

# Transfer of foster carers protocol Scotland (2015)

This protocol has been developed by The Fostering Network, the joint forum of Independent and Voluntary fostering providers Scotland and ratified by Social Work Scotland (SWS).

Fostering legislation and issues are very complex. This protocol recommends best practice guidelines to be followed when a prospective or approved foster carer wishes to transfer their application or registration from one registered fostering provider to another, i.e. between one independent, voluntary or local authority fostering provider and another.

It is **not** intended to cover:

- Block transfers of foster carers, i.e. where a fostering provider ceases to carry out its fostering functions.
- Contractual or commissioning arrangements which are out with this document.

## 1. Underlying principles

- 1.1. Safeguarding the needs and welfare of any child in placement are paramount. These must be upheld in any transfer.
- 1.2. Consideration must be given to the views of the child, and where applicable their parent(s)/person with parental responsibilities and any other relevant parties including the placing authority.
- 1.3. Legal responsibility for the child lies with the placing authority. The continuation of any placements must be agreed as being in the best interests of the child.
- 1.4. Foster carers have the right to apply to and request a transfer to another fostering provider.
- 1.5. In general, applications will not be accepted from foster carers who have been approved for less than 12 months.

## 2. Aims of the protocol

- 2.1. To promote high standards of recruitment and practice within and between agencies.
- 2.2. To ensure continuity of care for children in placement during any transfer of foster carers between providers.
- 2.3. To ensure the child's plan is met by any transfer and throughout the transfer process.
- 2.4. To minimise the length of time taken in any transfer process.
- 2.5. To provide a framework for the negotiation of the financial implications of the transfer between fostering providers.
- 2.6. To promote openness, transparency and effective communication between all involved.
- 2.7. To ensure that where permanence with their existing foster carers has been agreed the best interests of the child are paramount.

### **3. Where there are no children in placement**

#### **3.1. Prior to approval**

- 3.1.1. Where the assessment process has commenced the prospective foster carer must notify the original provider in writing that they are looking to move to another provider.
- 3.1.2. In such instances it is good practice for the assessing agencies to share information with one another (see section 5 - Sharing of information) and agree how best to proceed with the assessment. The prospective foster carer should be notified of the outcome of any discussions.
- 3.1.3. Where assessment has already commenced the receiving agency should not proceed with an assessment until they have reached agreement with the original agency and have received a comprehensive reference that addresses any issues which have led to the transfer request.

#### **3.2. All applications for transfer**

- 3.2.1. Once foster carers are intending to proceed with an application they must notify their current fostering provider in writing. They must note their intention to undergo an assessment by another agency and give written permission for information to be shared (see section 5 for further detail on consents and sharing of information).
- 3.2.2. A copy of this written notice of intent must be forwarded by the foster carer to the receiving agency who is undertaking the new assessment.
- 3.2.3. Both fostering providers should be made aware of the foster carer's intention to transfer before an assessment commences.
- 3.2.4. A practice planning protocol meeting ('PPP') will be convened within four weeks of the assessment commencing, e.g. from when the initial assessment interview takes place, provided sufficient notice has been given to all relevant parties.
- 3.2.5. Fostering providers should not make unsolicited approaches to individual foster carers with a view to recruiting them.
- 3.2.6. Every effort should be made to ensure minimal delays and the PPP should consider the timescale within which all agencies involved should aim to complete the transfer process.
- 3.2.7. Agencies will refer to:
  - Appendix 1: Practice guidance: assessment and appointment of foster carers' already approved by another agency
  - Appendix 2: Planning Protocol Meetings
  - Appendix 3: Proposed agenda for first placement planning protocol meeting
  - Appendix 4: Assessment of foster carer(s)

#### **4. Where there are children in placement**

- 4.1. Section 3 applies.
- 4.2. Consideration must be given to the impact on the individual child of other children being placed in that household.
- 4.3. The placing authority must be involved in the initial PPP and invitations should be sent to the foster carer, the current provider and all local authorities with a child in placement (including lead professional(s)).
- 4.4. Where a child is not to remain in placement, the PPP should discuss with the lead professional/placing authority alternative plans for the care of the child.
- 4.5. Where a child is to remain in placement a further PPP will be convened four weeks prior to the end of the assessment to confirm timescales and arrangements.
- 4.6. Where it has been agreed that the child is to remain with their existing foster carer the best interests of the child should be paramount. Foster carers should not be required to transfer agency solely to secure agreement to a plan for a child.

#### **5. Sharing of information**

- 5.1. A foster carer's assessment report is the property of the agency which produced it. Foster carers may not have the right to give this report to the receiving agency as the current fostering provider will hold intellectual property rights over the report. Infringing intellectual property rights could expose a foster carer to civil or criminal proceedings.
- 5.2. The Data Protection Act 1998 gives individuals a right of access to the personal data which organizations hold about them, subject to certain exemptions. Information that may be withheld includes that provided by third parties, such as confidential references or information that is likely to be used in a criminal investigation.
- 5.3. It is imperative to ensure that applicants' (and where relevant members of their household) fully understand the implications of sharing information pertaining to them, i.e. why their information is to be shared, what information will be shared, who will see/ have access to their information and the purpose to which the information will be used.
- 5.4. For the purposes of informing a new assessment of a person's suitability to foster, the sharing of information held in existing records is permitted providing that the explicit and informed consent of all parties involved has been given. This includes information relating to foster carers and adult members of their household. Information that is shared can include: a comprehensive reference from originating authority, record of foster carer learning and development, minutes of most recent foster carer review, supervision notes, foster carer assessment form, e.g. Form F or Skills to Foster assessment, references from third parties (with consents). This information should detail current skills, abilities, areas for development and identify any issues or concerns around an individual's suitability to foster.

- 5.5. Due to the protective nature of the fostering task, if consents are withheld the receiving agency should give consideration as to whether they should proceed with the transfer. Consideration should be given to the sensitivities in some instances around requesting consent for the sharing of information pertaining to third parties, such as ex-partners.
- 5.6. The receiving agency must request a comprehensive reference from the current provider (see Appendix 5: Sample reference request for foster carer transferring from another agency). On receipt of that request, in the interest of safeguarding the welfare of children in placement, the current provider will provide the receiving agency with a comprehensive written reference from the Supervising Social Worker, signed off by their Line Manager prior to the first PPP (i.e. within four weeks). Unless there are reasons relating to the safeguarding of children that would prevent this, the current provider should also provide the foster carer(s) with a copy.
- 5.7. The receiving agency has legal responsibilities and must satisfy themselves of the quality and continuing relevance of information shared. Their re-assessment must be comprehensive and can take into account information shared by the originating agency which may, for example, save having to re-interview a previous employer or ex-partner to verify facts where no further information is required.
- 5.8. It is recommended as good practice that the current agency allow the receiving service to access relevant paperwork to assist with the assessment of the foster carer(s) acknowledging exemptions within the Data Protection Act (1998) – see 5.2
- 5.9. The current provider should keep the receiving agency updated, in writing, of any significant developments between the reference being issued and the foster carer being approved.
- 5.10. An assessment by the receiving agency should be postponed if the foster carer is subject to a current investigation of allegations, or if there is an investigation relating to significant concerns about their practice, until the outcome of the process is known.

## **6. Financial matters**

- 6.1. Where a framework agreement or other contract is in place payments must be in line with existing contractual arrangements. Due to the complexities of the fostering task, consideration should be given to ensure any additional needs or services that are out with commissioning agreements are discussed and any additional costs related to these are agreed with the responsible authority.
- 6.2. In the case of a transfer of a foster carer between independent or voluntary fostering providers the charge to the placing local authority for continuing placements should not be any higher than the charges levied for the original service, other than the receiving agency's annual inflated linked review.
- 6.3. Where a foster carer transfers between fostering providers the foster carer will receive clarity as to what fee and/or allowances will be provided.
- 6.4. Where it has been agreed that it is in the best interests of a child to remain in placement with the foster carer, the foster carer will receive clarity as to what additional needs or services will be in place to support the child.

## **Guidance and sample templates:**

- Appendix 1: Practice guidance: assessment and appointment of foster carers' already approved by another agency
- Appendix 2: Planning Protocol Meetings
- Appendix 3: Proposed agenda for first placement planning protocol meeting
- Appendix 4: Assessment of foster carer(s)
- Appendix 5: Sample reference request for foster carer transferring from another agency
- Appendix 6: Sample letter from foster carers to their current fostering agency
- Appendix 7: Sample letter from receiving agency to current agency
- Appendix 8: Sample letter to foster carers inviting them to practice planning protocol meeting

## **Appendix 1: Practice guidance: assessment and appointment of foster carers' already approved by another agency**

Initial enquiry is received.

Initial assessment visit and application

A member of the receiving (assessing) agency staff will visit foster carer(s) at home following their initial enquiry. The purpose of the visit is to ascertain:

- the applicant's motivation to move from one agency to another
- any health issues pertaining to the applicant(s)
- any current or previous allegations or complaints.

This initial visit should explore the foster carers' understanding of the following:

- Children placed on a temporary basis; their care plans and timescales for those children to move.
- Children placed on a permanent basis; their care plans and the possible impact of other children being placed with those foster carers.
- The views of the child(ren) in placement.
- View of the current fostering provider - are they aware of the foster carer(s)' interest in joining another agency?
- The views of the child(ren)'s parent(s), where appropriate.

The visit will also be used to inform foster carers of both the transfer protocol and process.

An application form and pro-forma letter [appendix 6] to be sent to the foster carer(s)' current fostering agency will be left for completion.

The completed application form and a copy of pro-forma letter [appendix 6] are returned to the receiving (assessing) agency. The application will not be accepted without a copy of the letter being sent to the current fostering service (local authority or fostering provider).

The allocation of assessment is made.

A comprehensive reference request is sent to the current fostering agency as a priority, to be returned within four weeks, i.e. in advance of the initial PPP.

The pro-forma letter from the receiving (assessing) agency [appendix 7] is forwarded to the current fostering agency.

## **Appendix 2: Practice planning protocol meetings**

The first practice planning protocol meeting is co-ordinated by the assessing agency and is attended by the foster carer, assessing social worker and key members of the foster carer(s)' current agency and, where children are in placement, the placing authority. This meeting should be minuted and copies distributed to all in attendance.

The purpose of this meeting is to ensure the continued viability of any existing placements. It is crucial that the placing agency and lead professional/ social worker for the child are involved to allow discussion of plans for children in placement. It is good practice to share as much information as possible between the current and receiving agencies.

The meeting should take place within four weeks of the receiving agency commencing the application process.

Arrangements and plans for any child(ren) in placement should be discussed and consideration given to the timescales for the placement to end (where this is applicable). Discussion of alternative care provision for child(ren) in placement should be considered if requested by the placing authority.

If a child(ren) is/ are not to remain in placement and the social worker(s) for the child(ren) in placement is/are not at this meeting an identified participant should immediately contact the placing authority and the lead professionals to alert them to the need for an alternative placement.

If a child is to remain in placement, discussion should take place about any issues which might arise if other children are placed. This should be undertaken as a matter of priority jointly by the receiving agency, the current agency, and the placing local authority.

Where children are placed on a compulsory supervision order, in discussion with the lead professional, agencies must give consideration to the implications of and timescales related to seeking a date for a Children's Hearing.

The PPP should agree arrangements for the sharing of information, references and assessment reports pertaining to the foster carer(s) in line with the fostering agency's procedures and guidelines.

Where the agency and local authority references for the foster carer have not been received, agreement should be reached about what steps should be taken by the current agency to obtain these.

Full co-operation and sharing of documents and any issues should be encouraged and arrangements will be made for the assessing social worker and the existing supervising social worker to meet.

The PPP should agree all arrangements pertaining to recommendation for the continuity of approval of the foster carer(s) and consideration to the financial implications involved.

The meeting should give consideration to the timescale within which all agencies involved should aim to complete the transfer of foster carers between agencies. Consideration should be given to contingency plans in the event of any delays.

The date for the fostering panel to terminate current approval of foster carers with fostering agency should be agreed where applicable. Exit interviews for foster carers should be arranged in line with fostering agency procedures.

### **Subsequent practice planning protocol meeting**

The purpose of this meeting is to ensure that in the lead up to the approval panel all information in respect of children in placement and children who may be being considered for placement has been shared and co-ordinated.

Every attempt should be taken to avoid duplication of meetings, for example with the permanency planning meeting.

If there are no children in placement, the meeting will confirm the date for the receiving agency's fostering panel.

Where there are children in placement and it is planned for them to move from their current placement the meeting will:

- clarify the child's plan (as agreed by the child's review)
- agree and confirm the date of the move
- define the role to be undertaken by the child(ren's) current foster carers in supporting the child(ren)'s transition
- agree any future contact arrangement with current foster carer(s)
- confirm the date of the Children's Hearing.

For children who will remain in placement the meeting will:

- confirm the legal status of child
- clarify the child's plan (as agreed by the child's review)
- confirm the status of the child's placement
- confirm there are no known reasons why other children should not be placed alongside the child already in placement, or note any restrictions

The meeting will arrange a date to consider the working arrangements between the receiving agency and the local authority with responsibility for the children and young people remaining in placement. This might include funding arrangements for the placement or contracted services to support these children.



Finally the meeting will:

- confirm the date for the current agency's fostering panel to de-register foster carer(s), where appropriate
- confirm the date for the new (assessing) agency's fostering panel to approve foster carer(s).

## **Appendix 3: Proposed agenda for practice planning protocol meeting**

### **Agenda**

- Introductions
- Background information/updates – foster carer status
- Documentation
- Letter of approval
- Current reference
- Most recent fostering panel and review minutes
- Assessment timescales
- De-registration/ registration timescales and process
- Consideration of child's plan for children in placement
- Full discussion of the ongoing needs, and resultant plans for any children in placement
- Date of next meeting

## **Appendix 4: Assessment of foster carer(s)**

In the interest of safeguarding the welfare of children in placement, the onus will be on the current service to prepare a comprehensive, accurate reference and on the receiving service to undertake a comprehensive re-assessment.

The receiving service must request a reference from the current service. On receipt of that request, the current service will provide the receiving service with a comprehensive written reference within four weeks, i.e. in advance of the PPP. Unless there are reasons relating to the safeguarding of children that would prevent this, the foster carer should also be given a copy of this reference by the current service. The reference should include the following information about the fostering household:

- length of registration
- current terms of approval (if any) and date this was agreed
- any variations in approval in the last five years
- age, sex and duration of all foster placements during the last five years
- the extent to which the foster carers were able to achieve placement objectives
- identify the strengths and skills of the foster carers
- recent training courses attended by the foster carer/s and skills gained post-approval
- date and outcome of any investigation of allegations or concerns, including those which have been found to be unsubstantiated, unfounded or malicious allegations.
- details of any current/ ongoing allegations or concerns
- the outcomes of the latest annual review
- any other information considered to be relevant to the assessment of the person's suitability to foster
- foster carers reasons for transferring.

A foster carer's assessment report is the property of the service which produced it. However foster carers have the right to almost all the information that is in the report. (See 'Transfer of foster carers protocol Scotland (2015): Section 5 – Sharing of information).

The current service should keep the receiving service updated, in writing, of any significant developments throughout the transfer process.

An assessment by the receiving service should be postponed if the foster carer has been suspended, or is subject to a current investigation of allegations, or if there is an investigation relating to significant concerns about their practice, until the outcome of the process is known.

## Appendix 5: Sample reference request for foster carer transferring from another agency

Name of carer(s):	
Address:	
Prepared by:	
Date:	
Requesting agency:	
Original date of approval:	
Current or last registration:	
Date of de-registration Panel:	
Has the carer previously been registered with other agencies? If so please detail:	
Details of placements: (age, sex, duration and type of placement) in past five years. Extent to which foster carers were able to achieve placement objectives:	

Date of last foster carer review:	
Recommendations:	
Strengths and skills:	
Areas for development:	
Learning and development: (attitude to learning & development; recent training courses attended)	
Details of any complaints or child protection/ safeguarding issues and outcome:	
Other information considered to be relevant to the assessment of the persons suitability to foster:	
What is your understanding of the applicant's reason for transferring?	

Signed:  
Date:

Supervising Social Worker

Signed:  
Date:

Family Placement Service Manager

## Appendix 6: Sample letter from foster carers to their current fostering agency

[Your Name]  
[Address 1]  
[Address 2]  
[Address 3]  
[Postcode]

[Date]

[Name of Person you are writing to]  
[Address 1]  
[Address 2]  
[Address 3]  
[Postcode]

Dear [insert name of fostering team manager],

I am writing to tell you that I have been making enquiries about fostering with another agency. After due consideration I have requested that [future fostering agency] consider my application to become a foster carer.

I am in agreement with any request [future fostering agency] will make to [current fostering agency] to provide a copy of my assessment form, minutes of the fostering panel, letter of approval, minutes of any foster care reviews and any other information relevant to assessing my suitability to foster.

Yours sincerely

[Your Name]

## Appendix 7: Sample letter from receiving agency to current agency

[Date]

[Name of Addressee]

[Address 1]

[Address 2]

[Address 3]

[Postcode]

Dear [insert name of fostering team manager],

[Insert name(s) of foster carer(s) and address]

The above named person(s) have made an application to be assessed as foster carers for [receiving agency].

I understand that he/she/they [delete as appropriate] have written to advise you of their intention to resign if their application is successful.

In line with the Transfer of foster carers protocol Scotland (2015) I would like to organise a placement planning protocol ('PPP') meeting between yourself, the applicant, the applicant's supervising social worker and, where there are children in placement, the placing authority (including the child(ren)'s social worker). The purpose of the PPP is to enable agreement to be reached regarding the process of assessment and timescales for presentation to [date of intended panel] fostering panel.

Where there are children in placement it is crucial that consideration is given to their future care plans.

The Transfer of foster carers protocol Scotland (2015) states that this meeting should take place within four weeks of commencement of assessment, which began on [insert date].

The foster carer(s) are normally invited to attend this meeting so please do not hesitate to call [receiving agency] should you have any issues you would like to discuss or if there are any other relevant people whom you feel we should invite.

I will be contacting you very soon to organise a time, date, and venue for this meeting.

Yours sincerely

Enc:

- Transfer of foster carers protocol Scotland (2015)
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## Appendix 8: Sample letter to foster carers inviting them to placement protocol planning meeting

[Date]

[Name of foster carer(s)]

[Address 1]

[Address 2]

[Address 3]

[Address 4]

Dear [foster carers],

Thank you for your recent application to be assessed as a foster carer for [receiving agency].

As you will be aware [receiving agency] works within the Transfer of foster carers' protocol Scotland (2015). This includes a meeting with the fostering service with which you are currently registered and also the local authority, if different, for any children placed with you.

I have arranged a meeting which you are invited to attend. This will take place:

[Insert details of meeting]

The meeting will be chaired by [receiving agency]. Your current supervising social worker and, where applicable, the social worker, or a representative for the local authority responsible for the child or children in your care will also be invited. This meeting is being organised to ensure a full exchange of information between all parties. Where there are children in placement it is crucial that consideration is given to their future care plans.

Please do not hesitate to contact [receiving agency] if you have any issues you would like to discuss prior to the meeting.

Yours sincerely