

Fostering

Fostering Panel

The Trust Board has granted the Chief Executive of the Sandwell Children's Trust the authority to approve this document.

Fostering Panel

Regulations and Standards

The Fostering Services (England) Regulations 2011

Fostering Services: National Minimum Standards:

STANDARD 14 - Fostering panels and the fostering service's decision-maker

Scope of this Chapter

This chapter explains the membership, purpose, functions and arrangements for meetings of the fostering panel.

Related Chapters

Recruitment, Assessment and Approval of Foster Carers Procedure

Exemptions and Extensions Procedure

Persons Disqualified from Fostering Procedure

Review and Termination of Approval of Foster Carers Procedure

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1. Membership

The fostering panel has a crucial role in the provision and monitoring of foster care for children and young people. The making of decisions about approval, the terms of approval and assessing the continuing ability of foster carers to meet the needs of children is a central task focused on ensuring the child's welfare is paramount.

The Agency welcomes applications to foster from people from all backgrounds.

The membership of the fostering panel is drawn from a Central List of suitably qualified and experienced people, who come from a variety of backgrounds. There is no fixed Panel membership or maximum number of members. However, there is a quorum for meetings - see Section 2, Meetings.

The Central List must include at least one social worker who has at least three years relevant post qualifying experience. The social worker can be an employee (but if this is the case they should not be involved as a Panel member in matters that they have an involvement in).

The Central List must also include some who are independent of the Agency. Independent members of the Central List cannot be either foster carers or employees of the Agency.

The Panel chair will be one of the independent members. The Panel chair should be able to demonstrate a sound understanding of the fostering process; have the authority and competence to chair the meetings; and have the ability to be able to analyse and explain complex information. They are also required to be able to identify key issues, problems and solutions and have excellent interpersonal, oral and written communication skills.

The Agency Decision-Maker or Panel Advisor must also appoint one or two Vice chairs, whose role is to take charge of the Panel when the chair is unavailable.

The same members do not have to attend all Panel meetings. However, the Panel should have a core group of members who regularly attend, with others on the Central List attending meetings less regularly but who can, for example, provide specialist knowledge or experience.

All members of the Central List must have been the subjects of satisfactory Disclosure and Barring Service checks before taking up their appointment. Personal and work references will also be obtained in writing and must be satisfactory.

Each member must be provided with written information on appointment of their performance objectives, including their participation in induction and other training and safeguarding the confidentiality of records and information submitted to Panel. They will be asked to sign an agreement with the Agency in relation to his or her membership of the List, covering the agency expectations (including the requirement to report any involvement in criminal proceedings), confidentiality issues and commitment to anti-discriminatory practice.

All members may be required to attend at least one Panel meeting as an observer before taking up their membership and to attend induction training, which they must complete within 10 weeks of being appointed to the Central List.

Members must also have access to appropriate training and skills development and have the opportunity to attend joint training with fostering staff at least annually.

The chair and Panel Advisor will conduct an annual appraisal of each member. The appraisal of the chair can be conducted by the Agency Decision-Maker based upon:

- Feedback from presenting social workers;
- Feedback from prospective carers attending Panel;

- Observation of the Chair at Panel.

Members of the Central List who no longer wish to fulfil the role need to give one month's written notice of their intention to leave

Where there are concerns about a Panel member's behaviour either inside or outside the meetings, this will be raised by the chair with the Agency Decision Maker or Panel Advisor. This should be raised in a timely way with the Panel Member with consideration as to whether there are suitable options to address this, possibly through advice and training. If, however, the Panel Member's performance continues to fall below the standard required, consideration will be given as to whether to end the appointment. If so, they will be advised in writing giving one month's notice, together with clear reasons for the decision.

2. Meetings

The quorum of fostering panel meetings is 5 (all of whom must be from the Central List)

One of whom must be the chair or, in the chair's absence, Vice chair. (If the meeting is conducted by a Vice chair who is not an independent member, there must be at least one other independent member on the Panel);

A social worker; and

Three other members. The chair should ensure that there are not so many people attending the meeting that it cannot fulfil its functions or intimidate applicants or foster carers.

The fostering panel meets on a regular basis.

The Panel Administrator, with the chair's authority, will arrange additional special meetings as necessary.

The fostering panel must have access to medical and legal advice when this is required but there is not a necessity for the people providing this advice to be Panel members or for them to contribute to Panel in person.

The Panel Administrator in consultation with the chair prepares the agenda for each meeting and sends out the agenda to Panel members before the meeting. Panel members must have all the papers (including assessment reports and reviews) five working days before the panel meets.

Applicants will be invited to attend the fostering panel with a supporter if they so wish.

The chair's role is to ensure that all members participate fully in the meetings (unless an interest has been declared), and that each member has an opportunity to raise questions or offer comments on each matter considered, that sensitive regard is paid to foster carers while keeping the child's welfare paramount, that consensus is achieved wherever possible and that the panel has clear reasons for its recommendations.

Where there is a serious difference of opinion among members, the chair may ask for more information to be made available to the panel before a recommendation is made. Serious reservations expressed by individual panel members about a particular recommendation must be recorded in the panel minutes for consideration by the Agency Decision Maker.

At the end of meetings, the Panel Administrator will collect all reports and agenda from members.

The Panel Administrator will prepare the minutes in which the discussion by panel members, the reasons for recommendations and any disagreements or dissent will be fully recorded. S/he will send the minutes to the chair for approval of their accuracy, and then submit them to the Agency Decision Maker.

The Panel Administrator will also ensure that applicants, foster carers and social workers are notified in writing of panel recommendations within 5 working days and provide social workers with a copy of the relevant minutes.

Expenses for member's attendance at Panel meetings may be made.

3. Purpose and Function

Fostering panels are multi-disciplinary bodies that can act with independence from the fostering agency.

The panel cannot make decisions; its purpose is to advise the agency in relation to the issues listed below.

As part of this function, the panel oversees the conduct of assessments carried out by the fostering service, advises on any relevant matters in relation to the fostering service and makes recommendations to the Agency Decision Maker about quality issues and performance standards.

In particular the panel makes recommendations as to the following:

The suitability of applicants to act as foster carers, and if approval is recommended, the terms on which they should be approved (e.g. number and age of children to be placed);

The continued suitability of the foster carers and whether the terms of approval remain appropriate (after the first review and any subsequent reviews referred to it by the fostering service where significant changes or termination of approval are recommended);

Any other matters or cases referred to the panel by the fostering service.

In addition, the panel will receive information about exemptions to the limit on the number of children placed with foster carers. Exemptions and Extensions Procedure.

The panel will also receive and consider any representations challenging a decision not to approve an applicant as suitable, or a decision to terminate or revise the terms of a foster carer's approval - see Recruitment, Assessment and Approval of Foster Carers Procedure, Representations/Independent Review Procedure.

The panel will receive annually the Fostering Manager's annual report on the panel's business, including statistical information about approvals, reviews, termination of approvals, the number of children in placement and complaints received about foster carers during the preceding year.

The chair will communicate any issues of concern to the Fostering Manager and take part in quarterly meetings with him or her and the vice chair/s to review the panel's functioning and report on the quality of work being presented to panel, to ensure good standards are maintained.

4. Conduct of Panel Business

The fostering panel is required to make recommendations to the agency decision maker.

It is expected that panel members will have read all reports and carefully evaluated the information to identify issues where further information or explanation is required, before the meeting takes place.

The panel chair will ensure that each panel member is given the opportunity to raise comments and seek clarification about terminology in reports.

Applicants attending the panel meeting where their application is being considered will also have the opportunity to make comments and seek clarification about the assessment or review process and any issues that may emerge. If they bring a supporter with them, the supporter will also be invited to speak on behalf of the applicant. The panel's deliberations about an applicant's suitability will usually be done after the applicants have left.

The panel is expected to try and reach a consensus of opinion discussing the strengths and concerns. All panel members should be asked their views and no view should carry more weight than another. The chair would generally not have a casting vote, where an even vote occurs further information should be sought.

The recommendations should be recorded having been previously summarised by the panel chair. The panel chair will normally advise the applicant of the panel's recommendations following the meeting.

5. Conflicts of Interest

Panel members should consider any conflicts of interest in relation to panel agenda items. A potential conflict arises if an interest may be seen to adversely affect a panel member's capacity to act without prejudice or preference in a matter, for example because they know a person under consideration in a personal or professional capacity.

It is anticipated that in many circumstances there may be professional knowledge of a case which should be notified to the chair but which will not affect a member's capacity to participate in the panel. In other circumstances, there may be a personal interest or connection which would require the panel member to refrain from participation. It may be less clear in some cases when advice should be sought.

In the case of a potential conflict of interest where advice is required, panel members should consult the chair or legal adviser, giving as much advance notice as possible particularly having regard to the implications for the quorum.

6. Agency Decision Maker

The agency decision maker must have been qualified as a social worker and have at least three years' experience and have a working knowledge of childcare law and practice.

The agency decision maker will take account of the panel's recommendation before proceeding to make a decision. The agency decision maker can choose to make a different decision.

The agency decision maker receives the same information as panel members prior to a panel meeting, together with the minutes of the panel meeting.

The decision and the date of the decision will be recorded by the agency decision maker.

Applicants and carers should be advised verbally of the decision within two days and in writing within five working days of the receipt of the agency decision maker's decision.

The agency decision maker may defer any decision should there be any cause to do so until such time as any issues have been resolved.

7. Resignations and Termination of Approval of Foster Carers

The approval of foster carers can end in a number of ways.

Where the decision is made by the foster carers - for example, due to retirement, a career change, because the carer wishes to take a break or because they wish to move to another fostering agency, they must give twenty-eight days' notice to the fostering service and this will be reported to the next available fostering panel.

Occasionally it will be necessary for the fostering service to take action to terminate a carer's approval - where this is considered it should be presented to the fostering panel following a review of the carer's approval, this process is detailed in the Review and Termination of Approval of Foster Carers Procedure.