**Practice Guidance for Exemptions and Changes of Approval**

This practice guide provides clarity with the step-by-step process of what to do in the event of a change of foster carer terms of approval or where an exemption is needed.

**References to Legislation, Regulation and Statutory Guidance (England):**

• The Children Act 1989 Sch 7: Foster Parents: Limits on number of foster children

• Fostering Regulations (England) 2011

**Introduction**

The ‘usual fostering limit’ is set at three children (Sch 7 of the Children Act 1989).

This means that no foster carer may foster more than three children unless:

1. The foster children are all siblings in relation to each other.

or

1. The local authority in whose area the foster carer lives exempts the foster carer from the usual fostering limit in relation to specific placements and the foster carers’ terms of approval allow it.

When a foster carer is approved, their terms of approval are specified by the fostering service. They may foster a specific named child(ren) or a number of children including age range, gender and type of fostering.

**Exemptions**

An ‘exemption’ refers to the powers given to local authorities under the Children Act to exempt a foster carer living within their area from the requirement to register as a Children’s Home so they may be able to care for four or more specific named children.

Exemptions should be applied for and agreed before the fostering service can agree to any of their foster carers having more than three unrelated children placed.

These should be viewed as either planned or emergency.

It should be noted that exemptions can only be approved by the nominated person of the local authority in which the carer lives. If the carer lives in another local authority, the SSW/Team Manager will need to approach their fostering service and request approval by their nominated person usually the ADM.

**Process for Foster for Bradford:**

The **Fostering** **Exemption Form** can be found on LCS –

The information to be provided by the SSW should include:

* The consultation with other child social workers of the other children in placement
* An assessment completed by SSW outlining details of children, arrangements of care, impact on care, timescale (if applicable), FC capacity to care, risk & safeguarding factors, support plan etc

The Foster Carer Exemption Form will need to be signed by the SSW and sent to the Team manager for approval.

Once approved by the Team Manager, the form should then be sent to the Nominated Individual for consideration and approval. The Nominated Individual will complete the process on LCS and offer a decision and reasons for the exemption.

With emergency out of hours exemptions, a duty manager can agree to an exemption, but the above planned process must be undertaken the next working day by the SSW/Team Manager, so it has oversight and approval.

If approved, the SSW should change the carer’s terms of approval on LCS (Approvals section) and the terms should be specifically related to the named children in placement. If the exemption is for a time-limited period, the carer’s terms of approval should revert and be changed by the SSW on LCS accordingly following the children’s departure.

The foster carer should be notified of the exemption in writing within 2 working days following approval.

The Nominated Individual should also inform the carers’ Fostering Independent Reviewing Officer (FIRO) of the exemption.

**Changes to Terms of Approval**

**6-day Variations – Emergency Placements**

In situations where it is necessary to place a child in an emergency, Reg 23 of the Care Planning, Placement and Case Review (England) Regulations 2010 allows ‘a responsible authority to place the child with any local authority foster parent who has been approved, even if the terms of that approval are not consistent with the placement, provided that the placement is for no longer than six working days’.

The 6-day variation to a foster carer’s terms of approval is more accurately described as ‘permission to place a child outside a carer’s terms of approval in an emergency’.

This 6-day variation to a carer’s terms of approval can only be made for up to 6 days. This should be agreed by the Team Manager ideally prior to the placement.

**Process for Foster for Bradford:**

The **Foster Carer** **6-day Variation** **Form** can be found on LCS -

The information to be provided by the SSW should include:

* The children’s views (where possible)
* The consultation with other child social workers of the other children in placement
* An overview of why the placement is needed

The Foster Carer 6-day Variation Form should be completed by the SSW on LCS and then sent to a Fostering Team Manager for approval.

**Permanent Changes to Approval**

If the child(ren) are to remain more than 6-days, the carer’s terms of approval MUST be changed permanently, and a new foster carer agreement should be sent to the carer.

Terms of approval can only be amended following a Review (Reg 28 of the Fostering Regulations (England) 2011).

Given the time-sensitive nature of such changes, this Review can be a ‘paper review’ which will result in an ADM decision.

**Process for Foster for Bradford:**

The **Foster Carer** **Permanent Change to Terms of Approval** form can be found on LCS –

The form should be completed by the SSW and information to be provided should include:

* circumstances of household
* needs of children
* support needs of the child(ren)
* additional support needed for the family.
* analysis of why the placement is going to work.

This assessment MUST include a consent by the foster carer. This cannot be achieved on LCS so the SSW must acquire a consent email from the carer and place this on LCS. The date of this consent must be included in the Permanent Change to Terms of Approval form.

The form should be forwarded to the Team Manager for their consideration before being forwarded to the ADM.

If the change is occurring within the carer’s first year of fostering, they MUST be presented to fostering panel for information following the ‘paper review’.

It should be noted the FIRO does not need to be involved in the above process. They should however be informed by the SSW about any change of terms once approval once it has been approved by the ADM.

As with the Exemptions, the carers’ terms of approval should be changed on LCS (Approvals section).

It should be noted the carers’ terms of approval can only be reverted via the same ‘paper review’ process or through a formal annual review.

The next annual review conducted by the FIRO should consider the change of approval and the FIRO should make a recommendation as to whether the terms should revert to the original terms or remain.

It should be further noted, if the foster carer does not consent to the change, or agree with the FIRO’s recommendation to revert, they can make an appeal to the IRM if endorsed by the ADM.

April 2024