

Transfer of foster carers protocol, Wales. June 2021

Introduction

This protocol has been developed by [The Fostering Network](#) and issued with the support of the undersigned. It takes account of current legislation and regulations, The Fostering Network's [Foster Carers' Charter](#) and sets out good practice guidelines to be followed by all, when approved foster carers wish to transfer from one fostering service to another in Wales.

This protocol is not intended to cover block transfers of foster carers in Wales, as there is no provision within regulations. It also does not apply when a fostering agency ceases to carry out its fostering functions.

1. Principles

- 1.1 The protocol recognises the principles of Wales' social care legislation, regulations and guidance, and seeks to ensure that safeguarding the welfare of children and young people is at the core of fostering policy and practice. It recognises the wellbeing of every child and young person is paramount.
- 1.2 Consideration will be given to the views of the child(ren) and young people and, where applicable, the views of parent(s), foster carers and other relevant parties.
- 1.3 Children and young people in placement must be guarded against unplanned moves and/or moves which are not in their best interests.
- 1.4 Foster carers have the 'right' to apply to an alternative fostering service.
- 1.5 All fostering services are committed to the active recruitment, support, and retention of fostering families.

2. Aims of this protocol

- 2.1 To promote high standards of practice within and between services, in the spirit of mutual co-production and co-operation, ensuring the long-term interests of fostering, and children and young people in placements.
- 2.2 To ensure continuity of care and support for children and young people in placement during any transfer of foster carers, between fostering services.
- 2.3 To ensure the focus remains on the child's and young person's care and support plan throughout the transfer process. Any changes proposed are in their best interests and discussed and agreed in line with the Looked After Children's Review process.
- 2.4 To minimise the length of time taken in the transfer process.
- 2.5 To agree a *Transition Framework*, setting out the required timescales and tasks, confirming the agreed negotiation of the transfer between the two fostering services.
- 2.6 To ensure that where there is a Permanence Plan in place for a child or young person, all parties work together to ensure placement stability is prioritised and to ensure that the best interests of the child are upheld, at all times.

3. Recruitment of existing foster carers

- 3.1 Fostering services will not approach individual foster carers with a view to recruiting them, without the knowledge of their current service.
- 3.2 A fostering service who has been approached by foster carers, should not begin an assessment with a view to transferring from another service, without the foster carer confirming they have formally notified their current service.
- 3.3 It is recognised that there will be circumstances when it is appropriate for foster carers to have initial discussions with other fostering services, before agreeing to begin an assessment and before the foster carer gives notification to their current service.
- 3.4 It is the responsibility of the foster carer to inform their current service, in writing, that they are applying to another fostering service.
- 3.5 During the transition process, local authorities, foster carers and registered fostering services have a shared interest and responsibility to ensure stability and continue to implement the child's or young person's Care and Support Plan.

- 3.6 Foster carers should not be expected to change fostering service to secure agreement to a plan for a child or young person, for example, permanency.
- 3.7 The assessment by the recruiting service will be proportionate to the access, availability and maturity of information held by the current service, where possible, to enable the recruiting service needing to only update the assessment, rather than to begin the assessment process from the start.
- 3.8 The recruiting service will accept and transfer all documented qualifications/training (see 7 below), including their Learning and Development Plan (National Fostering Framework) submitted by the foster carers.

4. Procedure where there is no child in placement

- 4.1 The recruiting service may begin the assessment once it has been confirmed by the foster carer that notification of their intention to transfer has been received by their current service.
- 4.2 Once the assessment has been completed and the recruiting service informs the foster carer that they are submitting their recommended approval to the Fostering Panel, the foster carer should give written notice to their current service of their resignation.
- 4.3 A foster carer cannot be approved (*The Fostering Panels (Establishment and Functions) (Wales) Regulations 2018. Reg 8(1)*) by more than one fostering service at the same time. They must not be approved by the recruiting service before the date that their current approval ends. Approval will be terminated 28 days (Fostering Panel Regs 9(13)) from a written notice of resignation being received by the current agency from the foster carer.
- 4.4 To ensure that the date of resignation is confirmed by the current service, it is the responsibility of the foster carer to submit their written resignation to their current service and to receive written acknowledgement.
- 4.5 The recruiting service must ensure that they do not ratify a decision (via their Decision Maker) to approve the foster carer before the date upon which the resignation with the current agency takes effect.
- 4.6 Good practice recommends the current service conducts an exit interview and for the information to be presented to the Fostering Panel, for information and monitoring purposes.

5. Procedure where a child is in placement

- 5.1 Where there is a child(ren) or young person living in foster care, foster carers must give written notice of their intention to apply to move to another fostering service, both to the current service and to the placing authority/authorities.
- 5.2 Upon receipt of the written notice, the placing authority must inform the child's Independent Reviewing Officer (IRO) of the intended change of foster carers and who shall, within 28-days, convene a meeting of the placing authority/authorities, which may include commissioning/contracting staff, as well as the children's or young person's social workers, the current service, the recruiting service and the foster carer/s.
- 5.3 Where there is more than one placing authority, agreement should be reached on which authority will take responsibility for convening the meeting. Generally, the authority that has had children and young people placed for the longest period with the foster carer will be considered the 'lead' authority and proceed to organise the meeting.
- 5.4 The meeting will consider the following, the decisions of which will be included in the Transition Framework:
- Any decisions made during the child's or young person's latest Looked After Children's Review, particularly in respect of whether it is in their best interests to continue in their current foster home and how their Care and Support Plan will continue.
 - To assess how the move of the foster carer to another fostering service will impact each child in placement, including the potential loss/benefits of changes in the relationships, activities, and support services that a child has developed and/or established whilst in foster care within the current service.
 - The specific support needs of the child or young person and the foster carer, and how they will be fulfilled by the recruiting service.
 - The circumstances in which the recruiting service may use any other vacancy within the foster home once the transfer has been completed.
 - The arrangements and timing for approval by the recruiting service and termination of the foster carer's approval by the current service.
 - The arrangements to be co-ordinated, to ensure continuity of approval, and that transfer is made on a mutually agreed date.
 - Parallel arrangements for timing a transfer of responsibility for the payment of fees and allowances to the foster carer.
 - The views of the child, parent, advocate, and any other interested parties (these views should be sought and represented by the placing authority, to be presented at the meeting).
 - Where it is determined at a placing authority case review that the foster home is not to continue, the arrangements to move the child/children or young person to an alternative foster home, including a timeframe for such a move, will be confirmed.

- The transfer should be completed within a timescale which is driven by the child's needs, and the Care and Support Plan. It is expected that the assessment and training would normally be completed by the recruiting service within three to four months, unless there are exceptional circumstances, in which there would be agreement of a revised timetable in the Transition Framework.
- 5.5 Once the Fostering Panel of the recruiting fostering service has made its recommendation and the service confirms it is ready to approve the foster carer, the foster carer should submit their resignation to the current service, as set out in paragraph 4.5 above.
- 5.6 The decision maker of the recruiting service may decide that they will approve the person as a foster carer on a specific date in the future, the purpose being, to coincide with the termination of their existing approval at the expiry of the 28 days' notice period. Alternatively, the decision maker may delay their decision until the date of the termination of the current approval.

6. Sharing of information

- 6.1 The current service will facilitate access to all the foster carer's records at nil cost, or a negotiated cost, as agreed in the Transition Framework (see 2.5 above).
- 6.2 A foster carer's assessment report is the property of the current service which produced it. However, foster carers have the right to almost all the information that is in the report, under the provisions of the data protection legislation.
- 6.3 To ensure that foster carers and, where relevant, members of their household, fully understand the implications of sharing information pertaining to them, it should be requested that the foster carers sign and return a Privacy Notice (data protection legislation).

The notice should confirm their consent to share information held in existing records about the foster carer, for the purposes of a new assessment. The applicant's (including members of their household) consent given in the Privacy Notice is passed to the service which holds the record, at the same time as the request to view records is made.

Foster carers have the right of access to the information in the report, under the provisions of, and subject to, the limitations contained within data protection legislation. Specifically, this is as pertains to third parties, subject access requests [Articles 12 to 15 & 46] and references provided in confidence [Schedule 2 Part 4(24) (d) of the DPA 2018]. [References to consent can be found in GDPR Article 7 and Recital 32].

- 6.4 If consent is refused, the current service should consider whether there is any information in the records pertaining to the foster carer[s] that is a cause for concern and any such information should be shared, even if consent has been refused.

If there are no concerns and the individual has refused consent, information should not be shared.

- 6.5 The recruiting service may, with consent, request access to the relevant case records of a previous fostering service. Wherever practicable, the current service should include an offer for the recruiting service to view the files of the current agency and the opportunity to have discussions with the current supervising social worker.

- 6.6 In the interest of safeguarding children and young people in foster care, the current service will prepare a comprehensive, accurate reference within 20 working days as confirmed in the Transition Framework. The information to be shared should include:

- The report of the original assessment of the person's suitability to foster, a copy of the report of the last Annual Review of the individual's continuing suitability to foster.
- Any other review report considered useful to understanding the individual's current suitability to foster.
- Details of any concerns about standards of practice and any remedial action to be undertaken and/or completed to address them.
- Details of any allegations made against the foster carer or their household members.
- Any other information considered to be relevant to the assessment of the person's suitability to foster.
- Unless there are reasons relating to the safeguarding that would prevent this, the current agency should also provide the foster carer(s) with a copy.
- Length of registration current terms of approval (if any) for the foster carer and date this was agreed, and any variations in approval in the last five years.
- Age, sex and length of stay of all foster children and young people 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 skills gained post-approval date.
- Outcome of any investigation of allegations, standards of care concerns or complaints regarding the foster carer.
- The latest foster carer Annual Review considered to be relevant to the assessment of the person's suitability to foster.

- 6.7 The recruiting service should undertake a comprehensive re-assessment, building on all the information accessed.

- 6.8 The recruiting fostering service can take account of information obtained by the current fostering service as long as they are satisfied

with its quality and continuing relevance. This may, for instance, avoid the need in having to interview again a previous employer or ex-partner who was interviewed in the past, to verify facts and where no further information is required.

- 6.9 The current service to provide a copy of a foster carer's assessment report or latest Annual Review to the recruiting service and for the foster carer to have a copy of their assessment report, minus any confidential information from third parties.
- 6.10 The current service will keep the recruiting service updated, in writing, of any significant developments between the issue of the reference and the foster carer's approval by the recruiting service.
- 6.11 An assessment by the recruiting service should not commence (or should be placed on hold if already commenced) if the foster carer is subject to a current investigation of allegations or standards of care, or if there is an investigation relating to significant concerns about their practice, until the outcome of the process is known. The outcome must include the recommendation and decision of the panel and decision maker, in respect of continued suitability to foster.

7. Induction and training frameworks

- 7.1 Foster carer's workbook and portfolio of evidence belongs to the foster carer, who will be allowed to retain them when transferring services.
- 7.2 Evidence of previous training by the foster carer will be accepted and transfer to their training and development profile with the new agency.
- 7.3 The foster carer will complete, within 12 months, all introductory and induction training required by the new agency

8. Service fees and payments for transfers between services

- 8.1 In the case of a transfer of a foster carer from one registered fostering service to another, the charge to the placing local authority for continuing placements will not be any higher than the charges levied by the current service. However, such charges will be subject to the recruiting service's agreed annual, inflation-linked review. The recruiting service should provide a service at an equivalent level to the current service.
- 8.2 Should the placing authority request the provision of additional services, appropriate additional charges may be negotiated and agreed.

9. Payments to foster carers

Where it is agreed that a child's or young person's placement will continue with a foster carer, the recruiting service will, as a minimum, 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 agreed increases and movement through the age bands. The current service must provide the recruiting service with the details of the payments made to the foster carer in relation to a child.

10. Resources

The Regulated Fostering Services (Services Providers and Responsible Individuals) (Wales) Regulations 2019. Statutory guidance can be found [here](#).

The Local Authority Fostering Services (Wales) Regulations 2018 as amended. The code of practice can be accessed [here](#).

The Fostering Panels (Establishment and Functions) (Wales) [Regulations 2018](#).

Social Services and Wellbeing Act 2014. An overview can be found [here](#).

Regulation and Inspection of [Social Care \(Wales\) Act 2016](#).

[Social Services and Well-being \(Wales\) Act 2014](#) - Part 6 Code of Practice (Looked After and Accommodated Children).

[The Care Planning, Placement and Case Review \(Wales\) Regulations 2015](#).

National Minimum Allowances for Foster Carers 2020 – 2023. Welsh Government [information](#).

[Social Care Wales](#): Induction for health and social care (AWIF)The Fostering Network Confidentiality Guidance.

The Foster Carers' Charter can be found [here](#).

General Data Protection Regulation (GDPR) and Data Protection Act 2018 (DPA 18). Important information can be viewed [here](#).

[Complying with the GDPR and DPA 2018](#). Paul Adams, Leonie Jordan. Coram Baaf. 2019

National Fostering Framework – details can be accessed [here](#).

Agreement:

Date:

We commend these good practice guidelines to be followed by all when an approved foster carer wishes to transfer from one fostering service to another in Wales. We will review the protocol every 12 months:

South Wales Fostering Managers Forum
North Wales Fostering Managers Forum
IFP Wales Fostering Managers Forum

Content noted during the consultation process:

Social Care Wales
Care Inspectorate for Wales
Association of Directors of Social Services Cymru/Wales
Welsh Government
AFA Cymru

The Fostering Network in Wales
33 Cathedral Road
Cardiff
CF11 9HB.

t: 029 2044 0940
e: wales@fostering.net

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