

Derbyshire County Council

Private Fostering

Panel Procedures



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1 Introduction

- 1.1** Derbyshire County Council Private Fostering Service is located within Children's Social Care, Fostering Service, and must comply with Regulations; The Private Fostering Regulations (Private Arrangements for Fostering) 2005, The National Minimum Standards for Private Fostering, functions and duties under the Children Act 1989, and the new duties under the Children Act 2004.
 - 1.2** The Derbyshire County Council's Private Fostering Arrangements are inspected by OFSTED.
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2 Aims and Objectives

- 2.1** Derbyshire County Council's Private Fostering Panel is to ensure the provision of a high quality service that safeguard and promotes the welfare of privately fostered children.
- 2.2** The Private Fostering Panel will carry out its responsibilities in accordance with all relevant legislation, regulations, departmental policy, and procedures.
- 2.3** The Private Fostering Panel is committed to anti-discriminatory practice and will carry out its duties in accordance with Derbyshire County Council's existing policy and will not discriminate on the grounds of gender, race, religion, sexuality or disability.
- 2.4** The Private Fostering Panel will be transparent in its decision-making processes and will welcome comments and suggestions, which will improve both its practice and operation.
- 2.5** In all matters the Private Fostering Panel will ensure that the welfare of privately fostered children and young people will be satisfactorily safeguarded and promoted.

3 Roles and Responsibilities

- 3.1** The Private Fostering Panel will only consider matters relating to private fostering.
- 3.2** The Private Fostering Panel will ensure compliance with the National Minimum Standards for Private Fostering, and focusing on positive outcomes including:
- Being healthy;
 - Staying safe and feeling safe;
 - Enjoying and achieving;
 - Making a positive contribution;
 - Achieving economic well-being.
- 3.3** Private Fostering Panel's role is to provide thorough and critical consideration of all cases presented to it in order to quality assure the private fostering arrangement assessment records. The Panel's remit is to assure that sound and appropriate decisions are being made on the suitability of private fostering arrangements based on in depth and robust assessment..
- 3.4** The Private Fostering Panel will clarify the needs of the child, each agency stating what they understand the needs of the child / young person to be, also taking into consideration the views of the parent's, carers, child, young person, and professionals directly involved.
- 3.5** The Private Fostering Panel will consider additional community input which would make the arrangement more effective and also offer consultation and guidance on cases where appropriate.
- 3.6** The Private Fostering Panel will review decisions set by a previous panel meeting and will undertake to scrutinize the yearly reviews undertaken on all long- term private fostering arrangements.
- 3.7** The Private Fostering Panel will evaluate the standards and quality of assessments and provide feedback to the appropriate managers via the chairperson or panel administrator.
- 3.8** The Private Fostering Panel will contribute to the setting and monitoring of standards, policies, practice and procedures.

4 Membership

4.1 Membership of Derbyshire County Council's Private Fostering Panel will consist of a maximum of six members:

- 1.** Chairperson – Head of Service- Children in Care / Fostering
- 2.** Education Representative;
- 3.** Health Representative;
- 4.** Legal Representative;
- 5.** A Children's Social Care member: i.e. Team Manager / Practice Supervisor, Children in Need / Child Protection Teams;
- 6.** An independent member;
- 7.** Panel Administrator (present to take the minutes).

4.2 Panel members will be chosen to enhance the overall knowledge and functioning of the panel and will be chosen to reflect the composition of Derbyshire's local communities.

4.3 Substitutes (deputies) for panel members are allowed, but there would need to of suitable qualifications.

4.4 The Private Fostering Panel must be chaired by a Fostering management within Derbyshire County Council. This management must not have any direct line management of any private fostering cases.

4.5 The chairperson and the Panel Administrator will liaise to ensure that the panel is quorate.

4.6 The Private Fostering Panel will only be quorate and able to consider cases when at least four of its members are present. This must include the chairperson, the independent member, and at least one other representative from Health, Education or Legal.

5 Protocol for Members

- 5.1** All panel members will have suitable qualifications and/or experience and are expected to comply with the panel protocol.
- 5.2** All panel members will be appointed initially for a three year term of office and will be asked to sign a membership agreement. Membership will be reviewed on an annual basis.
- 5.3** All new panel members will be expected to observe at least one panel prior to full membership.
- 5.4** The panel administrator will ensure that all new members will receive a comprehensive induction pack. This will include appropriate policies and procedures, Derbyshire's Statement of Purpose on Private Fostering and any other information relevant to Private Fostering.
- 5.5** Panel members are expected to attend a minimum of 75% of meetings in a year. Members unable to attend a panel meeting must ensure that apologies are sent in advance to the panel administrator. The panel administrator in consultation with the chair will discuss in private with any panel member where attendance is proving to be a problem.
- 5.6** Panel members will be committed to anti-discriminatory practice and will consider each case on its own merits.
- 5.7** All information presented to the panel is of a confidential nature and all panel members will respect this.
- 5.8** Panel members must declare any personal or professional interest in any matter for consideration by the panel. They must put it in writing to the Chairperson if they personally know /or is an extended family member of any of the applicants and should not read the panel papers.
- 5.9** Panel members should have read all panel papers carefully before panel and should come prepared to contribute to panel discussions.
- 5.10** Panel members are expected to keep up to date with developments in private fostering to avail themselves of training opportunities.
- 5.11** Panel members will be kept informed about current practice, issues and legislation in relation to Private Fostering by means of updates from the Chair and through training.

- 5.12** Panel members must inform Derbyshire Council at once if they have been convicted or cautioned for any criminal offence. They should notify the Chairperson in writing as soon as possible.
- 5.13** A minimum of two annual training/business days will be offered to panel members. There is an expectation that panel members will attend a minimum of 50% of the training events. Members will be consulted on the content and format of the training.
- 5.14** A panel member may resign at any time by giving 28 days' notice in writing to the panel administrator. If there are concerns about a panel member's behaviour or conduct in the panel or ability to attend the panel, the panel administrator in consultation with the Chairperson will discuss these in private with the member to try and resolve them informally. If these concerns cannot be resolved informally and it is considered that the member is unfit or unable to hold office the panel administrator in consultation with the Chairperson will put in writing the reasons for the termination of the panel member's appointment. Derbyshire Council reserves the ability to terminate membership if the overall needs of the panel or service require it before the completion of a three year term.
- 5.15** Annual reviews of panel members will be undertaken by the Chairperson and Specialist Practitioner for Private Fostering.

6 Chairperson

- 6.1** The chair of the panel must be a Head of Service based within Derbyshire Children's Social Care. They must not have any direct line responsibilities for any private fostering cases. The chair must also have:
- The authority and competence to chair a panel;
 - The ability to analyse and explain complex information;
 - The ability to identify key issues, problems and solutions;
 - Excellent interpersonal, oral and written communication skills;
 - The necessary skills to ensure that the panel's work is carried out efficiently and sensitively.
- 6.2** The chair will ensure that panel meetings are conducted in a professional and proper manner and that all items of business are covered and to assume responsibility for co-ordination of discussion and time-keeping. The chair will ensure that all applicants, social workers and managers attending panel will be treated with respect and courtesy.

- 6.3** The chair will discuss and agree with the panel administrator details about which cases will be presented to the panel, panel membership attendance, and items for the agenda.
- 6.4** The chair will ensure that all panel members participate fully in the meetings and that members maintain an awareness of their role and responsibilities and contribute to the decision making process.
- 6.5** The chair of the panel will be consulted about urgent matters and when an additional panel meeting may need to be convened or when action outside of a panel meeting may need to be taken.
- 6.6** The chair of the panel will be responsible for producing an annual report on Derbyshire's private fostering arrangements for the Local Safeguarding Children's Board (Derbyshire).
- 6.7** A member of the panel will be appointed as vice chair with responsibility for acting as the chairperson if the chairperson is absent or the appointment is vacant. The vice chair should have the skills and experience necessary to deputise for the chair.

7 Role of the Health Representative

- 7.1** The health representative is a member of the panel and therefore takes part in the panel reaching a decision.
- 7.2** The health representative should have an in depth knowledge of child health and development, including social, emotional and cognitive development and give social workers and panel members advice in respect of individual children based on this.
- 7.3** The health representative should also have knowledge of the long-term consequences of child abuse, neglect, loss and separation and an understanding of the genetic implications of illness in the birth parents / carers and the implications of high-risk lifestyles and advice social workers and panel members in respect of individual children based on this.
- 7.4** The health representative will also give social workers and panel members advice about the effects of health problems in carers which might impair their parenting skills.

8 Role of the Legal Representative

- 8.1** The legal representative is a member of the panel and therefore takes part in the panel reaching a decision.
 - 8.2** The legal representative will give specific legal advice to panel members on each individual case presented to the panel.
 - 8.3** The legal representative will give general legal advice to panel members on our legal functions and duties.
 - 8.4** The legal representative should be available for direct contact with social workers to give specific specialist advice.
 - 8.5** The legal representative will be employed by Derbyshire Council, and have experience in family and child care law.
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9 Role of the Education Representative

- 9.1** The education representative is a member of the panel and therefore takes part in the panel reaching a Decision.
 - 9.2** The education representative will give an educational update on each individual case presented to the panel.
 - 9.3** The education representative should have in-depth knowledge of the education system, and the educational needs and development of a child or young person.
 - 9.4** The education representative should be able to give social workers and panel member's educational advice in respect of individual children based on this.
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10 Role of the Independent Representative

- 10.1** The independent representative is a member of the panel and therefore takes part in the panel reaching a decision.

11 Confidentiality

- 11.1** All information presented to the Private Fostering Panel is confidential and panel members must respect this.
- 11.2** All panel members (and any observers) will be required to sign a confidentiality form.
- 11.3** All panel members must be able to indicate what arrangements they have for ensuring that confidential papers sent to them are kept in a secure place.
 - 11.3.1** All documentation and reports should be returned to the panel administrator at the end of each panel meeting. If a panel member is unable to attend a panel meeting it is their responsibility to ensure that the papers are returned safely to the panel administrator.
 - 11.3.2** Any breach of confidentiality by a panel member will be considered as serious and will be taken up by the chairperson and could lead to the termination of the panel member's appointment.

12 Conflicts of Interest

- 12.1** When a panel member has direct knowledge / personal involvement of a case being presented to panel a declaration of interest must be made.
- 12.2** The chairperson will decide whether a declared interest in a case is such as to debar that panel member from the discussion relating to that case and/or participation in the panel decision. Personal knowledge of a private fostering arrangement – declared in writing to the chair of the panel – will normally mean that a panel member will leave for that part of the meeting.

13 Administration of the Panel

13.1 The work of panel will be supported by an administrator.

13.2 Panel meetings will be minuted by this panel administrator.

The minutes will record:

- Date of panel;
- Attendance at panel;
- Apologies for absence panel members;
- Name of child / carers;
- Issues raised by panel members;
- Areas discussed with social worker / manager;
- Areas of concern in relation to the private fostering arrangement;
- Any legal advice given;
- Decisions reached;
- Reasons for the decision;
- Any panel member/s not in agreement with the decision and why;
- Any request from panel for further information or reporting back to panel;
- Any other business for discussion.

13.3 The panel administrator will keep a central record of all reports and paperwork presented to panel and of all panel minutes.

13.4 The panel administrator will ensure that panel members receive copies of the agenda and all reports or papers to be discussed at panel at least one week in advance of the meeting in order for them to have read and considered them prior to the meeting. The Chair will monitor this.

13.5 Tabling of any reports or papers, other than in an emergency, must be notified to the chair of panel who will decide whether it is appropriate and acceptable to proceed.

13.6 The panel administrator will be responsible for the booking of rooms for panel meetings / online 'Teams' Meetings and all practical arrangements relating to panel business including letters of notification of all decisions made in respect of panel decisions.

14 Referring Cases to the Panel

14.1 The social worker and/or line manager is responsible for completing the panel referral form / Quality Assurance checklist within seven working days of completing a private fostering assessment. This form needs to be sent to the Panel Administrator.

15 Attendance of Social Work Staff

15.1 The allocated social worker and/or line manager must attend the panel to present their case.

16 Reports for the Panel

16.1 The panel will require the following reports in advance as follows:

- A completed private fostering assessment;
 - A up to date case summary -which includes statutory checks undertaken i.e. DBS;
 - Genogram.
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17 The Panel Meeting

17.1 The panel will meet monthly, and discuss a maximum of six cases at each meeting.

17.2 The panel members will have all the reports for each case one week in advance of the panel meeting so that they can read fully and note any areas that they would like to bring to the meeting for further discussion.

17.3 The following minimum timings will be allocated to cases presented to panel:

- Comment on the quality and robustness of the assessment and decision making in regards to new private fostering arrangements with decisions as to areas for further consideration: 30 minutes;
- Comment on the quality and robustness of the assessment and decision making in regards to the yearly reviews of long term private fostering arrangements: 30 minutes.
- Comment and review cases that have been asked to come back to panel at an earlier time point.
- Comment and review on the Action Plan / Compliance to NMS as part of the service delivery.

18 Panel Process

- 18.1** Panel members will discuss the issues they wish to discuss with the social worker and /or line manager before inviting them in to present their case. The chairperson will coordinate the discussion with the social worker and / or line manager to ensure that all areas are covered and that the social worker and / or line manager have the opportunity to present any other relevant information.
- 18.2** The panel's decision should be reached by consensus. Unanimity of panel members may not always be possible and on those occasions when there is a serious difference of opinion among panel members or the panel is evenly split the chair will either defer the decision so that more information can be made available to panel.
- 18.3** At the end of each case the chair will summarise the decisions made and the positive aspects as well as any areas of concern in relation to the arrangement.
- 18.4** Panel decisions should be conveyed orally to all those involved i.e. children, birth parents, private foster carers within 24 hours by the appropriate social worker.
- 18.5** Usually no more than two people at a time will be allowed to observe at panel.

19 Decision Making

- 19.1** The Private Fostering Panel makes decisions regarding the cases presented to it.
- 19.2** The Panel will make one of the following five decisions;
- Agreement that the arrangement is suitable (subject to DBS checks);
 - Concerns noted about suitability of the arrangement;
 - Impose Requirements;
 - Prohibit the Arrangement;
 - Disqualification.
- 19.2.1** Agreement that the Arrangement is Suitable If the panel is satisfied that the arrangement is suitable they will agree to the arrangement subject to satisfactory DBS (Disclosure and Barring Service) checks. The allocated social worker is expected to continue to monitor the arrangement undertaking visits within the statutory timescales. If the duration of the arrangement is expected to last over a year, then the arrangement must be reviewed by the Panel on a yearly basis.

19.2.2 Concerns Noted about Suitability of the Arrangement Unanimity of panel members may not always be possible and on those occasions when there is a serious difference of opinion among panel members or the panel is evenly split the chair will make a note of the concerns held by the Panel and ask the social work team to provide further information to clarify the concerns of members.

19.2.3 Imposing Requirements or Conditions Where the panel feels that the arrangement made for a private fostering arrangement is unsatisfactory. The panel will impose requirements or conditions on the arrangement which must be met by the private foster carer to enable the arrangement to continue.

19.2.4 Prohibition of the Arrangement If the Panel is of the opinion that the foster carer is not suitable or that the premises is not suitable, or that the arrangement would be prejudicial to the welfare of the child, a decision will be made to prohibit the arrangement. If the Panel is not satisfied that the welfare of the child is being adequately safeguarded or promoted it must (unless this would not be in the child's interest) arrange for the care to be taken over by a parent, person with parental responsibility, or a relative and consider if any other responses including the child or young person becoming looked after by the local authority. In the event of prohibition, a formal letter must be sent to the foster carer stating the reasons for the decision. The foster carer has a right to appeal within 14 days, via Derbyshire's complaints procedures if they are not in agreement to the prohibition.

19.2.5 Disqualification No one is allowed to care for a private foster child if s/he or anyone else who lives or works on the premises: has had a child removed from her/his care e.g. by a Care Order or via Assumption of Parental Rights under Section 3 of the Child Care Act 1980 or via the Adoption Act 1976 or via the Foster Children Act 1980, or has been convicted of any offence involving injury or threats of injury to another.

20 Notification of the Agency Decision

- 20.1** Private foster carers are not “approved” by the Department nor are formally registered in any way. The Panel’s role is to provide a level of independent scrutiny and to make decisions as to the suitability of the arrangement in promoting and safeguarding the child’s welfare.
- 20.2** The decision will be conveyed orally to all those involved and confirmed in writing within two weeks. This will be accompanied with a feedback form for comments to help the Panel to continually improve the Private Fostering Service.
- 20.3** It is expected that the outcomes of the Panel will be shared with the child /young person, carer, and parent(s). The Panel Administrator will distribute the minutes and feedback forms directly to the allocated social worker or line manager for distribution, unless there is a compelling case why this should not happen.
- 20.5** Advice and support from a range of universal services must also be provided to the carer, child, or young person.

21 Appeal Procedures

- 21.1** Where a private foster carer or birth parent is not in agreement with the panel’s decisions s/he should write directly to the Chairperson within 28 days. All correspondence will be acknowledged formally within 3 working days and answered formally within 14 working days.
- 21.2** Private foster carers and /birth parents (if contactable) will be advised of Derbyshire’s complaints procedure where appropriate.
- 21.3** Any concerns that private foster carers have specifically about the operation of the Private Fostering Panel should be raised in writing in the first instance with the Chairperson of the panel. This will be held on record. If the matter cannot be resolved at stage one then the usual complaints procedure for Derbyshire Council will be used.
- 21.4** Where a worker wishes to make a representation about the Private Fostering Panel, this should be taken up through their line manager and chairperson of the panel.
- 21.5** Should the case holding team be unhappy with the decision made by the Panel, the matter can be addressed via an escalation to the Director of Children Services.

22 Annual Report

22.1 The chairperson will produce an annual report each year.

22.2 The report should include:

- Number of children approved for adoption/permanent fostering, age, gender, ethnicity;
- Work of the panel and the service;
- Quality of work presented to panel;
- Specific issues arising for panel over the past year;
- Decisions re the private fostering panel and provision of the private fostering service in Derbyshire;

22.3 The annual report will be presented to all panel members via the senior management leadership meetings.

22.4 The annual report should be presented to the senior management group via its usual reporting processes.

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