

## **BEST PRACTICE GUIDANCE ON THE TRANSFER OF FOSTER CARERS NORTHERN IRELAND**

This guideline has been developed by The Fostering Network Northern Ireland. It is based on the UK protocol and the views of fostering providers in the statutory and independent sector, Directors of Health & Social Care Trusts and Children's Services Improvement Board at Regional Health & Social Care Board. It outlines the good practice guidelines to be followed when a foster carer wishes to transfer from one fostering service to another. The guidance recognises the principles of child care legislation and seeks to ensure that safeguarding the welfare of children is at the core of fostering policy and practice.

### **1. Principles**

- a) The guidance recognises the principles of child care legislation and seeks to ensure that safeguarding the welfare of children is at the core of fostering policy and practice. It recognises that the welfare of any child in placement is paramount
- b) Where a foster carer decides to change fostering provider, the decision about whether any existing placement can or should continue will be made by the Trust that has placed that child. A decision of this nature should always be based on what is in the best interests of the child and should take place within a LAC Review process which is mandated to make such decisions
- c) That all fostering agencies<sup>1</sup> should be committed to increasing the overall pool of foster carers by the active recruitment of foster carers new to fostering
- d) That a formal mechanism is available to enable foster carers to move between fostering agencies

### **2. The Guidance's Intentions**

- a) To ensure the continuity of care for children in placement during any transfer of foster carers between fostering agencies. Fostering agencies will work to promote the stability of the placement for the benefit of the child/children
- b) To provide a framework for Trusts and independent providers that will assist the negotiation of the practical and financial implications of the transfer between agencies
- c) To minimise the length of time taken in the transfer process
- d) To ensure that foster carers are informed about their choices in considering a transfer from one fostering provider to another

### **3. Fostering agency approaching foster carers with a view to recruitment**

- a) Fostering agencies should not approach individual foster carers with a view to recruiting them without the knowledge of their current fostering agency. Equally, no assessment should take place of foster carers who have approached an agency with a view to transferring without the knowledge of the current agency
- b) It is recognised, however, that there will be circumstances when it is appropriate for foster carers to have initial discussions with a new fostering agency before the foster carer and the fostering agency agree to complete an assessment and before the foster carer informs their current fostering agency

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<sup>1</sup> The term fostering agency includes both independent providers and Trust fostering services

- c) Foster carers should not be approached to explore the possibility of their application for a legal order in respect of child which would mean that they no longer fostered that child (e.g. Residence order or Adoption application) without the knowledge of the current fostering agency. Foster carers should not be required to change fostering agency in order to secure agreement to a plan for a child

The following guidelines should be observed when it is clear that a move to a new agency is a possibility.

#### **4. Guidelines if there is no child in placement**

- a) The foster carer should inform their current fostering agency in writing that they are considering a move to another fostering agency. The recruiting fostering agency may begin an assessment once this has been received by the current agency. As a matter of good practice the new agency should ensure that the current agency has received this notification. It is recognised however, that there will be circumstances when it is appropriate for foster carers to have initial discussions with a new fostering agency before the foster carer and the fostering agency agree to complete an assessment and before the foster carer informs their current fostering agency
- b) The current agency and the new agency should agree with the foster carer the date that the transfer of appointment begins
- c) Arrangements for the continued registration of the foster carers must be discussed and agreed with the registering agency

#### **5. Guidelines if there are foster children in placement**

- a) Where there is a child or children in placement foster carers must give written notice of their intention to consider moving to another agency both to the current agency and to the placing authority/authorities.<sup>2</sup> Upon receipt of the written notice the placing authority shall, within 28-days, convene and hold a meeting of:-
  - The placing authority/authorities
  - The current agency
  - The recruiting agency
  - The foster carer/s
- b) Where there is more than one placing authority, they can agree which authority will take responsibility for convening the meeting but generally the authority that has had children placed for the longest period with the foster carer will be the 'lead' authority. Placing authorities will need to consider the best people to attend such a meeting (this may include representatives of children's services and fostering agencies)

The meeting will consider the following:-

- Whether it is in the best interests for the child to continue in the current placement
- How the move of the foster carer to another agency may affect each child in placement
- How the child's care plan will continue to be followed

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<sup>2</sup> The term placing authority includes local Health & Social Care Trusts, local authorities in England, Wales or Scotland

- What the particular support needs of the child and the foster carer are and how they will be supplied by the new agency
- The circumstances in which the recruiting agency may use any other placement vacancy once the transfer had been completed
- c) The arrangements for approval by the recruiting agency and termination of the foster carer's registration by the current agency. The arrangements should be co-ordinated to ensure continuity of registration, with no overlap of approval but equally with no period when a child is in placement with an unregistered foster carer
- d) Parallel arrangements for timing a transfer of responsibility for the payment of fees and allowances to the foster carer to avoid any potential for overpayment. It is the responsibility of the recruiting agency to give the placing Trust 14 days advance notice of the transfer date
- e) The views of the child, parent and any other interested parties. (These views should be sought and represented by the placing authority)
- f) Where the placement is not to continue, the arrangements to move the child/children to an alternative placement, including a time-frame for such a move. The move should be completed within 3 months unless there are exceptional circumstances why this cannot be achieved. In these circumstances all parties should agree a revised timetable
- g) A timetable for the appointment of the foster carer(s) by the recruiting agency. The expectations are that assessment and training will take place and that this will be completed within 2 - 4 months of the meeting taking place. There will be occasions when this timescale cannot reasonably be adhered to, in such cases all parties will be kept informed about developments and the anticipated time to completion

It is the responsibility of the registering agency to ensure that the fostering panel is given any information about a proposed transfer that may impact on the panel's role in assessing and reviewing placements.

## **6. Sharing of Information**

- a) In the interest of safeguarding the welfare of the children in placement the onus will be on the current agency to prepare a comprehensive report and on the recruiting agency to undertake a re-assessment which is informed by the foster carer's skills, training and previous experience
- b) The recruiting agency must request a report from the current agency. On receipt of that request the current agency will give the recruiting agency a comprehensive written report within 28-days. The foster carer should be given a copy of this report by the current agency unless there are reasons relating to the safeguarding of children to prevent this
- c) The report should include the following information about the fostering household:
  - Length of registration
  - Current approval category and date that this was agreed
  - Significant variations of approval in the last five years
  - Age, sex and length of stay of all foster children during the last five years
  - Extent to which the foster carers were able to achieve placement objectives
  - Strengths and skills of the foster carers
  - Recent training courses attended by the foster carer/s and competencies gained post-approval

- Date and outcome of any allegations
- Any current allegations or concerns

A copy of the last annual review report should also be provided.

- d) The current agency should keep the recruiting agency updated in writing, if there are any significant developments occurring between the issue of the report and the foster carer's approval by the recruiting agency
- e) An assessment by the recruiting agency should be postponed if the foster carer is subject to a current, formal allegation, or if there is an investigation relating to significant concerns about their practice, until the outcome of the process is known
- f) A foster carer's assessment report is the property of the agency who produced it. However carers have the right to almost all the information that is in the report. Access to the report is at the discretion of the fostering agency. The recruiting agency may ask the foster carer or their current fostering agency if they can see a copy of the foster carers' assessment report. The current fostering agency should not grant access to this report without the written consent of the foster carers
- g) Foster carers will often have a copy of their assessment report or that part of their report which does not contain confidential information from third parties. This is generally regarded as good practice and under the Data Protection Act 1998; they are entitled to access a large part of the information. However foster carers may not have the right to give this report to the recruiting agency as the current fostering agency may hold intellectual property rights over the report. Infringing intellectual property rights could expose a foster carer to civil or criminal proceedings
- h) Similarly, a foster carer's file is the property of the current fostering agency. Access to the file is at the discretion of that agency
- i) Any access granted to the assessment form or to the foster carer's file should be given with the consent of the foster carers concerned. This consent should be obtained in writing by the recruiting agency and presented to the current agency

## **7. Payments involving transfers between Independent Fostering Agencies**

- a) In the case of a transfer of a foster carer from one independent fostering agency to another, the charge to the placing Trust for continuing placements will remain unchanged. The recruiting agency will apply any annual, inflation-linked increases that have been agreed for all their placements with the placing Trust
- b) The recruiting agency should provide a service at an equivalent level to the previous agency. Should the placing Trust request the provision of additional services, appropriate additional charges may be negotiated

## **8. Payments to Foster Carers who have transferred agency**

- a) When a child's placement continues with a foster carer who has transferred, the recruiting agency should continue to pay the foster carer their current rates of allowances and fees in relation to that placement. These rates should continue to apply for the duration of the placement subject to any annual increases

*Revised 6 January 2012*