and
- explore what your support needs are when caring for the child.

The assessment is carried out in two stages:

**Stage 1:** the social worker needs to gather information about :<sup>7</sup>

- Your personal details: name, address and date of birth.
- Details of your health (supported by a medical report), personality, marital status and details of current and any previous marriage, civil partnership or similar relationship.
- Information about any other adults living with you.
- Information about the children in the family, whether or not they are living with you, and any other children in the household.
- Information about your accommodation.
- The outcome of any previous request/application you or any other member of your household have made to foster or adopt children, or register as a childminder, including any previous approval or refusal of approval

- If you have been a foster carer within the last 12 months, the name and address of the fostering service that approved you.
- Information about your current or any previous marriage, civil partnership or similar relationship.
- Names and addresses of two people who will provide personal references for you.
- Enhanced criminal record checks on you and anyone else in the household who is 18 or over

This list may sound daunting and impersonal but in practice the social worker should not just fire questions at you and tick boxes like a test – they should also discuss with you the realities of caring for the particular child and look at what support you may need to do this. It should therefore be done in a way that enables you to be open about your needs and those of the child.

Once you have given all of the information to the social worker, you must be told within 10 days whether or not you have successfully completed Stage 1.

If your application is unsuccessful, you:

- must be informed in writing, and given full reasons why you were not successful;<sup>8</sup> and
- can complain using the local authority complaints process. This will consider whether your application was handled in a fair way, but it will not be a reconsideration of your suitability as a foster carer.<sup>9</sup>

If your application was successful at Stage 1, the social worker must then complete Stage 2 of the assessment.

**Stage 2:** The social worker will ask you to provide more detailed information about:<sup>10</sup>

- Your personality.
- Your religious persuasion.
- Your racial origin, cultural and linguistic background.
- Your past and present employment or occupation, standard of living and leisure activities and interests.
- Previous experience (if any) of caring for your own and other children
- Your skills, competence and potential to care effectively for this child.

## **How will the assessment be carried out?**

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The format of the assessment will vary from one Children's services area to another. Stage 1 of the assessment must be completed within 10 days of you giving all the information that is required to the social worker. Stage 2 will take more time, because of social workers' workloads.

### **Key elements of stage 1:**

**1. Criminal records checks** –Children's services are not allowed to approve anyone to be a foster carer who has a conviction for child abuse or neglect, assault or violent offences involving children and young people, or rape of an adult or a child. They are also not allowed to place a child with you if anyone living with you has any of these convictions. ***They will therefore need to carry out police checks on you and all the adults in your household.*** The social worker will contact the Disclosure and Barring Service (this used to be called the Criminal Records Bureau) to check that you and the adults living with you have no criminal convictions of this type. Allegations of these kinds of offences may also be taken into account even if there was no criminal conviction.<sup>11</sup>

Some of you may be worried that old offences, which have nothing to do with your current ability to care for the child, will be taken into account. The Regulations clearly state that Children's Services can disregard certain offences committed by those applying to foster if they are satisfied that the welfare of the child requires it. If this applies to you then you may want to seek further advice. (For further advice contact Fostering Network – contact details in Part 4 of this advice sheet).

**2. Health checks** – Provided you give your consent, the social worker will obtain a medical report on you from your GP to check that you do not have any health-related problems which would affect you being able to care for the child.

Having health or disability-related needs should not automatically stop you being approved as a foster carer. Children's Services should use common sense when assessing the impact of your health or disability on your ability to provide care for the

child. For example, if problems with your health mean you are frequently bed bound then caring for a toddler or a small child would be unrealistic, particularly if you are on your own. But it wouldn't necessarily rule you out of a shared family care arrangement or caring for an older child if it was thought to be in the child's best interests overall.

It is also reasonable for you to ask Children's Services for support that would reduce the effects of your health problem and enable the child to live with you. This help might be in the form of respite care, or day care for younger children. If you are disabled you may also be able to get support with your parenting task from Adult Services. For further information see FRG advice sheet on Support for disabled parents and carers : <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

**3. References** – The social worker will want references from at least two people who know you well. They will visit each of these people and ask them about how they know you and how they think you will manage caring for the child. They may also ask for references from other professional agencies which know you, such as the Children's Services Department whose area you are living in, or your health visitor if you have a young child.

## **Key elements of stage 2**

**1. Talking to you and people who live with you – This will happen at both stages of the assessment, but the detailed information set out below will be needed for stage 2.** These meetings are likely to take place in your home and will involve:

i) Checking the suitability of the property you live in: The National Minimum Standards on fostering say Children's Services must check that your home is big enough for everyone who lives there including the child who is coming to live with you.<sup>12</sup>

It is likely that, for many of you, space will be an issue and there may be no spare bedrooms. Children's Services should use sensible judgement about this and consider accommodation alongside the broader needs of the child.

ii) Identifying how you will meet the child's needs: The assessment of you as a foster carer is primarily about your suitability to care for a specific child. You and the social worker must therefore have a clear idea of what the needs of the child are. These will be set out in their **assessment of the child's needs** which informs their **care plan for the child**. For more information about this see FRG advice sheet Duties of Children's Services towards children in the care system: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

If for some reason a care plan does not exist, it is important that you ask for one to be drawn up. This should set out the child's needs and how they will be met, including details of support for you as their carer.<sup>13</sup>

Each Children's Services department has its own process for assessing you as a foster carer. Some are using a form piloted by Family Rights Group for family and friends assessments, which is designed to encourage you and the social worker to work together; others are using Form C developed by BAAF.

It is worth asking the social worker who does the assessment at the outset what they are planning to cover in this part of the assessment. Some of the areas they are likely to ask you about are as follows:

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| <p><b>How you will care for the child?</b></p>   | <p>What are your plans regarding their health and their educational needs?<br/>Do you have a reasonable knowledge of how children grow and develop?<br/>How will you handle contact with the parents and the impact this has on the child?<br/>Will you offer appropriate behaviour boundaries to the child?</p> |
| <p><b>Can you provide a safe and caring environment for the child?</b></p>                               | <p>Can you keep them safe from harm and promote their welfare?</p>   |
| <p><b>Can you work with Children's Services to ensure the child is safe and their development is</b></p> | <p>Will you be able to take part in Children's Services meetings to monitor the child's development?<br/>Will you co-operate with Children's Services around any areas of concern?</p>   |

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| <b>promoted?</b>   |  |
| <b>Will you be willing to undertake training and personal development?</b> | <p>A lot of the training provided by Children’s Services is aimed at foster carers who are not related or connected to the child and who care for different children over a period of time. You may feel you are different from these carers and question if this training is really for you.</p> <p>This is an understandable reaction but before dismissing the idea of training completely, think about some of the areas about which you would like some more information. It may be that some of the information sessions about specific topics, such as caring for a child who has been sexually abused, would be very relevant to you. Also Children’s Services are now supposed to arrange training specifically for relatives and friends like you who are caring for looked after children so it is worth asking your social worker about this. It may be helpful to you and may also offer you an opportunity to meet people in the same position as yourself.</p> <p>After approval, all foster carers are expected to complete a workbook, with their social worker, to show that they understand their task and meet certain standards of caring. The Child Workforce Development Council has made a version of this workbook which is specifically for family and friends foster carers, and it ought to be completed within 18 months of being approved.</p> |

The social worker might speak to the child or young person, to find out their wishes and feelings about coming to live with you. They may also speak to the child’s parents and any other people with parental responsibility.

### **How should I approach the assessment?**

By the time you are being assessed, you are likely to have already made a commitment to the child coming to live with you. It is really important that you are open and honest with the social worker during the assessment so that you and the child are given the help and support you need.

If Children’s Services are considering placing a child with you, their main concern will be that you can show you can protect the child from harm and meet their needs. So if

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the child you want to care for has been harmed in the past and you are related to, or are friends with, the person who is responsible for that harm, Children's Services will want to be absolutely sure that that person does not have the opportunity to harm the child again if/when they are living with you. This does not necessarily mean that that person cannot visit you (although it may well do) but it will almost certainly mean that they cannot be left alone with the child or take the child out on their own.

If this comes up in your case, it is a good idea to ask the social worker to explain clearly in writing what is and what is not allowed for the child's safety so that you are completely clear what they expect of you.

### **What can I do if the social worker thinks my accommodation is too small?**

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If you are facing overcrowding and there are no other concerns, this on its own should not be used as a reason not to place the child with you. However overcrowding could have a huge impact on the child, and everyone else in your household, so Children's Services should help you to find more suitable accommodation for example:<sup>14</sup>

- If you are a council tenant, you could ask the social worker to request a transfer to a larger house or flat. However you should be aware that this may be impossible due to insufficient properties being available;
- If you are a private tenant, Children's Services could help you to find a larger flat or house; or
- If you own your own house, you could ask the social worker if Children's Services will help you pay for an extension or loft conversion in your house for example by giving you a grant or an interest free loan – again this is worth a try though it is not something you have a right to.

**Note:** Government guidance on family and friends care recommends that Children's Services and the Housing Department should work closely together to make sure the housing needs of family and friends carers are prioritised especially where it is necessary to prevent children becoming looked after in the care system.<sup>15</sup>

**NOTE:** There are new ‘under-occupancy’ rules (known as ‘**the bedroom tax**’) that **may affect you if you receive housing benefit and you are in council, housing association or private rented housing**. These rules say that you should normally only receive housing benefit for one bedroom for a foster child, however many children you foster. So if you have more than one bedroom set aside for children you are fostering, your housing benefit may have recently been reduced. For more information, see FRG advice sheet ‘Support for relatives and carers who are looking after someone else’s child’. <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

## **What happens when stage 2 of the assessment is completed?**

The social worker will write a report which will include:

- The information required by Schedule 3 parts 1 and 2 Fostering Services Regulations 2011 set out on pages 5-6 above;
- The social worker’s assessment of your suitability to care for the child;
- Support or services that you might need in order to meet the child’s needs;<sup>16</sup> and
- Proposals about any terms and conditions for approving you as a foster carer.

You must be provided with a copy of this report, and you may provide written observations on the report to the panel if you want to. You must do this within 10 days of receiving the report.<sup>17</sup>

This report is then presented to the **fostering panel**, which is made up of people who have not been involved in the assessment process. Most Children’s Services will invite you to attend part of the meeting of the panel when they are discussing your assessment, and they may ask you a few questions to clarify anything they are unsure about.

The fostering panel has the power to make any of the following recommendations:

- To approve you;
- To approve you subject to any specific conditions identified during the assessment;

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- To ask the social worker to come back to the panel at a later date, and provide more information; or
- Not to approve you.

A senior person in Children's Services (who has not been involved in the assessment or in the fostering panel) will then look at the panel's recommendation(s) and make a decision about whether or not to approve you. You will then be notified of this decision.

## **Can I be refused as a foster carer before completion of stage 2 of the assessment?**

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If, before stage 2 of the assessment is complete, information comes to light that indicates that you will not be suitable as a foster carer, the social worker can prepare a 'brief report' setting out what this information is and why it makes you unsuitable as a foster carer. This 'brief report' is then sent to the panel. You must be told that this is what is happening, and given a copy of the report. You then have 10 days to write to the panel with your views about what the report says<sup>18</sup>.

Once the panel receive the brief report, they can either:

- ask the social worker to come back to the panel at a later date, and provide all the information required in stage 2 of the assessment; or
- recommend that you are not approved as a foster carer<sup>19</sup>.

A senior person in Children's Services (who has not been involved in the assessment or in the fostering panel) will then look at the panel's recommendation(s) and make a decision about whether or not to approve you. You will then be notified of this decision.

## **What happens if I am approved as a foster carer?**

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If you are approved, Children's Services can place a child with you as a foster carer on a permanent basis and they must pay you a fostering allowance. You will be asked to sign a **Foster Care agreement**, which is an agreement that all approved foster carers are expected to sign. This states:<sup>20</sup>

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- what Children’s Services expects in terms of the care you provide for the child, and what support and training children’s services are going to provide for you,
- that you will give Children’s Services written notice of any important changes in your circumstances, such as a change of address or people moving in or out of your home,
- that you will keep Children’s Services informed about the child’s progress and any significant events affecting the child.

Once the child is placed with you they will be visited by a social worker at least once every six weeks for the first year and every three months after that.<sup>21</sup>

Children’s Services will also draw up a **placement plan** which will set out the child’s identified needs and how the care you provide should meet those needs. This will include, amongst other things, details of:

- the long term plan the child’s upbringing – also known as the ‘plan for permanence’
- contact arrangements with other members of the family,
- financial and other support you will receive from Children’s Services for the placement and also
- details of the things you can make decisions about concerning the child’s care, for example staying overnight with friends.<sup>22</sup>

## **What is a permanence plan and why does the child need one?**

‘Permanence’<sup>23</sup> for a child means they are living in a situation where they can have emotional attachments, stability and legal permanence. The idea behind it is that their carers are able to give them a sense of security, continuity, commitment and identity to support them throughout childhood and beyond. The most common routes to permanence are:

- Returning home to the care of their parents, with appropriate support to make sure that the reasons that they became looked after in the first place are no longer a risk to the child;
- Living with relatives or friends on a long term basis, again with support from

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Children's Services to meet their needs. This could be

- under a long term foster carer arrangement where the child needed to remain looked after, or
  - under a child arrangements order or special guardianship order – for more information see FRG advice sheets: [DIY Child Arrangements Orders and DIY Special Guardianship Orders for family and friends carers](http://www.frg.org.uk/need-help-or-advice/advice-sheets) <http://www.frg.org.uk/need-help-or-advice/advice-sheets>
- Long term foster care with unrelated foster carers;
  - Children's Home or residential care where it is not possible to find a family to look after them;
  - Adoption. For more information see FRG advice sheet on [Adoption: what it means for birth parents](http://www.frg.org.uk/need-help-or-advice/advice-sheets). <http://www.frg.org.uk/need-help-or-advice/advice-sheets>.

Children's Services must make a plan for the permanent placement of every child who is looked after by the second review of their case (i.e.: after 4 months).<sup>24</sup>

## What is long term foster care?

Long term foster is where Children's Services have decided that the child's plan for permanence is for the child to remain with the same foster carer until he/she leaves care.

New regulations have been made that affect long term foster placements made after April 2015. Children's Services must now make sure that foster carer has agreed to care for the child **until the child leaves care**.

If the child is already in a foster care placement, this can also mean leaving the child with the same foster carer on a long term arrangement, provided that foster carer has agreed to care for the child until he/she leaves care<sup>25</sup>.

A long term foster carer could be a relative who is approved as a local authority foster carer.

Before deciding to make a long term foster placement, Children' services must carry out an assessment of the child's current and future needs, and the ability of the foster carer to meet these needs. The assessment should consider what support and services are necessary to ensure the placement meets the child's needs. A decision to make a long term foster placement must be recorded at the child's review, and the child, their parents and the foster carer must be told.

Children's Services may only place a child in a long term foster placement when they have

- prepared a placement plan ;
- taken into account the child's wishes and feelings;
- informed and consulted the IRO about the plan; and
- consulted the child's relatives (where appropriate).

Also, they must be sure that this placement will safeguard and promote the child's welfare, and be sure that the long term foster carer intends to be the child's foster carer until he/she leaves care.<sup>26</sup>

## **Can I get support to help me care for a child who is placed with me?**

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Yes. When a *looked after child* is placed with you, you are entitled to be paid a full fostering allowance at no less than the rate that the local authority pays to unrelated foster carers. It is wrong for them to pay you less simply because you are a family member. National minimum fostering allowances apply in England.<sup>27</sup>

You should be paid this allowance from the moment you take on the care of the child and you will be entitled to other help to meet the child's needs.

If you are not getting this allowance at the correct rate, take advice from Family Rights Group advice service – contact details in part 4 of this advice sheet.

## **If I am approved as a foster carer, is this approval open-ended?**

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No. Your approval as a foster carer will be reviewed within a year of you being approved, and then at intervals of not more than a year after that. This does not mean going through the assessment again, but it will mean discussing with the social worker:

- what has gone well
- what you have found difficult in the last year,
- any changes which have taken place in your household, such as people moving in and out of your home, and
- whether the terms of your approval are still the right ones.

The review will be written up in another report by the social worker. The first of these annual reviews must go to the fostering panel, but after that a review will only go to the panel if the social worker refers it to them.

## **What can I do if I am not approved?**

### **At stage 1**

If you are not approved at stage 1 of the assessment, you must be informed in writing, and given full reasons why you were not successful<sup>28</sup>. You can complain using the local authority complaints process. This will consider whether your application was handled in a fair way, but it will not be a reconsideration of your suitability as a foster carer.<sup>29</sup>

For more information about local authority complaints procedures, see Complaints: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>

### **At stage 2**

If you are not approved as a foster carer after stage 2 of the assessment, a senior officer in Children's Services who made that decision must write to you and give the reasons<sup>30</sup>.

This letter should also tell you that you have 28 days to challenge the reasons you were given for not being approved. You can do this by either:

- making a written **representation to Children's Services**, or
- applying for a review by an **independent review panel**,

- i) but you cannot do both. If you make a representation to Children’s Services, the fostering panel will meet to consider it. If they still decide not to recommend you and the children’s services decision maker agrees with this, then you can make a complaint. For further information see Complaints: <http://www.frg.org.uk/need-help-or-advice/advice-sheets>
- ii) To apply for a review by an independent review panel, you should write to the Contract Manager of the Independent Review Mechanism, explaining why you disagree with the decision, the date you received it, and the name of the local authority.<sup>31</sup> You can email your application to [irm@baaf.org.uk](mailto:irm@baaf.org.uk), fax it to 0845 450 3957, or email it to Contract Manager, Independent Review Mechanism (IRM), Unit 4, Pavilion Business Park, Royds Hall Road, Wortley, Leeds LS12 6AJ. Further information is on the IRM website: <http://www.independentreviewmechanism.org.uk/fostering>

Note: You have no right to challenge the decision if the reason for you not being approved was because you (or someone else in the household) has a criminal conviction for certain specified offences.<sup>32</sup>

## **What can I do if the social worker will not even assess me?**

Guidance says that if you apply to be a foster carer, the local authority (as the fostering service) **may** assess you but they don’t have to if they are not looking for foster carers, or your offer does not meet their needs – eg: you offer to foster only one child, when they are looking to place 2 siblings together. Otherwise, the social worker should assess you following the process outlined in this advice sheet<sup>33</sup>. If the social worker refuses to assess you, you should ask for their reasons in writing. You could then make a complaint - see FRG’s advice sheet on making Complaints: <http://www.frg.org.uk/need-help-or-advice/advice-sheets> or contact FRG’s advice service – contact details in part 4 of this advice sheet.

## **PART 2: TEMPORARY APPROVAL TO CARE FOR A CHILD WHO NEEDS IMMEDIATE PLACEMENT:**

### **How is temporary approval given?**

If Children's Services need to place the child with you immediately or in an emergency, and you are not already approved as a foster carer, then they can assess you for approval as a temporary foster carer (**known as Regulation 24 approval**).<sup>34</sup> **This approval lasts for 16 weeks**, although this can be extended once only up to 24 weeks, in exceptional circumstances.<sup>35</sup>

The regulations say they can give you temporary approval so long as they:

- i) believe the child coming to live with you is the most appropriate placement and the best way to keep them safe and meet their needs;<sup>36</sup>
- ii) believe it can't wait until the full assessment is completed;<sup>37</sup>
- iii) check your suitability (including your home and the suitability of all over 18's in your household);<sup>38</sup>
- iv) get as much information about you and your home as they can following a detailed check list of things set out below;<sup>39</sup>
- v) arrange to get on with the full assessment immediately once they have temporarily approved you.

To give you temporary approval as a foster carer, Children's Services must find out as much as they can from a list of things they have to take into account, including:<sup>40</sup>

- asking about any criminal convictions you and other family members have
- beginning criminal record checks with the disclosure and barring service
- finding out the child's wishes and feelings about coming to live with you
- getting the views of the child's parents and others with parental responsibility
- looking at the quality of the relationship that you already have with the child
- thinking about how you will meet the child's individual needs, eg around health, education
- thinking about how you will keep the child safe from harm
- getting some background information about you and your family, including employment
- looking at the physical environment of your home, and the space available for the child
- considering what additional help or equipment you might need

- considering who else lives in your household, and what their personal relationships are like
- finding out the views of children and young people already living with you on how the placement would affect them<sup>41</sup>

It may seem that a lot of information has to be collected when there is an emergency or an immediate need for the child to be placed. However, if they cannot collect the information before or at the time of placing the child, they should do so as soon as possible afterwards.

## **What can I do if Children's Services says they cannot assess me as a temporary foster carer?**

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Some Children's Services departments have told potential carers that they can't place children with relatives or friends in an emergency under the regulations that came into force in April 2011 because there is too much information to collect before the child can be placed. This is not correct. Government guidance says that Children's Services:

- *don't* have to collect *all* the information listed above (and in Schedule 4 care Planning Regulations 2010), although they do have to collect as much good quality information as they can, particularly about your relationship with the child;
- *don't* have to wait for the outcome of the formal criminal record check that can take some time to obtain, although they must still ask about criminal convictions.<sup>42</sup>

But the social workers *do* have to

- be clear about why the child has to be placed straight away, without waiting for a full assessment to be done.
- find out what the child's wishes and feelings are about moving to you, and what the parents think.

And if they haven't been able to find out all the information from the list before placing the child with you, they must do this as quickly as possible afterwards.

Children's Services departments should not have a blanket policy of not making immediate placements with relatives. If you think that children's services are being unfair, by not placing the child with you when this would be best for the child, then you

can challenge them. You could raise this in court if there are care proceedings, or make a formal complaint. For more information about making complaints, see FRG's advice sheet on making Complaints: <http://www.frg.org.uk/need-help-or-advice/advice-sheets> or contact FRG's advice service – contact details in part 4 of this advice sheet.

**Note: temporary foster carer still need a full fostering assessment!**

If you are approved as a temporary foster carer (under Regulation 24) and a child is placed with you it is essential that Children's Services start the full fostering assessment (see page 19) of you straight away as your temporary approvals only lasts 16 weeks or in exceptional circumstances 24 weeks but no longer. If you do not get long term approval after that, the child will be moved.

## **Can I get support if I am approved as a temporary foster carer?**

Once you are approved temporarily as a foster carer, you will be entitled to receive the same support, and to be paid the same fostering allowance including fees, that Children's Services pay to unrelated foster carers.

The social worker should visit you once a week until the child's first review, and after that at least once every four weeks.

You will be asked to sign a foster carer agreement, which describes how you will work with Children's Services, as well as describing their placement procedures and the support and training they will provide you with. See pages 12-13 above.

## **What if I am not fully approved as a foster carer within 16 weeks of temporary approval being given?**

Once you have been granted temporary approval to be a foster carer, Children's Services should begin doing your full fostering assessment straight away in order to make sure it is completed within 16 weeks. If it cannot be completed in 16 weeks, then the approval can be extended for another 8 weeks.

If you are not approved within this time, then government guidance says Children's Services should move the child from the placement with you and place them in another approved placement<sup>43</sup>.

- If there was a care order, Children's Services would have the right to move the child.
- If there was no care order they would need to apply for a care order unless a person with parental responsibility agreed to the move.

If you are not yet approved as a foster carer, but the child needs to live with you, you may be able to apply to court for a child arrangements order (saying that the child will live with you) in some situations. You should seek further advice immediately from a specialist solicitor or Family Rights group – contact details in part 4 of this advice sheet.

If Children's Services do not start the assessment process immediately after you have been granted temporary approval, you should ask them to start otherwise there is a danger that the child may have to be moved once the time limits above have expired. If they do not respond to your request to start this process, you can challenge this using the local authority's complaints procedures – for more information see FRG advice sheet on [Complaints: http://www.frg.org.uk/need-help-or-advice/advice-sheets](http://www.frg.org.uk/need-help-or-advice/advice-sheets).

If you go through the full fostering assessment, but the fostering panel recommends that you should not be approved as a foster carer, you can apply for a review of this decision using the Independent Review Mechanism (IRM) – see page 14-15. In these circumstances, the temporary approval will continue and the child can remain with you until the outcome of the review is known.

## **PART 3: THE IMPLICATIONS OF BEING A FOSTER CARER: What are the pros and cons of being a foster carer?**

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The advantages and disadvantages of becoming a foster carer will be different for each individual. It may be worth spending some time clarifying your own thoughts about becoming and remaining a foster carer. Some questions to help you explore this are:

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| <p><b>Do I want Children’s Services involved in my life?</b></p>                                    | <p>Looked after children should be visited by their social worker every six weeks for the first year and then at least once every three months.<sup>44</sup> However, if it is a long term foster placement, the visits may be reduced to every six months, if the child is of sufficient age and understanding to agree this.</p> <p>When the child is placed with you, Children’s Services should provide you with a placement plan. This should contain details of the child’s background and needs, how the child’s welfare will be safeguarded, the financial support you will get, the arrangements for the child to have contact with their parents and others, the arrangements that will be made to support the child’s health and education, and the frequency of social work visits to the child. If this is a long term foster placement, this must be stated in the placement plan.<sup>45</sup></p> |
| <p><b>What can Children’s Services offer me and the child that we will find useful?</b></p>         | <p>You can get support to care for the child, both financial support in terms of a fostering allowance and other support e.g. nursery place, respite care, supervised contact etc. Children who are <i>looked after</i> do get extra support, for example they should be able to go to the school of their choice, the school should give them extra help if they need it, and they should continue to get help if they go into further education, even after they are 18. You will need to negotiate with children’s services about the kind of support you think you need. You can get further information about this from FRG advice service – contact details in part 4 of this advice sheet.</p>   |
| <p><b>How will becoming a foster carer affect my ability to make decisions about the child?</b></p> | <p>Being a foster carer does not give you <i>parental responsibility</i> (PR) for the child. PR remains with the parents if a child is <i>accommodated</i>. If the child is on a Care order, PR is shared between the parent and local authority but Children’s Services have the right to make most decisions.</p> <p>Written information about the child’s daily life while they are</p>  |

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|  | <p>with you should be in the care plan, which is a document that should be drawn up whenever a child becomes looked after, with a copy being given to the child's carers. The care plan should include the long-term plans for the child, the child's health plan, the child's personal education plan, details about the child's identity and family and social relationships, the placement plan, and the name of the child's Independent Reviewing Officer. It should be regularly updated. These arrangements should have been discussed with you, and the parents and child if appropriate. You may find that you have to go back to the local authority if certain permissions are needed, for example for medical treatment.</p>                                   |
| <p><b>If I am a foster carer – can Children's Services remove the child at any time without my permission?</b></p> | <p>If the child is <i>accommodated</i> by agreement with a person with parental responsibility, children's services will need their agreement or they must apply for a care order. If the child is placed with you under a care order, they can remove the child but should still act in a reasonable and fair way. So, for example, if things are difficult at home with the child you should be offered support to ease the situation or given information about anything you are asked to do differently. The law says that Children's Services must consult with the child, people with parental responsibility and any other 'relevant people' in deciding things for looked after children. Foster carers should almost always be counted as 'relevant people'.</p> |
| <p><b>Will I have to go to lots of meetings?</b></p>   | <p>Looked after children should have their care plans reviewed at least once every six months and you will be invited to these review meetings and expected to attend as you know the child best. However, if the placement is a long term foster placement, the frequency of these meetings may be reduced to once a year, although reviews will still take place once every six months.</p> <p>From time to time you may be invited to other meetings to discuss other issues to do with the child.</p>   |

Most of the above questions focus on support and your day to day needs and those of the child but of course, for many of you, finance will be a big issue that you need to consider.

## **What are the alternatives to being a foster carer?**

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If you want to care for the child but you do not want to be assessed as a foster carer by Children's Services, you should consider applying to court for a child arrangements order (saying the child should live with you) or a special guardianship order. You may first need to apply for permission from the court before you can apply for these orders unless you have been looking after the child for the last year. The court would only grant these orders if it considered this would be in the child's best interests. Both orders would give you parental responsibility but the effect of each of them is slightly different both in terms of what you can decide about the child's care and your entitlement to support.

For further information see advice sheets [DIY Child Arrangements Orders: Information for Family and Friends Carers](#) and [DIY Special Guardianship Orders: Information for Family and Friends Carers](#) <http://www.frg.org.uk/need-help-or-advice/advice-sheets>.

Or contact FRG advice line – details in part 4 of this advice sheet.

## **PART 4: WHERE CAN I GET FURTHER HELP?**

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**Family Rights Group:** is an organisation which provides free telephone and email advice to family members who are involved with Children's Services about the care and protection of their children.

- Contact FRG's advice line for further advice, on 0808 801 0366. It is open Monday-Friday 9.30am-3.00pm. You can also visit <http://www.frg.org.uk/need-help-or-advice/advice-sheets> where you can download other relevant advice sheets.
- There are parent and family and friends carers discussion boards at: <http://www.frg.org.uk/discussion-board-for-homepage>
- Family Rights group can also put you in touch with a **Family Group Conference Service**. Email [office@frg.org.uk](mailto:office@frg.org.uk)

**The Fostering Network** is a national charity which works with everyone involved in foster care. You can contact Fosterline, on 0800 040 7675 or <http://www.fostering.net/>

### **To find a solicitor who specialises in children law, contact:**

1. **Solicitors Regulation Authority**, Ipsley Court, Redditch, Worcestershire B98 0TD  
Telephone: 0870 606 2555 <http://www.sra.org.uk/consumers/find-use-instruct-solicitor.page>;
2. **The Law Society of England and Wales**, 113 Chancery Lane, London WC2A 1PL  
Tel: 020 7242 1222 Minicom: 0870 600 1560 Fax: 020 7831 0344  
E-mail: [info.services@lawsociety.org.uk](mailto:info.services@lawsociety.org.uk) [www.lawsociety.org.uk](http://www.lawsociety.org.uk)

***You can search their website for details of local solicitors who are members of the Children Panel:***

<http://www.lawsociety.org.uk/choosingandusing/findasolicitor.law>

3. **Civil Legal Advice (CLA)**, This is a free and confidential advice service run on behalf of the government. It provides information and legal advice directly to the public on common legal issues; helps people work out if they are eligible for free legal advice from a solicitor; and helps them find a solicitor if so.

Website: <https://www.gov.uk/civil-legal-advice> Telephone: 0845 345 4345

4. Citizens Advice may be able to recommend a local solicitor specialising in child care law. Citizens Advice is an independent organisation providing free, confidential and impartial advice on all subjects to anyone. The address and telephone number of your local CAB can be found in the telephone directory. There is also advice on line on their website.

Website [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)

Advice on line Website [www.adviceguide.org.uk](http://www.adviceguide.org.uk)

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## References

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| <b>CA</b>                       | Children Act 1989<br><a href="http://www.legislation.gov.uk/ukpga/1989/41/contents">http://www.legislation.gov.uk/ukpga/1989/41/contents</a>   |
| <b>CCPCRR</b>                   | Child Care, Planning and Case Review Regulations 2010<br><a href="http://www.legislation.gov.uk/uksi/2010/959/contents/made">http://www.legislation.gov.uk/uksi/2010/959/contents/made</a>   |
| <b>CYPA</b>                     | Children and Young Persons Act 2008<br><a href="http://www.legislation.gov.uk/ukpga/2008/23/contents">http://www.legislation.gov.uk/ukpga/2008/23/contents</a>   |
| <b>FFSG</b>                     | Family and Friends Care: Statutory Guidance for Local Authorities<br><a href="https://www.education.gov.uk/publications/eOrderingDownload/Family%20and%20Friends%20Care.pdf">https://www.education.gov.uk/publications/eOrderingDownload/Family%20and%20Friends%20Care.pdf</a> |
| <b>FSNMS</b>                    | The Fostering Services: National Minimum Standards, March 2011, DfE. Made under section 23(1) of the Care Standards Act 2000<br><a href="#">Regulations and national minimum standards - Children and young people</a>   |
| <b>FSR</b>                      | The Fostering Services Regulations 2011<br><a href="#">Regulations and national minimum standards - Children and young people</a>  |
| <b>Volume 1 Guidance</b>        | Children Act 1989 Regulations and Guidance, Volume 1 Court Orders<br><a href="http://www.justice.gov.uk/guidance/careproceedings.htm">http://www.justice.gov.uk/guidance/careproceedings.htm</a>   |
| <b>Volume 4 Guidance (2013)</b> | Children Act 1989 Regulations and Guidance, Volume 4 Fostering Services (as amended 2013)  |
| <b>PLO</b>                      | The Pilot Practice Direction 12A as annexed to revised Practice  |

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Direction 36C, in force from 1<sup>st</sup> July 2013:  
<http://www.familylaw.co.uk/articles/new-fpr-practice-36c-and-the-revised-public-law-outline>

- <sup>1</sup> s.22C CA (as amended by s.8 CYPA)
- <sup>2</sup> The Children (Private Arrangements for Fostering) Regulations 2005
- <sup>3</sup> s.22C(6) CA;
- <sup>4</sup> Re W and X (Wardship: Relatives rejected as foster carers) [2004] 1 FLR 415
- <sup>5</sup> Reg 24 and Schedule 4 CPPCRR
- <sup>6</sup> Fostering Services Regulations 2011 and the National Minimum Standards for Fostering Services.
- <sup>7</sup> Reg 26(1A) & Schedule 3, Part 1, FSR
- <sup>8</sup> Reg 26(1B), (1C)(b) FSR, and page 7 Vol 4 Guidance (2013)
- <sup>9</sup> page 7,8, Vol 4 Guidance (2013)
- <sup>10</sup> Reg 26(1A) and Schedule 3, Part 2, FSR
- <sup>11</sup> Reg 26 (5-7) FSR
- <sup>12</sup> Standard 10.6 FSNMS
- <sup>13</sup> Reg 4 CPPCRR
- <sup>14</sup> Standard 30.4 FSNMS
- <sup>15</sup> Para 4.24, FFSG
- <sup>16</sup> Para. 5.17 FFSG
- <sup>17</sup> Reg 26(2)(d)
- <sup>18</sup> Reg 26(3) FSR
- <sup>19</sup> Reg 25 (2A)
- <sup>20</sup> Reg. 27 (5)(b) and Schedule 5 FSR
- <sup>21</sup> Reg 28-31 CPPCRR
- <sup>22</sup> Reg 9 & Sched 2 CPPCRR as amended by the CPPCR and Fostering Services Amendment Regulations 2013; and para 3.128 - 3.148 Guidance Vol 2
- <sup>23</sup> Para 3.50 IRO Handbook
- <sup>24</sup> Chapter 2 para 1 Adoption Guidance
- <sup>25</sup> Reg 2(1) CPPCRR
- <sup>26</sup> Reg 22B CPPCRR
- <sup>27</sup> s.22B & s.22C (10) CA (as amended by CYPA). Manchester City Council – V – F (2002) 1FLR 43; paras 4.48-4.50 Family and Friends Care: Statutory Guidance 2010; R (on the application of x) v LB Tower Hamlets [2013] EWHC 480(Admin);
- <sup>28</sup> Reg 26(1B), (1C)(b) FSR, and page 7 Vol 4 Guidance (2013)
- <sup>29</sup> page 7,8, Vol 4 Guidance (2013)
- <sup>30</sup> Reg 27(6) FSR
- <sup>31</sup> Review of Determinations (Adoption and Fostering) Regulations 2009
- <sup>32</sup> Reg. 27 (7) FSR
- <sup>33</sup> page 6, Vol 4 Guidance (2013)
- <sup>34</sup> Reg 24 CPPCRR
- <sup>35</sup> Reg 25 CPPCRR
- <sup>36</sup> Reg 24 CPPCRR and para 5.5 FFSG
- <sup>37</sup> Reg 24 CPPCRR
- <sup>38</sup> Reg 24(2) CPPCRR
- <sup>39</sup> Reg 24(2) CPPCRR; Sch 4 CPPCRR; Para 5.5 FFSG
- <sup>40</sup> Sch. 4, CPPCRR
- <sup>41</sup> Care Planning, Placement and Case Review Guidance, paras. 3.94 & 3.95
- <sup>42</sup> FFSG Para 5.5
- <sup>43</sup> Reg 25(6) CPPCRR
- <sup>44</sup> Reg 28 (2) CPPCRR
- <sup>45</sup> Reg 9 (1) and Schedule 2 CPPCRR

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