



Department
for Education

Assessment and approval of foster carers: Amendments to the Children Act 1989 Guidance and Regulations

Volume 4: Fostering Services

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Summary

About this guidance

The Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013 amend the Fostering Services (England) Regulations 2011 with respect to the assessment and approval of foster carers for looked after children. This guidance covers the assessment and approval process as amended, including:

- the assessment process;
- sharing information for the purpose of assessments;
- the independent review mechanism;
- reviews and terminations of approval, including changes to terms of approval.

This guidance also covers:

- the usual fostering limit – including clarifying that terms of approval must be compatible with the number of children placed, regardless of any exemption to the usual fostering limit;
- terminations of approval – including recommending that fostering services advise foster carers considering giving written notice of their resignation, that it automatically takes effect after 28 days even when the notice is withdrawn;
- the decision maker – including clarifying that decisions following a review of a foster carer's approval should be made by the decision maker.

This guidance is issued by the Department for Education under section 7 of the Local Authority Social Services Act 1970, which requires local authorities, in exercising their social services functions, to act under the general guidance of the Secretary of State. This guidance should be complied with by local authorities when exercising these functions, unless local circumstances indicate exceptional reasons that justify a variation.

Expiry or review date

This guidance replaces the following paragraphs of the Children Act 1989 Guidance and Regulations, Volume 4: Fostering Services:

- 5.29 to 5.38 (assessment and approval of foster carers);
- 5.42 to 5.44 (independent review mechanism);
- 5.46 to 5.53 (the usual fostering limit);
- 5.59 to 5.63 (reviews and terminations of approval of foster carers); and

- 5.39 to 5.41 (the decision maker).

It is intended that a consolidated version of the Children Act 1989 Guidance, Volume 4: Fostering Services will be published in 2014. This guidance will form part of that consolidated guidance.

What legislation does this guidance refer to?

This guidance refers to:

- The Fostering Services (England) Regulations 2011 as amended by the Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013
- The Adoption Agencies Regulations 2005 as amended by the Adoption Agencies (Miscellaneous Amendments) Regulations 2013
- The Data Protection Act 1998

Who is this guidance for?

This guidance is for local authority:

- children's services social workers;
- supervising social workers;
- frontline managers who have particular responsibilities in relation to looked after children;
- lead members;
- directors of children's services;
- managers of services for looked after children;
- commissioners of services for looked after children.

It is also relevant to independent fostering services and foster carers. Looked after children and the families of looked after children may also have an interest.

Key points

- The process for assessing a person's suitability to foster consists of two parts. These can be carried out concurrently, but the information required for stage 1 must be sought as soon as possible, and the decision about whether an applicant has successfully completed stage 1 must be made within 10 working days of all the information required in that stage being received.

- If in stage 1 it is decided that an applicant is not suitable to foster, the applicant has no right to a review of this decision by the independent review mechanism (IRM) or to make representations to the fostering service provider. But if in stage 2, following a brief or full report, it is determined that an applicant is not suitable to foster, the applicant must be informed in writing that they may (within 28 calendar days) seek a review of this determination by the IRM or make representations to the provider.
- A fostering service assessing a person's suitability to foster can access the person's previous fostering or adoption records to inform the assessment (subject to relevant consents). When sharing information about individuals applying to foster or adopt, it is important that this is done in a way that protects their personal information.
- If an applicant has been a foster carer in the previous 12 months, and a written reference from their previous fostering service is obtained, there is no requirement to also interview personal referees (though there is a power to do so).
- A decision to change a foster carer's terms of approval can be implemented immediately if the foster carer provides written agreement to the change and there is a written statement concerning the foster family's support needs.

Assessment and approval of foster carers

No one has a right to be a foster carer - fostering decisions must focus on the interests of the child.

Stage 1 of the assessment

When a person applies to a fostering service to become a foster carer, the fostering service may assess their suitability to foster. If the fostering service is not currently recruiting foster carers, or if the applicant's "offer" is not compatible with the fostering service's current recruitment objectives (e.g. the applicant wishes to foster babies but the service is currently only recruiting foster carers for teenagers), the fostering service may decide not to proceed to an assessment (and might suggest the applicant try another fostering service). Otherwise, when a person applies to foster, the fostering service should assess their suitability in accordance with regulation 26. Regulation 26(1A) requires the fostering service to:

- obtain the information specified in Part 1 of Schedule 3:
 - the applicant's full name, address and date of birth;
 - details of the applicant's health, supported by a medical report;
 - particulars of other adult household members;
 - particulars of children in the applicant's family (whether or not they are members of the household) and any other children in the household;
 - particulars of the household's accommodation;
 - the outcome of any request or application made by the applicant, or any member of the applicant's household, to foster or adopt children or for registration as an early or later years provider under Part 3 of the Childcare Act 2006, including particulars of any previous approval or refusal of approval;
 - the name and address of any fostering service that the applicant has been an approved foster carer for in the preceding 12 months;
 - names and addresses of two persons who will provide personal references for the applicant;
 - in relation to the applicant and each member of their household aged 18 or over, an enhanced Disclosure and Barring Service (DBS) Certificate;
 - details of any current and any previous marriage, civil partnership or similar relationship.

- consult the local authority in whose area the applicant lives, if this is different to the fostering service; and
- interview at least two personal referees and prepare written reports of the interviews; or, if the person has been an approved foster carer for another fostering service in the preceding twelve months, request a written reference from that fostering service.

If an applicant has been a foster carer in the previous 12 months, and a written reference from their previous fostering service is obtained, there is no requirement to also interview personal referees. However, the fostering service can seek verbal and/or written references from personal referees, in addition to the fostering service's reference, if they choose to do so. If the previous fostering service does not provide a reference, for whatever reason, interviews with two personal referees must be conducted.

Where an applicant has been approved previously, or is currently approved, as a foster carer or prospective adopter, regulation 26(1A) gives the fostering service undertaking the current assessment the power to request access to records about the applicant held by the fostering service or adoption agency which granted the approval (provided that the applicant consents). That service/agency must provide access within 15 working days of a request being received (regulation 32(6) of the Fostering Services (England) Regulations and regulation 42(1) of the Adoption Agency Regulations). Guidance about how information should be shared is set out below. Records compiled by another fostering service, or an adoption agency, can be used to inform the new assessment of the applicant's suitability to foster. For instance, if previous partners have been interviewed in the past to verify facts, and the current assessing social worker is satisfied with the records in respect of these interviews, it should not be necessary to repeat the interviews if no further information is required. The assessing social worker should, however, satisfy themselves as to the quality and continuing relevance of the information before using it to inform the current assessment.

Once an applicant has contacted the fostering service to which they are applying, the fostering service should seek the information required by regulation 26(1A) as soon as possible.

Regulation 26(1B) and (1C) provide that at any point during stage 1 of the assessment process, if the fostering service's decision maker decides that the applicant is not suitable to foster, they must write to the applicant informing them of this decision and give full reasons for it. At the latest, the decision about whether or not the applicant has successfully completed stage 1 must be reached, and the applicant informed, within 10 working days of all the stage 1 information (regulation 26(1A)) being received.

If, within this timeframe, it is decided not to continue with an assessment because of information collected as part of stage 1, the applicant must be informed that they can complain via the fostering service's complaints process if they are unhappy with the way

in which their case has been handled. The complaints process should address whether or not the applicant's case has been handled in a reasonable way, rather than the question of the applicant's suitability to foster.

Stage 2 of the assessment

Stage 1 of the assessment process is intended to provide the decision maker with basic information about the applicant to enable clearly unsuitable applicants to be sifted out without unnecessary bureaucracy or expenditure of time and resource by the fostering service or the applicant. More detailed information is collected in stage 2 of the assessment.

If it is decided to undertake stage 2 of the assessment, regulation 26(2) requires the fostering service to obtain the information about the applicant set out in Part 2 of Schedule 3:

- details of personality;
- religious persuasion and capacity to care for a child from any particular religious persuasion;
- racial origin, cultural and linguistic background and capacity to care for a child from any particular racial origin or cultural or religious background;
- past and present employment or occupation, standard of living, leisure activity and interests;
- previous experience (if any) of caring for their own and other children;
- skills, competence and potential relevant to their capacity to care effectively for a child placed with them.

This information must be taken into account in considering the suitability of the applicant to become a foster carer, and the suitability of their household, and be included in a written report to the fostering panel along with recommendations regarding any terms of approval. There are no specific requirements about the way in which assessment information must be collected or presented to panel.

Regulation 26(3) provides that if, before the assessment is complete, information comes to light indicating that the applicant is unlikely to be suitable to foster, a 'brief report' can be compiled setting out details of the assessment done and the reasons for considering the applicant unsuitable. The applicant must be:

- notified that the brief report is to be sent to the panel;
- provided with a copy of the brief report; and

- given 10 working days from the date of the notification to send their observations to the fostering service provider.

The brief report should then be presented to the fostering panel for consideration, along with any observations submitted by the applicant and any other relevant information. The decision maker's determination about whether to terminate the assessment following a brief report must take account of the recommendations of the fostering panel.

A stage 2 assessment that has been started must be completed, unless:

- the assessment is terminated following a brief report;
- the applicant withdraws from the process;
- the applicant is deemed unsuitable as a result of stage 1 of the assessment (where stages 1 and 2 have been carried out in parallel); or
- it becomes apparent that the applicant or an adult member of their household has been convicted of, or cautioned for, a specified offence (defined in regulation 26(6)).

Stage 2 assessment information can be obtained, and the assessment carried out, in parallel with stage 1 of the assessment. However, if the decision maker determines that an applicant is unsuitable to foster more than 10 working days after the information required by regulation 26(1A) has been received, or as a result of information required by regulation 26(2), then the provider must follow the stage 2 procedure and the determination must take account of a fostering panel recommendation informed by either a brief report or a full assessment report.

Upon completion of stage 2, a written report covering both stages 1 and 2 of the assessment should be compiled, with recommendations about the applicant's suitability to foster and any terms of approval. As with a brief report, the applicant must be notified that the full assessment report is to be sent to the panel, provided with a copy of the report and given 10 working days from the date of the notification to send their observations to the fostering service provider. The full assessment report must then be presented to the fostering panel for consideration along with any observations submitted by the applicant and any other relevant information. A full assessment should be undertaken within a timescale which allows the fostering panel to make a recommendation on approval within eight months of the applicant first applying to be assessed. The decision maker must take the panel recommendation into account.

The Regulations only allow for the approval of individuals as suitable to foster. However, where two people will be sharing the care of a looked after child, whether they be a couple or any other partnership, the assessment of their suitability should be done jointly. Where a single foster carer takes a partner who will be sharing the care of any foster children, they must discuss this with their supervising social worker so that agreement

can be reached about any implications for their approval to foster and so the partner's suitability to foster can be assessed within an appropriate timescale.

Subject to the next paragraph, nobody may be approved as a foster carer if they have been cautioned for, or convicted of, a specified offence, unless they were under the age of 18 at the time of the offence. Regulation 26(6) explains what is meant by a specified offence.

Regulation 26(8) allows the fostering service to consider the approval or continuing suitability of a foster carer for a particular child, even though they would have been debarred by regulation 26(5) or (7), if they or a member of their household are related to the child, or they are already acting as a foster carer for the child, providing the responsible authority is satisfied that the child's welfare requires it.

In considering an application by an individual (or a member of their household) who is employed by the fostering service or the wider organisation, care must be taken to avoid a conflict of interest.

In considering whether a relative, friend or other connected person should be approved as a foster carer, account must be taken of the needs of the child who would be placed with them and the capacity of the carer to meet those particular needs (standard 30¹). When a foster carer is being approved for a specific child only, there is no need to consider their suitability to care for other children. This is explained further in the statutory guidance on family and friends care.

Once a foster carer has been approved by a fostering service, they cannot be approved by another service until their original approval has been terminated.

Upon approval, foster carers should be issued with an agreed form of identification by the fostering service to enable their role as a foster carer to be verified.

¹ Fostering Services: National Minimum Standards

Sharing information for the purposes of foster carer or adopter assessments

Sharing information about a person that is held in their existing foster carer or adopter records is permitted for the purposes of informing a new assessment of a person's suitability to foster or adopt. The intention is to ensure that the fostering service or adoption agency has all the relevant information that already exists about a person, so avoiding unnecessary delay in the process by which:

- an approved foster carer, or person who was an approved foster carer in the past, can be approved by a new fostering service;
- an approved foster carer can be approved as an adopter by an adoption agency;
- a person who has been approved as an adopter can be approved by a fostering service.

Personal information

Personal information is information that relates to a living individual who can be identified:

- from the information; or
- from the information and other information which is in the possession of, or is likely to come into the possession of, the data controller², and includes any expression of opinion about the individual and any indication of the intentions of the data controller or any other person in respect of the individual.

Sensitive personal data

Sensitive personal data means personal data consisting of information as to -

- the racial or ethnic origin of the data subject³;
- his/her political opinions;
- his/her religious beliefs or other beliefs of a similar nature;
- whether s/he is a member of a trade union (within the meaning of the Trade Union and Labour Relations (Consolidation) Act 1992);
- his/her physical or mental health or condition;
- his/her sexual life;

² Data controller means a person who (either alone or jointly or in common with other persons) determines the purposes for which, and the manner in which, any personal data are, or are to be, processed.

³ Data subject means an individual who is the subject of personal data.

- the commission or alleged commission by him/her of any offence; or
- any proceedings for any offence committed or alleged to have been committed by him/her, the disposal of such proceedings or the sentence of any court in such proceedings.

Sharing information with another fostering service or adoption agency

Regulation 32(6) of the 2011 Regulations requires fostering services, and regulation 42(1) of the Adoption Agencies Regulations 2005 requires adoption agencies, to share information to support the assessment of a person's suitability to foster or adopt, if requested to do so by the fostering service or adoption agency undertaking the assessment.

As the information is being requested to support the individual's application to foster or adopt, only information about the individual and other relevant household members should be provided.

Information should only be shared with the informed, explicit consent of all parties referred to in the information, including young people where they have sufficient understanding to consent to the sharing of their information (if they do not have sufficient understanding, the consent of a person with parental responsibility would need to be obtained). This means that the person giving consent needs to understand why their information is to be shared, what will be shared, who will see their information, the purpose to which it will be put and the implications of sharing that information.

If consent is refused

If consent is refused, the current fostering service or adoption agency should consider whether there is any information in the records that is a cause for concern. Any information about a foster carer's conduct or suitability to foster that has caused concern should be shared even if the individual has refused consent. If there are no such concerns, and the individual has refused consent, information should not be shared. This may require documents to be redacted to remove information relating to individuals that have refused consent (software is available to enable electronic redaction).

Information that should be shared

Information that should be shared, upon request, in order to inform a new assessment of a person's suitability to foster or adopt includes:

- the report of the original assessment of the person's suitability to foster or adopt (if it is considered by the body requesting the information to be recent enough to be relevant);
- a copy of the report of the last review of the individual's continuing suitability to foster or adopt and any other review report considered useful to understanding the person's current suitability to foster or adopt;
- details of any concerns about standards of practice and what if anything is being done/has been done to address them;
- details of allegations made against the foster carer / adopter or their household members (taking into account guidance at paragraph 3.79 of the Children Act 1989 Guidance, Volume 4: Fostering Services); and
- any other information considered to be relevant to the assessment of the person's suitability to foster / adopt.

Foster carers' and adopters' rights to access, obtain a copy of and share information about themselves with others

As set out above, a fostering service which holds information about a person they approved to foster is required to provide that information to a fostering service or adoption agency that asks for it for the purpose of assessing the person's suitability to foster or adopt. It is worth noting, however, that individuals themselves, in most cases, also have a right to obtain a copy of information held about them - known as a Subject Access Request - and could seek to do so in order to obtain records to inform an assessment of their approval to foster or adopt.

Individuals can make a request under the Data Protection Act 1998 (DPA) for any organisations they think are holding, using or sharing their personal information, to supply them with copies of both paper and computer records and related information. Organisations may charge a small fee – the maximum amount that can be charged is set by the Information Commissioner's Office.

In some circumstances fostering services may not have to supply all the individual's personal information in response to a Subject Access Request, including:

- where information about the individual includes information relating to another person and the other person has not given permission for their information to be shared, organisations are entitled to withhold this information. However, fostering services should try to comply with as much of the request as they can, redacting where necessary so that information can be shared; or

- if complying with the Subject Access Request would put a criminal investigation at risk or is likely to cause serious harm to the physical or mental health of the individual or someone else.

A fostering service wishing to obtain a copy of a person's previous fostering or adoption records for the purpose of assessing their current suitability to foster is advised to obtain that information from the fostering service or adoption agency holding it, rather than from the individual. This avoids any possibility of information being changed.

Timeframe for sharing information

Requests from a fostering service or adoption agency for access to information should be accompanied by the written consent of the applicant to the sharing of their information. The receiving service should acknowledge the request within two working days, seek consent from all others referred to in the information within five working days and the information, redacted where necessary, should be provided within 15 working days.

Independent Review Mechanism

Where, following a completed stage 2 assessment or brief report, the fostering service considers that an applicant is unsuitable to be a foster carer, or where they consider that a foster carer's terms of approval should be changed, particular requirements apply. The applicant must be given a written determination - a notice that the decision maker proposes not to approve them as a foster carer or to amend their terms of approval, together with the reasons for this and, where the fostering panel made a recommendation, a copy of this. This is defined as a 'qualifying determination' by section 4 of the Independent Review of Determinations (Adoption and Fostering) Regulations 2009. The applicant must be advised that they may, within 28 days of the date of the notice, either submit written representations to the decision maker or apply to the Secretary of State for a review of the determination by the Independent Review Mechanism (IRM). The option to seek a review by the IRM does not apply if the applicant is considered unsuitable in accordance with regulation 26(7), where the foster carer or any member of their household age 18 or over has been convicted or cautioned in respect of a specified offence.

If, within 28 days, no representations are received and no application is made to the IRM, the decision maker is free to decide whether or not to approve the applicant as a foster carer (following a full assessment), continue the assessment (following a brief report) or amend their terms of approval. If representations are received, the matter must be referred back to the fostering panel and a decision then made taking account of the panel's further recommendations.

If the application is referred to the IRM, the fostering service must, within 10 working days of notification of this, supply the IRM with the documentation submitted to the fostering panel and any relevant information received subsequently, along with copies of the notices of determination (regulation 29). The decision maker must take account of the recommendation of the IRM, as well as that of the original fostering panel, in reaching a decision about approval.

A determination to change a foster carer's terms of approval is not a qualifying determination if, following a review of the carer's approval under regulation 28:

- the fostering service provides the foster carer with a written statement setting out whether they consider the foster carer's household, including any children placed there, to have additional support needs as a result of the change, if so what these support needs are and how they will be met, and
- the foster carer provides their written agreement to the change.

Foster carers must not be pressured to accept changes to their terms of approval.

The usual fostering limit

Schedule 7 to the Children Act 1989 (the 1989 Act) limits the number of children who may be fostered by a foster carer. The “usual fostering limit” is set at three. This means that no one may foster more than three children unless:

- the foster children are all siblings in relation to each other, or
- the local authority within whose area the foster carer lives exempts the foster carer from the usual fostering limit in relation to specific placements (in which case they must set out the terms as detailed below), and
- the foster carer’s terms of approval allow it (any terms of approval must be compatible with the number of children the foster carer is caring for even if an exemption to the usual fostering limit has been granted, unless the placement is in an emergency and for less than six days).

A local authority cannot grant an exemption to the usual fostering limit to a foster carer living outside of its area.

In considering whether to exempt a person from the usual fostering limit, a local authority must have regard, in particular, to:

- the number of children the person proposes to foster;
- the arrangements which the person proposes for the care and accommodation of the fostered children;
- the intended and likely relationship between the person and the fostered children;
- the period of time for which s/he proposes to foster the children; and
- whether the welfare of the fostered children (and of any other children who are or will be living in the accommodation) will be safeguarded and promoted.

Where a local authority exempts a person from the usual fostering limit, it must notify the foster carer in writing:

- that s/he is exempted;
- of the children, described by name, whom s/he may foster; and
- of any condition to which the exemption is subject.

A local authority may at any time, by notice in writing, vary or cancel an exemption or impose, vary or cancel a condition to which the exemption is subject. In considering whether to do so, it must have regard, in particular, to the considerations in relation to granting an exemption, as set out above. It should also consider how it will review any exemption to the usual fostering limit. Local authorities are required to have a representations and complaints procedure in place in respect of these functions.

The local authority should nominate an officer with delegated powers to grant exemptions from the usual fostering limit, and ensure that fostering services and agencies operating within the area are aware of the procedures to be followed in requesting such exemptions. Since the consequences of decisions in relation to exemptions from the usual fostering limit may be for children who are looked after by other local authorities and foster carers who are approved by fostering agencies, it is particularly important that decision-making should be both transparent and consistent. Local authorities may find it helpful to develop decision-making protocols between themselves and fostering agencies.

A person who either exceeds the usual fostering limit, or if exempted from the limit fosters a child who is not named in the exemption, is regarded as carrying on a children's home for the purposes of the 1989 Act and the Care Standards Act 2000, and so needs to be registered as such with Ofsted.

A child who is not looked after does not count towards the usual fostering limit. Nevertheless, the needs of all children within the household must be taken into account in deciding whether to grant an exemption from the usual fostering limit. This will be pertinent, for instance, if the foster carer is also offering parent and child arrangements.

Reviews and terminations of approval of foster carers

A foster carer may at any point give written notice that they wish to resign from the role, in which case their approval is automatically terminated 28 days after receipt of the notice by the fostering service (regulation 28(13)). The decision-maker does not have the power to decline a resignation as any resignation takes effect automatically after 28 days, but this need not prevent the fostering service from forming a view about the person's future suitability to be a foster carer. Fostering services may wish to advise a foster carer who indicates that they are considering giving written notice of their resignation that once this is given, it automatically takes effect after 28 days regardless of whether the foster carer withdraws their notice. Should a foster carer who has resigned want to foster again, their suitability would need to be reassessed in line with the 2011 Regulations. Once a foster carer has resigned the fostering service has no responsibility to confirm resignation through panel, although it may be helpful to notify the panel to inform its monitoring role.

Approval of all foster carers must be reviewed, and a decision about suitability made, within a year of approval, and thereafter whenever it is felt necessary, but at intervals of no more than twelve months. The review must consider whether the foster carer and their household continue to be suitable. The fostering service must make whatever enquiries it considers necessary to inform this judgement, which may include checks in relation to any new members of the household. Specifically, it must take into account the views of the foster carer, any child placed and the responsible authority for any child who has been in placement during the previous year. In practice, the latter will mean obtaining the views of the social worker for any child in placement since the last review (regulation 28).

A written report of the review must be prepared, and in the case of the first review this must be presented to the fostering panel for a recommendation. If it is decided, taking account of any recommendation from the fostering panel if applicable, that the foster carer and their household continue to be suitable, then the foster carer must be notified in writing.

Before making a decision that a foster carer or their household is no longer suitable, the decision maker must issue a qualifying determination and the procedure on page 15 must be followed. The same procedure applies where a fostering service considers that a foster carer's terms of approval should be amended, unless, as set out on page 15, there is written agreement to the change from the foster carer and a written statement from the fostering service stating whether there are any support needs resulting from the change, and if so what they are and how they will be met.

If a foster carer's approval is terminated, the foster carer must be notified in writing and a copy of the notice must be sent to the responsible authority for any child placed by another local authority and to the relevant local authority if the foster carer lives outside the area of the fostering service.

The decision maker

The fostering service must identify a senior member of staff (usually referred to as the decision maker) who will receive the panel's recommendations and make decisions as required. More than one decision maker may be appointed, but they may not delegate their authority to another person. Standard 23 sets out the qualifications, knowledge and experience required of the decision maker. Regulation 27 requires that the decision maker must take account of the fostering panel's recommendation and any recommendation by the IRM before deciding whether or not to approve a person as a foster carer, and on what terms. Their decision must be made within seven working days of receipt of the panel's recommendation via the minutes (standard 14).

The decision maker is also responsible for deciding whether a person and their household remain suitable to foster, and whether the terms of approval remain suitable, following each review of the foster carer's approval. The decision should be based on the written report of the review; it must take account of any recommendation by the fostering panel (which must be provided on the occasion of the first review and may be provided for subsequent reviews) and any recommendation of the IRM.

In reaching a decision or making a qualifying determination, the decision maker should consider *Hofstetter v LB Barnet and IRM* [2009] EWCA 328 (Admin), in which the court set out guidance for the way in which an adoption agency decision maker should approach a case, whether it is a decision based on the agency panel's recommendation or the independent review panel's recommendation. This applies equally to fostering decision makers. The court said that it would be good discipline and appropriate for the decision maker to:

- list the material taken into account in reaching the decision;
- identify key arguments;
- consider whether they agree with the process and approach of the relevant panel(s) and are satisfied as to its fairness and that the panel(s) has properly addressed the arguments;
- consider whether any additional information now available to them that was not before the panel has an impact on its reasons or recommendation;
- identify the reasons given for the relevant recommendation that they do or do not wish to adopt; and
- state (a) the adopted reasons by cross reference or otherwise and (b) any further reasons for their decision.

Once a foster carer is approved, they must be notified in writing of this fact and of any terms of the approval. Terms may specify, for instance, that they may foster only a specific named child or children, or may identify a maximum number of placements which

may be made at any one time or an age range for children fostered. Terms may also include factors such as short term or long term placements, short break care, or inclusion in a particular fostering scheme. Foster carers must also enter into a foster care agreement, covering the matters set out in Schedule 5 to the Regulations (regulation 2 and standard 14).

Further sources of information

Other departmental advice and guidance you may be interested in:

- [The Children Act 1989 Guidance and Regulations, Volume 4: Fostering Services](#)
- [The Children Act 1989 Guidance and Regulations, Volume 2: Care Planning, Placement and Case Review](#)
- [The Care Planning, Placement and Case Review and Fostering Services \(Miscellaneous Amendments\) Regulations 2013](#)
- [Fostering Services: National Minimum Standards](#)
- [The Adoption Agencies Regulations 2005](#)
- [The Adoption Agencies \(Miscellaneous Amendments\) Regulations 2013](#)
- [Information sharing guidance](#)
- [Family and Friends Care: Statutory Guidance for Local Authorities](#)

Associated resources (external links)

- Information Commissioner's Office's quick reference guide '[What is personal data?](#)'
- Advice from the Information Commissioner's Office about [Subject Access Requests](#)



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