

**Fostering Policy**

**April 2023 to March 2026**

Contents

[1. Introduction 4](#_Toc131431629)

[2. Sufficiency Duty 4](#_Toc131431630)

[The Most Appropriate Placement 4](#_Toc131431631)

[3. Policy Statement 4](#_Toc131431632)

[4. Related WSCC Documents 4](#_Toc131431633)

[5. Legal Context 4](#_Toc131431634)

[6. Statutory Guidance and Good Practice 4](#_Toc131431635)

[- Short Breaks Statutory Guidance 2010: DfE 4](#_Toc131431636)

[- The Training, Support and Development Standards for Foster Care 2012: DfE 4](#_Toc131431637)

[- The National Minimum Standards and The Fostering Services (England) Regulations 2011 and the 2013 amendment 4](#_Toc131431638)

[- Initial Family and Friends Care Assessment: A good practice guide: Family Rights Group January 2017 4](#_Toc131431639)

[- Replacement Children Act 1989 Guidance on Private Fostering 2005: DfE 4](#_Toc131431640)

[- Special Guardianship Guidance, January 2017: DfE 4](#_Toc131431641)

[- Family and Friends Care: Statutory Guidance for Local Authorities 2010: DfE 4](#_Toc131431642)

[7. Responsible WSCC Teams/Departments 4](#_Toc131431643)

[8. Eligibility Criteria 4](#_Toc131431644)

[9. Assessment and Approval of Foster Carers](#_Toc131431645) 6

[10. Foster Panel 6](#_Toc131431646)

[11. Persons Disqualified from Fostering 7](#_Toc131431647)

[Approved Foster Carers 7](#_Toc131431648)

[12. Connected Person Fostering 7](#_Toc131431649)

[13. Private Fostering 8](#_Toc131431650)

[14. Working In Addition to Fostering 8](#_Toc131431651)

[15. Contact with Birth Parents and significant network 8](#_Toc131431652)

[16. Memorabilia 8](#_Toc131431653)

[17. Photography and Filming of Children and Young People 9](#_Toc131431654)

[18. Discipline 9](#_Toc131431655)

[19. Race, Gender and Cultural Identity 9](#_Toc131431656)

[20. Allegations and Complaints Against Foster Carers 10](#_Toc131431657)

[21. Foster Carers Separation 10](#_Toc131431658)

[22. Whistleblowing and Foster Carers 10](#_Toc131431659)

[23. Young Persons’ Allowances 10](#_Toc131431660)

[24. Pocket Money 10](#_Toc131431661)

[25. Savings and Bank Accounts 10](#_Toc131431662)

[26. Equality and Diversity Statement 11](#_Toc131431663)

[27. GDPR and the Data Protection Act 2018 11](#_Toc131431664)

[28. Fostering Records 12](#_Toc131431665)

[29. Monitoring, Review and Accountability 12](#_Toc131431666)

[30. Version Control 12](#_Toc131431667)

#  Introduction

This policy has been developed as part of the Fostering and Kinship Service transformation, to improve service delivery and meet the current and future needs of all West Sussex County Council (WSCC/the Council) foster carers.

## Sufficiency Duty

The ‘sufficiency duty’ is set out in section 22G of the [Children Act 1989](https://www.legislation.gov.uk/ukpga/1989/41/section/22). It is the local authority’s general duty, as far as reasonably practicable, to provide suitable accommodation in its area, to meet the needs of both children who they care for and whose circumstances are such that it would be consistent with their welfare for them to be provided with accommodation that is in the authority’s area.

The sufficiency duty requires local authorities to take early, preventive action to support children and families so that fewer children become ‘children we care for’.

### The Most Appropriate Placement

The placement of a child must meet the child’s welfare needs.

Priority for the care of a child should be given to placing the child with a relative, friend or other person connected to the child, who is an appropriate carer. Failing this, a placement should be found, where feasible, which:

* is near the child's home.
* does not disrupt the child’s education or training.
* enables the child to live with a sibling.
* in the case of a child with a disability, meets the needs of that child.

# Policy Statement

The Council’s Fostering Policy outlines the Council’s commitment to providing the best possible care and support for children we care for. Due regard is given to the Fostering Services (England) Regulations 2011 (the 2011 Regulations), the National Minimum Standards 2011 and the Care Standards Act 2000 (CSA) for the conduct of fostering services which form the regulatory basis of placing children in foster care. The National Minimum Standards 2011, are set up to make sure that:

* The child’s welfare, safety and needs are at the centre of their care.
* Children should have an enjoyable childhood, benefiting from excellent parenting and education, enjoying a wide range of opportunities to develop their talents and skills leading to a successful adult life.
* Children are entitled to grow up in a loving environment that can meet their developmental needs.
* Every child should have his or her wishes and feelings listened to and taken into account.
* Each child should be valued as an individual and given personalised support in line with their individual needs and background in order to develop their identity, self confidence and self-worth.
* The particular needs of children with disabilities and children with complex needs will be fully recognised and taken into account
* The significance of contact/family time for children we care for, and of maintaining relationships with birth parents and the wider family, including siblings, half-siblings and grandparents, is recognised, as is the foster carer’s role in this.
* Children in foster care deserve to be treated as a good parent would treat their own children and to have the opportunity for as full an experience of family life and childhood as possible, without unnecessary restrictions.
* The central importance of the child’s relationship with their foster carer should be acknowledged and foster carers should be recognised as core members of the team working with the child.
* Foster carers have a right to full information about the child.
* It is essential that foster carers receive relevant support services and development opportunities in order to provide the best care for children.
* Genuine partnership between all those involved in fostering children is essential for the NMS to deliver the best outcomes for children; this includes the Government, local government, other statutory agencies, fostering service providers and foster carers.

# Related WSCC Documents

* + West Sussex Fostering Services: Statement of Purpose 2023
	+ The Children’s Guide ‘New into Care’
	+ Foster Carer Handbook 2022
	+ Fostering: Fees and Payments (live document)
	+ Fostering Skills Progression Pathway 2023
	+ Connected Fostering and Special Guardianship Finance Policy 2022 -2023
	+ West Sussex Adaptation of Homes Policy for Foster Carers, Kinship Carers and Special Guardian Carers 2022
	+ West Sussex Private Fostering Statement of Purpose 2022
1. Legal Context
* Children Act 1989 Guidance and Regulations:

Volume 4: Fostering Services (2011)

* Care Planning, Placement and Case Review Regulations 2010
* General Data Protection Regulation 2018
* The Adoption and Children Act 2002
* The Children and Young Persons Act 2008

The Children and Families Act 2014

# Statutory Guidance and Good Practice

### Short Breaks Statutory Guidance 2010: DfE

### The Training, Support and Development Standards for Foster Care 2012: DfE

### The National Minimum Standards and The Fostering Services (England) Regulations 2011 and the 2013 amendment

### Initial Family and Friends Care Assessment: A good practice guide: Family Rights Group January 2017

### Replacement Children Act 1989 Guidance on Private Fostering 2005: DfE

### Special Guardianship Guidance, January 2017: DfE

### Family and Friends Care: Statutory Guidance for Local Authorities 2010: DfE

# Responsible WSCC Teams/Departments

* Adoption South East
* Fostering and Kinship Support Team
* Children we care for teams
* Care Leavers Team
* Unaccompanied Children Seeking Asylum Team
* Fostering and Kinship Assessment Teams
* Children with Disabilities Team
* Youth Offending Team
* Multi Agency Safeguarding Hub (MASH) (Social Care)

# Eligibility Criteria

In order to apply to be a foster carer, an applicant should:

* Have suitable accommodation,
* be in good health,
* be at least 21 years of age,
* be available to provide support and care (usually on a full-time basis) to a child or young person,
* be a full-time resident in the UK or have leave to remain.

People from all backgrounds, gender, age, ethnicity, sexual orientation or disability can apply to be a foster carer. There is no upper age limit to fostering and foster carers do not need to be married or in a relationship.

# Assessment and Approval of Foster Carers[[1]](#footnote-2)

A foster carer is approved in accordance with the Fostering Services (England) Regulations 2011; or temporarily approved as a foster carer under the Care Planning Placement and Case Review (England) Regulations 2011[[2]](#footnote-3).

Foster carers support children who, for a variety of reasons cannot live with their birth families. A ‘child we care for’ may stay with their foster carer for a short or long period of time. Foster carers are not ordinarily permanent carers for a child placed with them. Applicants are approved as foster carers by the Council’s Foster Panel.

If you are considering becoming a foster carer the first step is to contact our Fostering Recruitment team for an initial conversation. This can be done by completing our [**online enquiry form**](https://fosteringwestsussex.org.uk/contact-us/) or by giving us a call on **0330 222 7775. Following this** database checks are completed and an initial home visit with you is organised.

Stage 1

If you are eligible and want to start the assessment process, we will initiate Stage 1 checks and references. This will include [Disclosure and Barring Service](https://www.gov.uk/government/organisations/disclosure-and-barring-service) (DBS) and safeguarding checks, health checks and obtaining employment and personal references. These are necessary to make sure all foster carers are safe and suitable to care for vulnerable children. You will be allocated an Assessing Social Worker who will be on hand to guide you through the process.

You will also be booked onto our three-day mandatory ‘Skills to Foster’ training course, which will help you prepare for your role as a foster carer.

If information becomes available that provides evidence you are not suitable to foster your fostering assessment will be terminated and the reasons for this will be provided in writing.

Stage 2

Your Assessing Social Worker will then begin a Stage 2 assessment. This involves a series of interviews looking in-depth at a wide range of areas which will inform us as to your suitability and capacity to foster.

During the assessment, your Assessing Social Worker will write a report (known as a Form F assessment) detailing the information gathered and a recommendation regarding your approval, including the age range, type of fostering and number of children.

If at any point during the assessment process we feel it is not appropriate to recommend you for fostering, we will discuss this with you at the earliest opportunity and give our reasons in writing. Similarly, if at any point you no longer wish to continue your application to become a foster carer, you can of course withdraw from the process.

The final stage is for your report to be submitted to a Foster Panel. West Sussex’s Foster Panel is made up of a group of people with lots of different life experiences who have an understanding and interest in fostering and looking after children. Further information regarding foster panel is below.

The Panel will meet to discuss your application, and you and your Assessing Social Worker, will also be invited so that you can answer any questions they may have.

The Panel will then make a recommendation as to whether you should be approved as a foster carer. This decision will be ratified by our Agency Decision Maker (ADM). Once this has happened, you will be ready to foster your first child!

This whole process typically takes around four to six months to complete, although this will be quicker if you are [transferring from another fostering agency](https://fosteringwestsussex.org.uk/already-a-foster-carer/).

If within stage 2 your assessment there is evidence you are not suitable to foster and you do not wish to withdraw, a brief report may be prepared under regulation 25(A) and submitted to foster panel. You will be notified of this, and the brief report will be shared with you. You will have 10 days to make your comments/observations. Foster panel will consider the recommendation and if the decision is you are not suitable, called a ‘qualifying determination’ to foster, you may make representation to the ADM or to the Independent Review Mechanism (IRM).

The IRM is an independent body to review process that prospective or existing foster carers can access when they do not agree with the qualifying determination letter sent to them by their Fostering Service Provider ADM.

## Foster Panel

Foster panel is chaired by an independent chair and is composed of independent members from a range of relevant professional backgrounds in health and education including a care experienced adult.

A foster panel is a forum held to consider a person’s suitability to be a foster carer, their continued approval after first year of approval, practice issues including any concerns and deregistration. In doing so, the panel considers the terms of the foster carer’s approval, including the number and age of child/ren in their care.

Foster panels are held once a week and take place around the county alternating in Horsham, Bognor Regis and Worthing. Foster Panel can also be held virtually.

Relevant reports are submitted to foster panel three weeks in advance of the panel. You will have sight of your report prior to this being submitted to foster panel with opportunity to provide your comments and feedback. Foster panel meetings are minuted and the record is recorded on the foster carers file. Due to the confidential nature agendas, minutes and reports are not available to members of the public.[[3]](#footnote-4)

## Persons Disqualified from Fostering*[[4]](#footnote-5)*

A person is disqualified from being a foster carer if they, or any adult member of the household has been cautioned or convicted of a serious offence committed against a child or vulnerable person at the age of 18 or over.

If there is information recorded on a DBS, a risk assessment will be completed with the foster carer by the Fostering and Kinship Service to consider whether the foster carer/applicant is suitable to foster. Where Disclosure and Barring Service (DBS)checks reveal that a foster carer applicant is a disqualified person, the applicant will be told in writing, why their application cannot proceed. As stated above if this occurs within stage 2 of the fostering assessment or as an approved foster carer you may make representation to the decision maker or to the Independent Review Mechanism (IRM).

### Approved Foster Carers

Where information is provided or an updated DBS check reveals that an approved foster carer has been cautioned or convicted of a criminal offence, an urgent review of the foster carer's approval will be undertaken by the Supervising Social Worker and reviewed by Foster Panel.

When such information is received, the social worker for all children in placement, must be informed and the termination of the placement will be considered. As stated above if this occurs within stage 2 of the fostering assessment or as an approved foster carer you may make representation to the ADM or to the IRM.

If as an approved foster carer you commence a new relationship with a partner you should inform your fostering supervising social worker in the first instance. If the relationship develops to a stage where in the future the new partner may be visiting the home, staying overnight and/or will be meeting the children, your partner will be subject to statutory checks such as a DBS and short assessment to consider whether they are suitable to have contact with children we care for. This may be followed by a Form F fostering assessment of your partner which can take up to four months to complete. Your partner will be presented to foster panel as described above at section 10.

# Connected Person Fostering

A Connected Person foster carer can be a relative such as a grandparent, aunt or uncle or any other person connected who has an established relationship with the child such as a family friend. The Fostering and Kinship Service will use its best endeavours to secure a home for a child we care for with a relative or other Connected Person if the child’s needs can be met, before placing the child with a mainstream foster carer where appropriate.

This can include being approved temporarily in an emergency as a Connected Foster Carer for a child you know under regulation 24 for 16 weeks. During these 16 weeks your Connected Person fostering assessment is completed and presented to Foster Panel. Your temporary approval can be extended for an additional 8 weeks if there are exceptional reasons and then presented to foster panel.

## Private Fostering

Care of a young person under 16 years old (or 18 if they are registered disabled) for 28 days or more by someone who is *not* a close relative. Relative means grandparent, brother, sister, uncle or aunt (by full blood, half blood or by marriage or civil partnership) or a stepparent. A privately fostered child is not classed as a ‘child we care for’. There is a legal duty for people caring for someone else’s child under such an arrangement, to notify the Council however, the Council does not pay the private foster carer. The arrangement is assessed by the Council, but the carer is not ‘approved’ as a Council foster carer is. The arrangement may be prohibited if assessed by the Council as unsuitable

When a relative accepts caring responsibility for a child under 16 years old, in an informal family care arrangement with the parent or person with parental responsibility, there is no duty to inform the Council.

# Working In Addition to Fostering

Foster carers can combine fostering with other work, if they can meet the child's needs and maintain a safe, nurturing environment while carrying out other employment: additional employment should not prevent the foster carer from caring for a child and offering stability.

# Contact/Family Time with Birth Parents and significant network

The Fostering and Kinship Service will encourage and facilitate appropriate, carefully assessed contact between foster children and their family, friends and other people who are important to them. The frequency, timing and location of contact and/or visits will be agreed in a Placement Agreement Meeting. Any arrangements for contact should be feasible and sustainable. A Placement Agreement Meeting takes place within seven days of the child being placed with their foster carer/s. This is a forum to consider their day-to-day care needs such as medical appointments, education, or anything relevant to the particular child’s.

The Fostering Service Regulations (England) 2011 set out ‘The fostering service provider must, subject to the provisions of the care plan and any court order relating to contact, promote contact between a child placed with a foster carer and the child's parents, relatives and friends unless such contact is not reasonably practicable or consistent with the child's welfare’.

Mainstream foster carers should maintain a friendly but professional relationship with the child’s birth family. They should not include the foster child’s birth parents or other relatives as friends on social media for example, as this would in most cases cross a boundary of professionalism.

# Memorabilia

Foster Carers are responsible for recording the events that form the memories of children they care for. This can be in the form of ‘life story’ books, diaries, memorabilia in memory boxes, albums and scrap books with photos, tickets, postcards, invitations, and other items of sentimental value. When or if the child moves on these items will go with them.

# Photography and Filming of Children and Young People

The use of photography should be discussed at the placement planning meeting. The child’s social worker should make the foster carer aware of any issues there may regarding photography, for example the possibility of triggering memories of previous abuse.

Foster carers must not take photos of a young person unclothed.

Foster carers and their household members (other adults or children) should not post photographs of children we care for, on any platform or social media, or other internet sites. This is to prevent the risk of them being identified. Children should be discouraged from doing so also, as this could place them at risk of exploitation or abuse and jeopardise the security of their placement. Social Media can be an important avenue of communication for young people to feel included and a sense of belonging. The Fostering and Kinship Service will provide ongoing advice and support to foster carer/s, as required, to manage this sensitively via their fostering supervising social worker based on the individual needs of the child(ren).

When a child moves on from their foster carer, carers are required to return all images to the child and WSCC. After which the foster carer shall delete all images from their devices.

# Discipline

Carers should manage difficult behaviour using non-physical means.

For every child or young person whose behaviour is known to present a challenge, there should be an individual strategy for responding to this behaviour, which will form part of the child’s care plan. In these circumstances, foster carers, parents and professionals will agree appropriate strategies.

Physical chastisement, withholding food, hitting, kicking, throwing things or smacking a child is not permitted under any circumstances.  Preventing a child from contacting a social worker or other person in authority is also unacceptable.

# Race, Gender and Cultural Identity

WSCC Fostering and Kinship Service is committed to providing the children we care for with a stable family life, in a placement that meets their needs: all aspects of a child’s individual identity, including their race, language, culture, religion, ethnic origin, disability and sexuality will be considered to determine the most appropriate placement.

The Fostering and Kinship Service aims to meet the needs of children from diverse cultural backgrounds within the context of legal requirements, research, best practice, policy guidance and available resources.

As far as possible, children will be placed with carers who share the same race, ethnicity and language as their birth family. Where this is not possible a placement with carers who are able to promote the child’s identity and meet their other assessed needs will be sought.

Where birth parents have expressed a preference for the religion of the foster family that their child will be placed with, the Fostering and Kinship Service will take this into account. Placement choice, however, will be determined by the assessed needs of the child and the resources available.

# Allegations and Complaints Against Foster Carers

All allegations made against foster carers will be investigated. If the allegation or complaint raises concerns about a child’s safety or if criminal activity is suspected, the police will be involved in the initial investigation.

The foster carer’s ability to continue to care for the foster child and any other children in the home, will be reviewed and if necessary, children will be removed from their care pending the conclusion of the investigation.

Following the investigation, a fostering review will be held to consider the findings of the investigation. These findings will be presented at Foster Panel where a decision on appropriate action will be made. As an approved foster carer you may make representation to the decision maker or to the independent referral Mechanism (IRM).

# Foster Carers Separation

The separation of a foster carer couple is considered a ‘significant change’. Where one foster carers intends to continue in their role as a foster carer, an assessment of their new circumstances will be carried out. The assessment will be reviewed by the Fostering Panel and a decision made about the foster carers’ ability to continue fostering.

# Whistleblowing and Foster Carers

The Council is committed to openness, honesty and accountability. In line with this commitment, foster carers are encouraged to voice any serious concerns about any aspect of the Council’s work. Whistleblowing allows foster carers to raise concerns within the Council, either confidentially or openly, without fear of reprisal.

The Council will not tolerate harassment, bullying or victimisation and will take action to protect whistle-blowers when they raise a concern.

Initially, confidentiality can be guaranteed, and the Council will do its best to protect the identity of the whistle-blower throughout the investigation. The investigation process, however, may reveal the source of the information and a statement by the whistle-blower may be required as part of the proceedings.

# Young Persons’ Allowances

## Pocket Money

Children we care for will receive a set amount of pocket money, at regular intervals, as agreed in the placement meetings. The arrangements should be set out in the Foster Care Agreement or the Placement Information Record.

Where a foster carer has children who are similar in age to the foster child, all the children should receive the same amount of pocket money.

## Savings and Bank Accounts

Foster carers are expected to put aside a regular amount of savings from the allowance provided (separate from the child's savings) in the child's name.

These savings need to be kept securely and the child should not have access to these until they are 18.

# Equality and Diversity Statement

The Council strives to eliminate unlawful discrimination, harassment and victimisation of people with characteristics protected by the Equality Act 2010. (age, disability, gender reassignment, marriage and civil partnership, religion pregnancy and maternity, race, belief, or sex).

The Council treats all service users and employees fairly and encourages others to do the same. When making decisions or developing policies, the Council will strive to improve equality of opportunity and encourage good relationships between those with protected characteristics and those without.

In meeting the aims of this policy, the Council will provide information that is clear, accessible and in an appropriate format, for example by translating information into another language, or producing documents in large print.

# GDPR and the Data Protection Act 2018

The Data Protection Act 2018 provides a legal framework for all data protection in the UK and controls how personal information is used by organisations. It introduced new requirements for organisations, outlining the way in which the processing of personal data should be carried out, and expanded the rights of individuals to control the way that their personal information is collected and processed.

Everyone responsible for handling personal data must follow strict rules called ‘data protection principles’. In carrying out their duties, foster carers will generate records for the children they care for. It is important that the processing of personal information and data, complies with data protection principles and General Data Protection Regulations, to ensure the privacy of the children we care for.

As a directorate of the Council, The Fostering and Kinship Service will make sure that data is:

• Processed lawfully, fairly and in a transparent manner

• Collected for a specific and legitimate purpose and not used for anything other than the stated purpose, or as provided for in the Council’s privacy and fair processing notices

• Relevant and limited to whatever the requirements are for which the data is processed

• Accurate, and where necessary, kept up to date. Any identified inaccuracies will be amended or removed without delay

• Stored for as long as required, as specified within the Adoption, Fostering and Special Guardianship Privacy Notice

• Secured with appropriate solutions, which protect the data against unauthorised or unlawful processing, accidental loss, destruction or damage.

For further information about the Council’s commitment to General Data Protection Regulations (GDPR), please visit the Council’s website at https://www.westsussex.gov.uk

# Fostering Records

Foster carers are responsible for keeping clear and accurate factual records of the children they care for. Foster carers are required to keep all personal information for the children they care for secured and inaccessible by others either locked away or password protected if electronic. These records are the property of WSCC Fostering and Kinship Service, which are shared with the children we care for and with WSCC.

If a foster carer holds electronic records for a child in their care these must be transferred to WSCC securely with password protected attachments after which the foster carer must delete the records from their device. All other paperwork in relation to the child must be returned to WSCC. When the foster placement ends these records are the property of WSCC. Foster children can ask to see these records while in care or later as adults.

Former foster carer records are kept for a minimum of 75 years after they cease to be foster carers. The information regarding children we care for is kept for 75 years following their 18th birthday.

# Monitoring, Review and Accountability

This policy will be reviewed every 3 years or sooner to incorporate legislative and/or regulatory amendments and best practice developments.

# Version Control

|  |  |  |  |
| --- | --- | --- | --- |
| **Version** | **Date** | **Revision** | **Name** |
| 01 | 31.01.2023 | Draft | S. Makokha |
| 02 | 21.03.2023 | As per legal advice | J. Ware |
| 03 | 30.03.2023 | As per legal advice around GDPR | J. Ware |

1. [Who can Foster?](https://www.westsussex.gov.uk/education-children-and-families/adoption-and-fostering/become-a-foster-carer/who-can-foster/) [↑](#footnote-ref-2)
2. [WSCC Foster Carer’s Support Guide](http://theintranet.westsussex.gov.uk/Library/Documents/foster_carers_support_guide.pdf) [↑](#footnote-ref-3)
3. [Foster panels - West Sussex County Council](https://www.westsussex.gov.uk/about-the-council/how-the-council-works/committees-and-decision-making/other-meetings/foster-panels/) [↑](#footnote-ref-4)
4. [Persons Disqualified from Fostering (proceduresonline.com)](https://oxfordshirechildcare.proceduresonline.com/p_pers_disq.html) [↑](#footnote-ref-5)