

Fostering

Persons Disqualified from Fostering

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

Persons Disqualified from Fostering

Regulations and Standards

The Fostering Services (England) Regulations 2011

[Regulation 26 - Assessment of prospective foster parents](#)

Fostering Services: National Minimum Standards

[STANDARD 13 - Recruiting and assessing foster carers who can meet the needs of looked after children](#)

Scope of this Chapter

This chapter explains which people are disqualified and therefore not eligible to be assessed as foster carers or continue in the role of a foster carer.

Related Chapter

Fostering Panel Procedure

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1. Persons Disqualified from Fostering

A person is disqualified from acting as a foster carer for the fostering agency (unless a relative of the child or already acting as a foster carer) if s/he or any adult member of the household has been cautioned for or convicted of a specified offence.

A specified offence is defined as offence against a child*, an offence specified in [Part 1 of Schedule 4 of the Fostering Services Regulations 2011](#), the importation/possession of indecent photographs of a child under 16 and any other offence which involves bodily injury to a child (other than common assault or battery).

*A list of these offences is set out in the Criminal Justice and Court Services Act 2000, except that it does not include an offence contrary to section 9 of the Sexual Offences Act 2003 (sexual activity with a child) where the offender was under 20 when the offence was committed and the child was aged 13 or over.

In addition, a person is disqualified from acting as a foster carer for the agency (unless a relative of the child or already acting as a foster carer) if s/he or any adult member of the household has been cautioned for or convicted of an offence specified in paragraph 1 of part 2 of Schedule 4 of the fostering services Regulations 2011 committed at the age of 18 or over OR falls within paragraph 2 or 3 of Part 2 of Schedule 4, notwithstanding that the offences listed have been repealed.

The individual circumstances of situations where an applicant has been accused but not convicted of such an offence must be considered in light of the full details and an assessment of any risks that they may pose to children be undertaken.

2. New Applications

Where Disclosure and Barring Service checks reveal that an applicant for approval as a foster carer is a disqualified person, the applicants must be advised that their application cannot proceed. This must be confirmed in writing to them, together with the reasons, and retained with their application form.

3. Approved Foster Carers

Where information is provided or updating Disclosure and Barring Service checks reveal that an approved foster carer has been convicted of or cautioned for a criminal offence as a result of which he or she will become a disqualified person, an urgent review of the foster carer's approval should be held and a written report detailing the circumstances leading to the conviction/caution, together with background information from the foster carer's case record, must be presented to the fostering panel as soon as possible. The report should contain a recommendation on whether consent should be granted to allow the foster carer to continue to be approved as a foster carer for the (named) child or children currently in placement.

Where such information is received, the social worker for any child currently in the placement must be informed and plans for the termination of the placement will also need to be considered as appropriate.

Where the report recommends the termination of approval of the foster carer, the report should be presented to the earliest possible fostering panel.

Written notice of the decision, together with reasons, must then be sent to the foster carer as soon as practicable.