



Llywodraeth Cymru
Welsh Government



GOOD PRACTICE GUIDE

to accompany

The Fostering Panels (Establishment and Functions) (Wales) Regulations 2018

Introduction and Legal Context

The Fostering Services (Wales) Regulations 2003 have been revoked and replaced by three different sets of Regulations which came into force 29 April 2019. The National Minimum Standards 2000 are no longer applicable.

The three sets of Regulations are as follows:

1. The Local Authority Fostering Services (Wales) Regulations 2018. As amended by the Local Authority Fostering Services (Wales) (Amendment) Regulations 2019/545

These are issued under the Social Services and Wellbeing (Wales) Act 2014 (SSWB(W)A 2014) with an accompanying Code of Practice.

<http://www.legislation.gov.uk/wsi/2018/1339/made/data.pdf>

These are applicable to Local Authority Fostering Service Providers only.

2. The Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019.

These are issued under Regulation and Inspection of Social Care (Wales) Act 2016 (RISCA) with accompanying Statutory Guidance.

<http://www.legislation.gov.uk/wsi/2019/169/made/data.pdf>

These are applicable to Independent Fostering Service Providers only.

Both of the above relate to how fostering services are managed, staffed and supported to undertake the fostering role.

3. The Fostering Panels (Establishment and Functions) (Wales) Regulations 2018.

These are issued under SSWB(W)A 2014 and are applicable to both Local Authority and Independent Fostering Service Providers. These regulations relate to agency functions in relation to establishment of Fostering Panels; the assessment of prospective Foster Parents (including Connected Persons assessments; Reviews and terminations: IRM; Records relating to Foster parents.) <http://www.legislation.gov.uk/wsi/2018/1333/made/data.pdf>

These regulations introduce to Wales for the first time the **Central List** for Foster Panels (operational in England since 2013 and in Adoption in Wales since 2015); the **two stage process for assessment** of Foster parents and the **Brief Report** (both operational in fostering in England since 2013).

This practice guide has been devised by AFA Cymru on behalf of Welsh Government and is to be used when applying the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018. It incorporates feedback from fostering practitioners and panel members who attended the extensive training programme delivered by AFA Cymru. Contribution has been made by a significant number of fostering service providers in both the local authority and independent sector across Wales throughout 2019, and from the consultation events in North and South Wales on the new Welsh Prospective Foster Carers Report (Form F).

In addition, there is reference to English statutory guidance (DfE July 2013) and English National Minimum Standards 2011 as well some cited texts. These include:

- **Undertaking Checks and References in Fostering and Adoption Assessments.** 2019. Paul Adams. CoramBAAF
- **Effective Fostering Panels.** Sarah Borthwick and Jenifer Lord. 2019: CoramBAAF
- **Good Practice Guide for the Assessment and Support of Kinship Foster Carers** AFACymru
- **Post Approval Learning and Development Framework for Foster Carers.** AFA Cymru
- **Undertaking a Fostering Assessment.** 2020. Roger Chapman and Dawn Owen. CoramBAAF

The guide is neither statutory guidance nor a code of practice and therefore fostering services providers do not have a legal duty to follow it. However, it has been created with the aim of disseminating and developing consistent good practice across Wales, providing all those involved in the fostering process with a service that meets the highest standards across the country. It may be referred to as a common baseline for good practice for inspection purposes.

Fostering services providers are required to have policies and procedures that set out what is expected of them, and this guide is not a substitute for these. Neither does the guide prevent the development of good practice that is unique to a particular region or service. However, it sets out a framework within which every region or service can look to meet its own particular needs.

The guide restricts itself to the areas of practice highlighted in bold above ie Central List, Two Stage process for assessment and the Brief Report, and the functions / practice associated with these.

Not all of the regulations have been reproduced, the regulations relating to the good practice set out have been replicated (**in blue**) followed by the good practice framework (**boxed and in black**).

The guide also sets out a useful flowchart for Stages 1 and 2: Foster Parent Assessment and Approval Process which illustrates how Stages 1 and 2 fit together. **See Appendix 1**

This flowchart is not intended to cover all applications a fostering services provider must undertake as part of the process and services should refer to the regulations and guidance for this information. This flowchart has been developed from the DfE template widely used in England and adapted specifically for Wales.

Fostering services providers will need to review and develop their own information leaflets and pro formas to use at the various stages of the fostering process as appropriate. This will be the responsibility of individual services although some good practice guidance is included regarding these.

The CoramBAAF Prospective Foster Carers Report (Form F) for Wales has been updated and is available for use, along with a number of accompanying documents. These documents are referred to throughout the guide.

Note: in this guide reference is made to “fostering services providers”. For the purposes of this document, this refers to either Local Authority, 3rd Sector Non-profit or Independent Fostering Service Providers which deliver fostering services across all 22 Local Authorities in Wales.

The applicants in the process are referred to as:

- ‘applicant’ from initial enquiry to the beginning of Stage 1
- ‘Prospective Foster Parents’ from the beginning of Stage 1 until Decision Maker (DM) decision
- ‘Approved Foster Parents’ from DM decision

References to the above are made in the singular, as in the regulations, but the terms apply equally to couples seeking to become foster parents.

Central List

The establishment of the Central List from which fostering panels are constituted is set out in the 2018 Regulations and replaces the old establishment of panels under the 2003 Regulations.

The benefits of the Central List include the ability for fostering services providers to constitute as many panels as necessary given the volume and complexity of the work they are undertaking. This will serve to reduce unnecessary delay and enable panel members to demonstrate particular expertise where necessary.

Regulation 3(1) requires the fostering services provider to

maintain a list of persons who are considered by the provider as suitable to be members of a fostering panel (“the central list”) including

- (a) One or more social workers who have at least three years’ relevant post qualifying experience*
- (b) One or more persons who have acted as a foster parent provided they are not, and never have been, appointed as a foster parent by the fostering service provider*

Recruitment and Support

Traditionally, recruitment of many panel members has been through personal recommendations and although there is merit in this, it can also lead to members being drawn from a narrow range of people. Therefore, the recruitment of members to the Central List should be an open process, encouraging applications from a wide range of people and disciplines. This could be via local advertisements, internal newsletters or through service user groups.

The fostering services provider should implement clear written policies and procedures for the recruitment to, and maintenance of, the Central List of people considered by them to be suitable to be members of the fostering panel. There are no specific requirements regarding pro formas that are used in recruitment and support of panels members and many services will have their own arrangements in place. The Appendices in “Effective Fostering Panels. Sarah Borthwick and Jenifer Lord. CoramBAAF 2015” provide a range of pro formas that might be useful and can be adapted as appropriate.

All panel members should be subject to comprehensive checks as part of the recruitment process. These should include an enhanced DBS check, and a minimum of 2 referees who are able to comment with authority on relevant attributes and experiences. Panel members should be offered relevant training as part of their induction and ongoing development and should attend panel as an observer prior to becoming a voting member.

Fostering services providers should engage in an agreement, in writing, with each member to outline the expectations of the panel member and the service.

This should include but is not limited to;

- Expectations in respect of the requirements to undertake Learning & Development including attendance at ongoing training events (for members who are new to fostering panels training in respect of the role and requirements should always be provided)
- Expectations in respect of attendance at panel meetings, including minimum requirements (usually set no lower than 75% to ensure effective membership)
- Conduct prior to, during and post panel in respect of confidentiality and declaration of any conflict of interest (the service should set out what constitutes a conflict of interest and the process for a panel member to follow with regards to this)
- The requirement to read and consider all panel paperwork thoroughly, including the expected timescales in place for the provision of the paperwork to members (service timescales should ensure sufficient time is provided, taking into account the volume and complexity of the content)
- Expectations in respect of the method and format for panel members to complete written feedback when quality assuring the panel paperwork, including how this is collated prior to, during or post panel
- The provision of, and engagement in, supervision and appraisal processes
- The requirement to practice in an anti-discriminatory way and consider each case individually

Each panel member should be afforded an annual appraisal, including the Panel chair. Appraisals should reflect the requirements as set out in the individual member agreement, with specific focus on the role and responsibilities of the individual member.

Fostering services providers should be aware that all central list members are potential panel members and will be subject to same reviewing process. If attendance is infrequent, consideration should be given to the usefulness of them remaining on the Central List.

Panel member annual appraisals should be undertaken by the panel advisor and the panel chair jointly. In the case of appraising the panel chair these should be undertaken by the panel advisor and the Decision Maker jointly. It may be beneficial to ensure Decision Makers are afforded the opportunity to attend a panel in order to fulfil this function effectively.

Membership of the Central List

Fostering services providers should be mindful that the number, skills, knowledge and experience of the people on the Central List are sufficient to enable effective functioning of panels and ensure that they are equipped to make competent recommendations to the fostering service provider. Those responsible for appointing panel members must hold the significance of the task at the forefront of their mind and in doing so, be satisfied that panel members have the level of knowledge and competence required to safeguard vulnerable children.

The Central List means that there is greater flexibility with the increased numbers of potential panel members, utilising those individuals who are not necessarily able to commit to fortnightly or monthly panels, but nevertheless have a lot to offer. Each fostering service provider must hold its own central list but there is no reason why one person should not be on two or more central lists.

Fostering services providers should be mindful of the potential need to offer additional support to some members in order to fulfill their commitment to attending panel. This might include buddying with an experienced panel member, practical assistance in attending panel, and any other adjustments and assistance as necessary.

Consultation, research and best practice suggest that the composition of the Central list should include:

- A number of suitably experienced approved foster parents, including both Mainstream and for Local Authority providers, Connected Persons Foster Carers. These must be independent of the fostering services provider, not current or previously approved by the service. ([Reg 3\(1\)\(b\)](#)).

- A number of qualified social workers with at least 3 years relevant post qualifying experience (**Reg 3(1)(a)**). This experience should be in child and family social work, including direct experience of fostering either as a supervising social worker or a children's social worker placing and supporting children in foster care. Social work qualified members would be expected to demonstrate an understanding of legislation, policy and good practice in relation to fostering, alongside current safeguarding knowledge.
- An individual (or a number of individuals) with previous care experience who is able to contribute personal insight and represent the voice of the child in panel business. This panel member will be able to offer a valuable perspective on panel decisions from lived in experience. It is essential that consideration is given to an individual's level of resilience to undertake the task and it would be unusual to appoint a person under the age of 21 or a person who had been Looked After within the service itself.
- Panel members with other specific areas of knowledge should also be included on the Central List to ensure expertise from a variety of disciplines connected to the breadth of the task, including but not limited to; **health** (usually the designated nurse for Children Looked After or a school nurse); **education** (usually the designated Children Looked After education coordinator); **an elected member** (usually with designated corporate parenting accountability) **housing; advocacy; mental health; disability; and welfare rights**
- Panel members who are independent of the fostering service provider and those who can fulfil the requirements of a panel chair and vice chair must also be recruited to the central list (further guidance is provided within this document in respect of these members)

Numbers of panel and membership of panels

Reg 4(1) requires the provider to *constitute one or more panels as necessary*. It must appoint to the panel from the persons on the Central List:

- (a) *A person to chair the panel who must be independent of the fostering service provider*

- (b) *One or two persons who may act as chair if the person appointed as the chair is vacant (“the vice chairs”).*
(A vice chair does not have to be independent, however it is beneficial for quoracy purposes if they are.)

Reg 4(3) *A fostering services provider may pay to any member of a fostering panel constituted by them such fee as they may determine, being a fee of a reasonable amount*

Reg 4(4) *The fostering Services provider must ensure that the fostering panel has sufficient members, and that individual members have between them the experience and expertise necessary, to effectively discharge the functions of the panel.*

Reg 5(6) *The Fostering panel must also make a written record of proceedings and the reasons for its recommendations*

Reg 6(1) *No business may be conducted by a fostering panel unless at least the following meet as the panel*

- (a) *Either the person appointed to chair the panel or one of the vice chairs*
- (b) *One member who is a social worker who has at least three years relevant post qualifying experience, and*
- (c) *Three, or in the case of a fostering panel constituted jointly under Regulation 4(2), four other members, and*

Where the chair is not present and the vice chair who is present is not independent of the fostering services provider, at least one of the other panel members must be independent of the fostering services provider.

Panel members should be members of the fostering services provider’s Central list. Panels are intended to be multidisciplinary bodies, reflective of the local community, gender balanced, and able to take into account the needs of the children and the foster parents that the service caters for. Balancing knowledge and expertise alongside independence and the ability to challenge is an essential requirement of any fostering panel. This can be sometimes be achieved by making best use of resources on a regional basis and introducing mutual reciprocal arrangements between services.

There is no regulatory requirement for panels to have a fixed membership or a minimum or maximum number of members, although agencies should consider the ability of the panel to function cohesively and with a level of consistency. This may be best achieved by having at least a core membership. Please see below for details on quoracy and tenure.

There is no regulatory requirement to include an elected member on panel although elected members, as representatives of the corporate parent, may make a valuable contribution as a panel member. Also act as conduit between local fostering provision and senior decision makers.

There is no regulatory requirement for a Panel Advisor to sit on fostering panels although it is widely acknowledged that this is an extremely valuable role and one which is cited as essential to achieving quality practice standards. Practitioners indicate that this is in wide usage across Wales in both Local Authority and Independent Fostering Services providers. The Panel Advisor is not a voting member of panel and should not participate in making recommendations.

The role of the Panel Advisor should be outlined clearly by each fostering services provider, with clear expectations set out of both them and the service. This will include, coordinating and agreeing the panel agenda; ensuring that paperwork has been quality assured and sent out to panel members (there should be an agreed timescale for this to ensure that panel members have sufficient time to read and consider any reports); advising on regulations, guidance, policy and procedures; taking feedback on practice issues and feeding back into service; being involved in the recruitment, induction and training, and review of panel members.

The Panel Advisor role is a complex one and requires someone to be both confident and competent in managing sensitive and difficult issues objectively. There should be clear strategies in place to deal with any conflict of interest ie line manager role and panel advisor role.

Medical Advisor to Panel

There is no regulatory requirement in fostering, as there is in adoption, for there to be an agency medical advisor or for a medical advisor to sit on panel.

However, the value this role and the specialist professional viewpoint and advice it provides is considered critical for services to achieve quality and best practice standards. It is therefore recommended that services appoint a medical advisor or other health professional as a core member or advisor to the panel.

At the time of writing this guide consent for medical assessments (AH forms) does not allow for non-medically qualified professionals to access or comment on the report, this applies to both approvals and reviews. The AH form is currently under review and the consent is expected to change to reflect the need for assessing and supervising staff members to have access to this information to ensure robust safeguarding and welfare measures. This does not negate the need for a medical report to be produced using the content of the AH form as social workers are not expected to undertake this specialist task (covered in more detail later within this document)

Information addressing this issue and highlighting the role and responsibilities of Medical Advisors can be found in “Promoting the Health of Children in Public Care” (CoramBAAF) & “Undertaking a Health Assessment” (CoramBAAF).

Composition and Quoracy of Panel

Subject to being quorate, it is for the fostering services provider to decide how many panel members from their Central List should be present at each meeting. Consideration should be given to ensure that the panel should not be so large as to make it difficult to chair or hinder effective decision making or be too intimidating for the prospective or approved foster parent attending. The most critical factor is to ensure a quorate and effective combination of skills, experience and competence for the panel to undertake its functions.

Below are two examples of the **minimum** ways quoracy can be achieved.

Independent Chair	Vice Chair (not independent)
Social Worker (not independent)	Social worker (not independent)
3 other members (not independent)	2 other members (not independent)
	1 Other Independent member

For joint panels there should be one additional member (does not have to be independent). See below for further details for joint panels. Good practice by definition would not recommend working to minimum requirements, they are there to ensure a baseline expectation which services should strive to exceed.

Fees for panel members

Regulations set out the provision for reasonable fees to be paid to panel members where they are required. These should take into account preparation time as well as attendance at panel and/ or expenses to attend panel if these are incurred. The payment of fees does not compromise independence and may enable a wider recruitment of panel members who might not normally be able to attend should fees / expenses not be available.

The Panel Chair has a wider range of responsibilities to other panel members and therefore, it would be appropriate to reimburse accordingly. Similarly, if a vice chair is required to chair or undertake a wider range of responsibilities, a higher fee might be considered.

Declaring an Interest

There may be situations when a panel member knows the prospective foster parents or the approved foster parents being presented to panel. Panel members should make this known to the service as soon as the conflict is identified. This would usually be at the point of receiving panel papers/agenda prior to the panel. Consideration should be given as to whether this prior knowledge might prejudice consideration of the case and the panel member informed of the decision. Panel member agreements must make this expectation clear and services must reach prompt decisions to ensure information is protected and quoracy maintained when members must leave a panel due to an item of conflict.

Panel Minutes

Good quality minutes of panel business is essential and is a regulatory requirement (Reg 5(6)). The minute taker should be an appropriately qualified person who is not a panel member. The minutes should be consistent and in a format that covers key issues, views expressed and the outcome and recommendation. The chair and the panel advisor should ensure that the minutes are quality assured and representative of the panel deliberations. It is useful to devise a standard format for panel members to complete their individual feedback which follows the process of the panel business and the minutes.

Joint Panels

Regulation 4(2) *A fostering panel may be constituted jointly by any two or more fostering services providers, in which case the appointment of members must be made by agreement between the fostering services providers, provided that no member appointed is, or ever has been, approved as a foster parent by either or any of the fostering services providers who are constituting the joint panel*

There is an option for individual fostering services providers to form joint panels although this is not a mandatory requirement. The individual services can be Local Authority or Independent fostering services providers or a combination of the two.

For example, two smaller services who do not have sufficient monthly business to operate a full day panel might wish to form a joint panel together as a resource management solution.

The Regulations do not allow for one fostering services provider to make use of the panel of another fostering services provider.

Where services hold joint panels, they may have identical central lists. As stated in the Regulation, the foster parent members cannot be, or ever have been, approved by either / any of the individual services which constitute a joint panel.

Each fostering services provider has the responsibility for ensuring the suitability of their central list members in terms of recruitment and checking process, and support. In practice, one service may use the checking information obtained by the other agency they hold joint panels with and consider that sufficient. However, it is essential that they consider the information and not just rely on the fact that the other service has accepted them as suitable members.

If individual fostering services providers do hold joint panels with another service, the tenure arrangements for each Central List still apply.

Independence

Regulation 4(7) *For the purpose of this regulation and regulation 6, a person is not independent of the fostering services provider if*

- (a) they are currently approved by the fostering services provider as a foster parent*
- (b) they are related to an employee of the fostering services provider, or to any person concerned in the management of that service*

- (c) in the case of a local authority fostering service, the person is an elected member of that local authority, or is employed by that local authority for the purposes of the fostering service or for the purposes of any of that local authority's functions relating to the protection of children*
- (d) In the case of a regulated fostering service, the person is employed by, or is a trustee of, that service*
- (e) For the purposes of sub- paragraph (b), a person ("person A") is related to another person ("person B") if person A is*
 - (i) A member of the household of, or married to or the civil partner of Person B*
 - (ii) The son, daughter, mother, father, sister or brother of Person B: or*
 - (iii) The son, daughter, mother, father, sister or brother of the person to whom person B is married or with whom person B has registered a civil partnership*

Critically, panels play an important role in terms of quality assurance, providing objectivity and a wealth of additional experience and understanding, and in challenging practice.

Panels should be fair and therefore, should have a considerable element of independence which can reinforce this. The Regulation above clearly states what constitutes independence.

Regulations state that there has to be at least 1 independent member (see later) although good practice would be to have a range of independent members who are able to attend.

Central List - Tenure and Removal

Regulation 3

(2) A person who is included in the central list may at any time ask to be removed from the central list by giving one month's notice in writing to the fostering services provider

(3) Where the fostering services provider is of the opinion that a person included in the central list is unsuitable or unable to remain on the list, the fostering service provider may remove that person's name from the list by giving them one month's notice in writing, setting out the reasons for the decision.

(4) Subject to paragraph (5), a member of the central list

- (a) May hold office for a term not exceeding three years, and
- (b) May not hold office as a member of the central list of the same fostering services provider for more than 3 terms without an intervening period

Regulation 14(1) (transitional provision)

Any member of a fostering panel established under regulation 24 of the 2003 Regulations who remained a panel member immediately before these Regulations came into force is, from the date these Regulations come into force, deemed to have been appointed as a member of the panel constituted under these Regulations for a period equivalent to the remainder of the term of office for which the person was appointed under the 2003 Regulations.

Tenure restrictions for panel members for Fostering in England and for adoption in both England and Wales have been removed, **these remain in force for fostering in Wales.**

Any member of the (newly introduced) Central list (and thereby a panel member) may hold office for term not exceeding 3 years and may not hold office for same service for more than 3 terms without intervening period (min 3 years). i.e 9 years and then a break of at least 3 years.

For example:

- 4 years served under 2003 Regs means 5 years remaining under 2018 Regs
- 8 years served under 2003 Regs means 1 remaining year under 2018 Regs followed by a 3 year break

This means that fostering services providers need to be regularly reviewing their central list and thinking about succession planning and recruitment of new members. This does not mean that panel member cannot approach and be recruited by another service, and indeed, this would be prudent given the significant amount of training and experience developed over years in a key panel role. Practitioners and panel members have suggested that it would be good practice to establish a Wales wide information service regarding panel chairs and key members. AFA Cymru have extended the Panel Chairs Special Interest Group to reflect this need.

Medical professionals who sit as panel members past 9 years can only do so as non voting members who provide advice to panel as any medical advisor could do, they cannot be part of the voting contingent or included in quoracy.

Where the medical advisor does not attend the panel, it is recommended that the service arrange a meeting at regular intervals and in line with annual appraisal needs to include the Panel Chair, Panel Advisor, Decision Maker and Medical Advisor to discuss relevant medical issues that have arisen and provide opportunity for feedback/reflection.

The Regulations clearly set out provisions for resignation and termination of panel members. One months' notice is applicable to resignation or termination of any panel member, applicable to anyone on the Central List.

Functions of Fostering Panels

Fostering panels have 3 key functions which are outlined in regulations:

- Recommendation of approval, and terms of approval, as a foster parent
- Recommendation of continued suitability, and terms of continued suitability, or termination as a foster parent
- Monitoring, Review and Quality Assurance

Approval as a foster parent with terms of approval

Regulation 5(1)

(a) to consider each application for approval and to recommend whether or not a person is suitable to act as a foster parent

(b) where it recommends approval of an application, to recommend the terms on which approval is given

Regulation 8(1) *a fostering services provider must not approve a person who has been approved as a foster parent by another fostering services provider or by a fostering services provider in England and whose approval has not been terminated*

(2) *a fostering service provider must not approve a person as a foster parent unless*

(a) *the provider has completed its assessment of the persons suitability, and*

(b) *the provider's fostering panel has considered the application*

(3) *A fostering services provider must, in deciding whether to approve a person as a foster parent and as to the terms of any approval, take into account the recommendation of the fostering panel.*

A fostering services provider should ensure that a panel considers and makes a recommendation for approval before making the decision to approve and before placing children.

There is an exception to this position in **Regulation 26 of the Care Planning, Placement and Case Review (Wales) Regulations 2015**. This allows a local authority to temporarily approve a "connected person" and to place a child with this "connected person" for up to 16 weeks without referring to panel. There is potential to extend this temporary approval for a further 8 weeks if necessary by considering whether the placement is still the most appropriate placement and by the referring of the case to foster panel for its views as per **Regulation 27 of the Care Planning, Placement and Case Review (Wales) Regulations 2015**.

The “**Good Practice Guide for the Assessment and Support of Kinship Foster Carers**” (available as a free download on the AFA Cymru website) contains information about early identification of Kinship Carers (Chapter 2 pp 4-6); Temporary Approval (Chapter 3 p7); Viability Assessments of Prospective Kinship Foster Carers (Chapter 4 pp8-10); Full assessments of Kinship Foster Carers (Chapter 5 pp11-14).

Assessment of prospective foster parents

The 2018 Fostering Regulations introduce a **2 stage process** for fostering assessments. Any assessment started after 29 April 2019 will be conducted under this process; this includes connected persons assessments. This is intended to ensure that the fostering services provider collates basic information about the applicants at an early stage to enable clearly unsuitable people to be sifted out without unnecessary bureaucracy or expenditure of time and resources by the service or applicant.

Undertaking an assessment of a prospective foster parent is a complex task and the importance of getting it right, primarily for the children but also for the foster parent, is essential. Practitioners should be well trained and experienced in understanding developmental trauma and the needs of children requiring alternative care as well as the core principles and approach to assessment and analysis of information. They should also be aware of local needs and priorities.

Some applicants might struggle in understanding and accepting the rigorous reference and checking process that is part of all assessments, and it is important that people are aware of what the process entails as soon as practicably possible in order to make an informed decision as to whether they wish to proceed. For example, previous partner references and social media checks in particular can raise difficulties.

In terms of guidance for practitioners, **“Undertaking Checks and References in Fostering and Adoption Assessments 2019”**, Paul Adams, CoramBAAF is useful. This practice guide focuses specifically in the checks and references that go alongside and interrelate with material emerging from the home study, and looks at general issues including proof of identity, consent and proportionality.

Any decisions regarding the assessment and approval as foster parents must primarily focus on the best interests of the child and should follow the Public Law Principles of fairness and acting lawfully and reasonably.

The two stages of the fostering assessment may operate concurrently. It is for the fostering services provider to decide whether they wish to do so. For example, for an applicant who approaches the service who has complex criminal convictions, the service might wish to gather all Stage 1 information and checks before starting any Stage 2 processes and checks.

The information required for Stage 1 must be sought as soon as possible, and the decision about whether a prospective foster parent has successfully completed Stage 1 must be made within 10 working days of all Stage 1 information being received. Clearly time is also required to analyse the information once it is received, to enable informed decisions based on verification of information. To achieve the regulatory timescales services should ensure systems for maintaining and overseeing information collection are robust.

If a fostering services provider decides on the basis of Stage 1 information that a person is not suitable to foster, there would be no qualifying “determination” and the prospective foster parent has no right to apply to the Independent Review Mechanism (IRM). However, they would be eligible to use the fostering services providers complaints procedure should they feel they have not been fairly treated.

If an applicant is deemed not suitable to foster on the basis of Stage 2 information, following either a Brief or a Full report, they may make representations to the IRM.

Further information on Stage 1 and Stage 2 will be detailed below.

Although the regulations refer to the approval of individuals (“a person”) as suitable to foster, where two people are sharing the care of a child, whether in a couple or any other partnership, the assessment of their suitability should be joint.

This is clearly endorsed in the DfE guidance July 2013 (p.9)

One of the critical aspects in determining suitability of a couple to foster a child is the assessment of the stability of their relationship.

When a single foster parent takes a partner who will be sharing the care of a child, they should discuss this with their supervising social worker at the earliest opportunity so that an agreement can be reached about any implications to foster and so that the partner’s suitability can be assessed.

There is no reference in regulations about the length of time a fostering assessment should take to complete, although on average this should take 4- 6 months. However, the robustness of the any assessment must not be sacrificed to timescales. Connected Person assessment will be influenced by court timeframes (see later for further information)

CoramBAAF Forms and Guidance

For those agencies who are CoramBAAF members and have a license to use these forms, there is a range of pro formas available for different stages of the assessment process which have been adapted for the Welsh context. There are no specific requirements for fostering services providers about the way in which assessment information must be collected and presented to panel, these pro formas provide a good framework if an agency wishes to develop their own.

- Application Form
- Assessment Agreement
- Stage 1 decision form
- Chronology
- Preparation Training Record
- Parent and Child report
- Permanent Fostering report
- Second Opinion visits
- Panel member notes
- Qualifying Determination / Stage 2 decision form
- Form F
- Guidance notes

A copy of Core Competencies for Foster Parents can be found in **Appendix 2**

Recruitment Best Practice

Guidance in respect of best practice for recruitment of Foster Parents is available via the work of the National Fostering Framework in conjunction with AFACymru. This guidance covers all aspects of recruitment from initial contact through to assessment.

Stage 1 of the Assessment process

Section A Part 1 of the CoramBAAF Form F(Wales) reflects the information that is required to be collected at Stage 1 of the assessment process. Section A Part 2 includes verification of documents, other checks and factual information, as required in Stage 2 of the assessment process.

Regulation 7(2) *Subject to paragraph (3), the fostering services provider*

(a) Must, as soon as reasonably practicable, obtain the information specified in Part 1 of Schedule 1 relating to the person and other members of the person's household and family

Part 1 Schedule 1

1. Full name, address and date of birth

For all prospective foster parents, it is essential to ensure they are who they say they are and for practitioners to check proof of identity before initiating any other checks. If an accurate proof of identity has not been obtained, a name is spelt incorrectly or a date of birth inaccurate, then checks undertaken are likely to be worthless. Therefore, practitioners will need to see a range of documents, including photographic evidence to confirm identity.

2. Details of health (supported by a medical report)

Foster parents need to have good physical and mental health in order to cope with the demands of caring for vulnerable children. Therefore, comprehensive assessments are required as part of the assessment.

It would be expected that, should there be an exceptional medical reason that automatically prevents a person from becoming a foster parent, this would have been discussed within an Initial visit although it is often necessary to seek medical advice before making a decision.

The health assessment is firmly based within Stage 1 of the assessment process. The medical report refers to the CoramBAAF Adult Health (AH) form that contains comprehensive information from the applicant, their GP, and which is then assessed and commented on by a suitably qualified medical professional acting in the position of Medical Advisor.

It is essential that the medical check undertaken by the prospective foster parents GP takes place as soon as possible, for it to be considered by the service's Medical Advisor. It should be noted that the social worker within the service should not be expected make a clinical analysis of the assessment by the prospective foster parent's GP.

This medical advice should be clear with reasons for any decision and with the date of advice clearly marked. Additional specific medical information (eg from the prospective foster parents' consultant) might be necessary in order to make an informed decision.

The request for, and receipt and assessment of, additional medical information should be done by a suitably qualified medical professional, with good knowledge and understanding of the fostering task.

This advice could fall into the following broad categories:

- i) There are no health-related contraindications to prevent the applicant from continuing with an assessment of their suitability to foster
- ii) There are clear health-related contraindications that prevent the applicant continuing with an assessment of their suitability to foster. This advice should include evidence for this decision making connected to the specific fostering task limitations.
- iii) There are identified health-related contraindications however these do not prevent the applicant from continuing with an assessment of their suitability to foster pending one or both of the additional requirements.
 - Additional exploration during the assessment process with regards to the specific factors as advised by the MA
 - Additional information and opinion from other medical professionals involved with the applicant such as specific consultants or private health provision

In these situations, an updated AHR may be required prior to presentation to panel to analyse the outcome of additional information received. It may also be necessary to place an assessment on hold if for example evidence of a significant change in lifestyle is required in order to proceed. In most cases placing an assessment on hold will be unnecessary as the assessment process itself allows for continuous assessment over time.

As detailed above, it is important that information gathered and assessed is relevant to this stage of the process. In the case of (ii) above, transparency with the applicant is essential to ensure that they understand and agree that the assessment should cease. As this is clearly Stage 1 information, there is no recourse to the IRM, although a person is eligible to complain through the agency's complaints procedure if they feel they have not been treated fairly. An example of these rare situations may be where there is an existing medical condition where there is limited life expectancy.

In the case of (iii) above, this would constitute more nuanced discussion with the prospective foster parent about their health and how it might affect their ability to foster or be affected by fostering. This would be categorised as Stage 2 information.

For example, if a person who is proposed as the main foster parent has limited mobility or where someone has been on long term anti-depressant medication, further discussion would be needed to establish how this impacts their daily living and would impact their ability to provide care for a child. This might include recommendations for terms of approval to reflect the individual situation.

3. *Particulars of any other adult members of the household*
4. *Particulars of the children of the family, whether or not members of the household, and any other children of the household*

All members of the prospective household have an essential role to play and should be fully included in the journey towards becoming an approved fostering household. Involving children (under 18) in the assessment (those living in the home or elsewhere) should form a central part of the assessment. If there are adult children, details should be gathered of their whereabouts and reference requests made to all, with follow up interviews.

Any major child protection or safeguarding concerns would constitute a Stage 1 decision to end an assessment.

Any detailed discussion/ information gathered about an adult or child member of the household would form part of Stage 2 of the assessment when the assessor should provide a brief pen picture of each household member (including children) and each one should be interviewed using a method appropriate to their age and understanding.

An assessment to foster does not only explore suitability, it should also be informative and provide opportunity to gain insight and knowledge. Many excellent resources are available to support direct work with children to assist in helping them to understand what fostering is and the potential impact on them and their family. If there are any children looked after or adopted children as part of the household, it would be good practice to assess their trauma history and attachment pattern as this will assist with matching and transitions. Care should always be taken to ensure that the identity of any children is protected. This would then be included in Section B of the assessment.

Similarly, if an applicant's grandchildren or other close family member's children visit the home regularly and stay, it would be important to interview and undertake direct work with them. If Grandchildren are being displaced to utilise their usual "sleep over" room for fostering it would be very important to explore the impact and children's views on this decision. This would form part of Stage 2 of the assessment.

Research suggests that where children are consulted, listened to, involved and prepared, then they are likely to be better placed to support their parent's fostering. Similarly, with other adult members of the household, it is important to assess their understanding and attitude towards fostering and evidence that they could play a positive role.

An enhanced DBS certificate must be obtained for any member of the household over the age of 18. (see 9 below).

5. Particulars of their accommodation

Accommodation should be observed to be hygienically clean, warm and well maintained, and suitable for the fostering task. A full Health and Safety assessment forms part of Stage 2 of the assessment.

- 6. The outcome of any request or application made by them or any member of their household to foster or adopt children, or for registration as a child minder or provider of day care under Part 2 of the Children and Families (Wales) Measure 2010, including particulars of any previous approval or refusal of approval relating to them or to any other member of the household*
- 7. If the person has, in the preceding three years, been a foster parent approved by another fostering services provider or a fostering services provider in England, the name and address of that fostering services provider*

Reg 7(2)(b) *Where the person has been a foster parent within the preceding three years and was approved as such by another fostering services provider or by a fostering services provider in England, must request a written reference from that other fostering services provider*

Reg 7(2)(e) *May, where the person was approved as a foster parent by another fostering services provider and consents, request access to the relevant records compiled by that other fostering services provider in respect of that person, and*

Reg 7(2)(f) *May, where the person has been approved as a prospective adopter by an adoption agency and consents, request access to the relevant records compiled by that adoption agency in relation to that person*

Prospective foster parents are encouraged to be open and honest from the start and throughout the process about their past experiences and these can be checked accordingly. A failure to disclose will always have significant implications to the applicant's assessment and could result in an assessment being terminated.

A Care Inspectorate Wales check should be undertaken for all applicants in respect of current or previous childminding or daycare provision.

Triangulation of information can be obtained through various references, interviews, chronology etc.

Where a prospective foster parent has been approved previously or is currently approved as a foster parent or adopter, the regulations give the assessing service the power to request access to records from the fostering or adoption service that granted approval. This should always be done with the applicant's consent.

The regulations do not stipulate a timeframe for the provision of records, but it must be assumed that this should be reasonable. If any information about the applicant's conduct or suitability caused concern, the previous service should share this information, even if consent is refused.

Records compiled by another fostering or adoption service can be used to inform the new assessment although the assessing social worker should satisfy themselves as to the quality and continuing relevance of any information. To ensure continuity of supervision and support afforded to the fostering household the recruiting service may request a copy of the most recent annual review and access to a full record of learning and development.

Individuals can make a Subject Access request to obtain information from their previous service to inform a current assessment. However, it is strongly advisable for an assessing fostering services provider to obtain information from the previous fostering services provider directly rather than from an individual as this avoids the possibility of information being tampered with.

When children looked after are within the home of any Foster Parent choosing to transfer to another service, it is important to refer to the Transfer Protocol and call a transfer meeting.

8. Names and addresses of two persons who will provide personal references for the person

Reg 7(2)(c) *Except in a case where sub-paragraph (b) applies and the other fostering services provider provides the reference requested, must interview at least two individuals nominated by the person to provide personal references for them, and prepare written reports of the interviews*

The gathering of two personal references, interviewing them and writing the report of that interview, is all to be done as part of Stage 1 information gathering (unless **Reg 7(2)(b)** applies). The number of personal references specified is a minimum requirement and good practice would recommend additional references being obtained as long as this is proportionate and relevant.

If an applicant has been a foster parent in the previous 3 years, and a written reference from their previous fostering services provider is obtained, there is no requirement in the regulations for an assessing fostering services provider to interview personal referees. The recruiting service would need to be satisfied that the reference received provided a detailed and full account of the foster parent's history with that service. Consideration should be given to the age of the original assessment and/or references to ensure that they remain current and relevant. Services can proceed to seek additional verbal and / or written references if they wish.

If the previous fostering services provider does not provide a reference for whatever reason, interviews with two personal referees must be conducted.

It is important that personal referees know the applicants well, and for a sufficient period of time to comment in depth and with authority. It is good practice for personal referees to not be related to the applicants. Additional referees from wider family can also be sought to support the application and triangulate evidence of suitability. Practitioners should always provide analysis of the information provided and weight should be given to the reference accordingly.

Practitioners know that interviewing referees when they have gone further into the assessment can be beneficial and provides opportunity to explore particular areas with those referees.

It is not specified in regulation **Reg 7(2)(c)** that the interview has to be face to face. It would, therefore, be possible to undertake a telephone interview early in the assessment followed by a face to face meeting with the referees later in the process where a more in-depth discussion could take place. Equally, a visit could take place in the early stages with a follow up telephone call in later stages to verify or explore a particular matter with the referee, if thought necessary.

It is evitable that some Stage 2 information will be gathered as a result of conducting personal references (which are in Stage 1 of the process). However, any decision maker needs to be assured that Stage 1 information is leading to the decision that the prospective foster parent “may be suitable to foster” or “is not suitable” at this point.

If a fostering services provider is unclear of what constitutes Stage 1 or Stage 2 information, they should always consider to the Public Law principles of reasonableness and proportionality. If there is clear and indisputable evidence that a person is not suitable to foster, this would be a Stage 1 decision. Any nuanced details would form part of Stage 2 of assessment.

9. In relation to the person and any other member of the person's household who is aged 18 or over, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to children (within the meaning of section 113BA(2) of that Act)

At the Initial Enquiry and Initial Visit stage, applicants will have been told, both through written information and through discussion, that a police check will be needed in Stage 1 in order to proceed to Stage 2 of the assessment process. They will also have been told that there are certain offences, committed by either themselves or a member of their household, that render a person ineligible to foster (**regulation 7(8) & (9); 7(10) and Schedule 2**). This also applies to cautions for such offences.

However, there are many offences that are shown on a DBS check that are not a bar to becoming a foster parent but may need some exploration. Applicants and prospective foster parents should be encouraged to discuss anything that will come up on the check at an early stage, including cautions, which many people believe will not be included whether or not they consider them relevant. These should be carefully considered alongside all other information and legal advice should be taken as appropriate.

Should an offence or caution be disclosed, the fostering services provider will have a process in place to ensure the decision on whether to proceed is made by a senior manager. Consideration should be given to length of time that has elapsed since the offence was committed, the age of the applicant at the time of the offence and whether there has been any repeat or similar behavior. Consideration should also be given to the applicants processing of the events, evidence of remorse and a positive application to change.

There is no legal requirement to undertake DBS checks for adults at other addresses, however, this is permitted and would be deemed good practice. Many services will wish to ensure that the prospective Foster Parents have a robust support network and will usually assess significant adults to provide practical support to the prospective fostering household. This will need to be done with the consent of the person concerned.

The fostering services provider also has the authority to ask for a PNC (Police National Computer) check. PNC checks are useful where there may be safeguarding concerns or knowledge of the applicant which leads to particular concerns. As highlighted above, if there are such concerns, a PNC and DBS check may be obtained before commencing any other Stage 1 information, but this should only be done having commenced Stage 1. If those checks disclose information that leads the fostering services provider to conclude that the prospective foster parent is unsuitable to foster a child, then that decision should be communicated in writing as soon as possible, giving clear reasons.

A fostering services provider may not share information from a DBS check with any other person, including spouse, partner or member of the household without their consent. If an agency concludes that a prospective foster parent is either ineligible or unsuitable as a result of the DBS check, it can only give the other person or people involved the information that the decision has been made as a result of the check, not the contents of the check.

The exception to this automatic barring for approval is in [Reg 7\(11\)](#) which permits the agency to consider approval: if the person, or any member of their household is related to the child, or if the person is already acting as a foster parent to the child and the offence was subsequent to approval.

In all circumstances, the local authority responsible for the child must carefully consider all information and be satisfied that the welfare of the child requires for them to remain with the person concerned. Consideration should always be given to the person's ability to ensure the child's welfare and safeguarding needs are met.

10. Details of current, and any previous marriage, civil partnership or similar relationship

Although there is no regulatory requirement to seek references from prospective foster parents former partner or partners, this is standard practice across Wales, influenced significantly by the learning from Brighton and Hove Part 8 Review in 2001 which highlights the potential importance of these checks.

Many applicants can be put off by the prospect of a previous partner being contacted, and this is sometimes enough for them to withdraw. Some applicants are concerned that animosity between them and their previous partner will constitute a negative or malicious response, or do not wish their previous partner to be aware of what they are doing. Equally, some relationships end amicably, and a former partner can provide detailed and highly relevant information; in these situations fostering services providers might wish to interview the previous partner (with consent).

Fostering services providers should have a clear policy in place for previous partner references and should be able to explain why these are being undertaken. If a prospective foster parent has parented or cared for children and / or where there has been a significant relationship (usually where there has been co-habitation), a reference would be taken.

There are some situations where a reference wouldn't be taken up, for example, where there is a history of domestic abuse. In this case, triangulation of evidence of that relationship / period of time in the prospective Foster Parents life should be sought from referees or other sources.

In most cases, a brief written response from previous partners would be sufficient. It need not be detailed but does need to be clear as to whether there are any concerns about a prospective foster parent in terms of safeguarding.

If a previous partner does indicate that they have concerns about a prospective foster parent, a further telephone or face to face discussion, or further written information, might be necessary. This will depend on the information received, the circumstances the relationship ended and any other relevant information that has been gathered in the assessment.

***Reg 7(2)(d)** Except when the fostering services provider is a local authority and the person lives in the area of that authority, must consult, and take into account the views of, the local authority in whose area the person lives*

Local Authority checks hold a range of potentially relevant information, including child protection referrals, and whether their children have been looked after: domestic abuse referrals; referrals to mental health services or drug and alcohol services. They will also provide information about whether or not a prospective foster parent has previously been a foster parent in that area.

There is a legal requirement for current Local Authority checks to be taken unless the fostering services provider is a LA and the person is living in that LA. Although there is no statutory requirement to undertake LA checks in relation to previous addresses, good practice would be for LA checks, current and previous, to be taken for previous 10 years.

This information should be obtained in writing and follow up enquiries should be made as appropriate.

Section C of the CoramBAAF Form F(Wales) collates much of the information above as well as other supporting material.

Although not contained in the regulations, prospective foster parents could be asked to start gathering 'open supportive statements', separate from the personal references, from people who know their involvement with children (family members / friends / voluntary work). This will help those who need to evidence some experience with children to start to organise some voluntary work.

Ceasing an assessment based on Stage 1 information

Regulation 7(3) where

(a) having regard to any information obtained under paragraph (2), the fostering services provider decides that the person is not suitable to become a foster parent, or

(b) the person is not suitable to become a foster parent by virtue of paragraphs (8) to (10), and paragraph (11) does not apply

The fostering services provider must notify the person in writing that they are not suitable to be a foster parent, giving the reasons for that decision.

For example, information provided by a referee about a previous relationship, or medical information about a health condition as discussed above. Guidance has been given above but as a general rule, unless there are significant reasons with clear evidence that automatically renders an applicant unsuitable to foster, further, more nuanced discussion is necessary as part of Stage 2.

The prospective foster parent should always be given honest feedback that they may not be approved. There is always the opportunity to take the matter to panel with a Brief Report if the concern taken onto Stage 2 gathers in weight once more information is gleaned.

All decisions should be made in line with Public Law Principles of fairness and acting lawfully and reasonably.

The prospective foster parent will proceed to Stage 2 of the assessment process if:

- all Stage 1 information has been received, and the person is notified of the decision to proceed within 10 days, OR
- the person is not notified within 10 days of all Stage 1 information being obtained of the decision not to proceed (**Reg 7(5)**).

In the majority of cases, as stated above, a fostering services provider will operate Stage 1 and Stage 2 concurrently. The agency does not have to gather all Stage 1 information before ceasing an assessment if Stage 1 information gathered clearly deems a prospective foster parent unsuitable to foster (**Reg 7(4)(b)**). Written notification should always be given, with reasons, of the decision not to proceed.

However, if all Stage 1 information has been received, a fostering services provider **must** notify the prospective foster parent **no later than 10 working days of receipt** of their intention not to proceed (**Reg 7(4)(c)**). If clear notification is given, either

- on receipt of specific Stage 1 information that automatically renders the person unsuitable and before all Stage 1 information is received, or
- within 10 working days of all Stage 1 information being received,

the decision to cease an assessment as a result of Stage 1 information does not constitute a qualifying “determination”. The person has no recourse to the IRM (**Reg 7(4)(a)**) at this stage although they are entitled to complain via the service internal complaints procedure if they are unhappy with the way their case has been handled. A copy of the complaints procedure should be provided with the written notification.

Stage 2 of the Assessment process

Reg 7(5) *where the fostering services provider has obtained all the information set out in paragraph (2) and has not given the notification in paragraph (3) within 10 working days of doing so, the fostering services provider must, subject to paragraph (6)*

- (a)** *obtain the information specified in Part 2 of Schedule 1 relating to the person and other members of the person’s household and any other information that is deemed relevant.*
- (b)** *Consider whether the person is suitable to be a foster parent and whether the person’s household is suitable for any child*
- (c)** *Prepare a written report on the person which includes the following matters*
 - (i) The information required by Schedule 1 and any other information the fostering services provider considers relevant*
 - (ii) The assessment of the fostering services provider of the person’s suitability to be a foster parent, and*
 - (iii) The proposals of the fostering services provider about any terms of approval, and*

- (d) Notify the person that the case is to be referred to the fostering panel, and give the person a copy of the report prepared under subparagraph (c) inviting the person to send any observations in writing to the fostering services provider within 10 working days beginning with the date on which the notification is sent.*

Part 2 Schedule 1

- 11. Details of personality*
- 12. Religious persuasion, and capacity to care for a child from any particular religious persuasion*
- 13. Racial origin, cultural and linguistic background and capacity to care for a child from any particular racial origin or cultural or linguistic background*
- 14. Capacity to provide support to a child in relation to their sexual orientation and gender identity*
- 15. Past and present employment or occupation, standard of living, leisure activities and interests*
- 16. Previous experience (if any) of caring for their own and other children*
- 17. Skill, competence and potential relevant to their capacity to care effectively for a child placed with them.*

Reg 7(6) *Where, having regard to any information obtained under paragraph (5)(a), the fostering services provider decides that the person is unlikely to be considered suitable to become a foster parent, it may be proposed to prepare a written report under paragraph (5)(c) notwithstanding that it may not have obtained all the information about the person which is required by paragraph (5)(c)*

Reg 7(7) *At the end of the 10 working days referred to in paragraph 5(d) (or when the person's observations are received, whichever is sooner), the fostering services provider must send*

- (a) the report prepared under paragraph (5)(c)*
- (b) the person's observations on that report, if any, and*
- (c) any other relevant information obtained by the fostering services provider to the fostering panel*

As stated above, 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 removed as soon as possible without undue bureaucracy or investment by the service or applicant. Section A Part 1 of the CoramBAAF Form (Wales) reflects the information that is required to be collected at Stage 1 of the assessment process.

Stage 2 of the assessment process is a much more comprehensive assessment of critical capacities and core competencies required to be a foster parent.

Section A Part 2 of the CoramBAAF Form F(Wales) includes verification of documents and other checks and factual information as required for Stage 2 of the assessment process.

Section B of the CoramBAAF Form F (Wales) covers the more detailed description and analysis and looks at what has made the applicants into the person they are today; their current functioning, lifestyle and environment; their experience and / or knowledge of caring for children; and their capacity to undertake the task of fostering.

Section C of the CoramBAAF Form F(Wales) collates references (from Stage 1 and 2) and other supporting material (Family tree, Ecomap, Chronology, Home safety checklist, Financial assessment, Pet assessment is relevant, Safer caring plan, Preparation training record, Second opinion visit is necessary, any other information considered relevant).

Practitioners might wish to refer to **“Undertaking a Fostering Assessment. A guide to collecting and analysing information for Form F (Fostering) Wales”**, 2020, Roger Chapman and Dawn Owen

If a prospective foster parent starts Stage 2 of the assessment, whether concurrently or after all Stage 1 information has been gathered, they should be notified that if there are concerns arising from Stage 2 information gathered, then these will have to be discussed with candor and recorded. They should also be informed that an assessment might cease as a result of these concerns.

An assessment that has progressed to Stage 2 must be completed unless

- The assessment is terminated following a brief report (**Reg 7(6)**)
- The Prospective Foster Parent withdraws or is counselled out
- The Prospective Foster Parent is deemed unsuitable as a result of Stage 1 information where Stage 1 and Stage 2 have been carried out in parallel (**Reg 7(3)**).

The capacity of a prospective foster parent to care for children is carefully evaluated and evidenced in the form of a written report (**Reg 7(5)(c) or 7(6)** in case of Brief Report) to panel along with recommendations regarding terms of approval.

Prospective foster parents should be provided with a copy of the report (whether full of brief) and 10 days to comment; they should also be given the opportunity to attend panel.

Any decision not to approve based on Stage 2 information constitutes a “qualifying determination” with recourse to the IRM.

A useful visual diagram about the various permutations of how any assessment can be conducted / ceased is included in **Appendix 3**

Stage 2 checks and references.

These should include the following, as well “*any other information considered relevant*” (**Reg 7(5)(a)**):

- Current employment (paid or voluntary) and previous employment (paid or voluntary) where the Prospective Foster Parent has worked with children or vulnerable adults.
- Financial assessment
- Pet assessments
- School, collage, nursery checks
- Social media checks
- Previous partner and adult children
- Oversees checks
- Learning and development

Written consent should be obtained for all checks.

Employment checks

Part 2 Schedule 1 para 15 states that the assessment should address past and present employment or occupation of the prospective foster parent. In addition to self-reported details from a prospective foster parent, a reference from an employer is advised and can offer relevant information. In the case where a prospective foster parent has worked with children and / or vulnerable adults, a reference should always be taken.

Financial Assessments

Reg 7(5)(a) and Part 2 Schedule 1 para 15 refers to relevant information about the person and household and living standards.

There is no requirement for a prospective foster parent to have a minimum income; it is important for assessors to recognise that income is often associated with social class whilst there is no identified link between social class and suitability to foster.

However, the assessment needs to establish that the person has a responsible attitude to managing money and has adequate resources available to them. This would include an assurance that the prospective foster parents would be able to cover general household expenses without relying on any income that comes from fostering.

Dog and Pet Assessments

There is no statutory requirement to undertake a dog and / or pet assessment although **Regulation 7(5)(a)** states that a fostering services provider should obtain “*any other information it considers relevant*” and **Part 2 Schedule 1 para 15** refers to “*leisure activities and interests*”.

All fostering services providers should have policies regarding dogs and other pets. It is widely accepted that pet assessments should form part of a fostering assessment and should contain the following:

- Basic details including personality and history
- Living arrangements, training, routines including health and hygiene
- Any issues of concern or safety and how these have / will be addressed
- Practitioners observations of the pet and interactions with prospective foster parent and others pragmatic approach should apply.
- In some cases, a specialist pet assessment might be required.
- A pragmatic approach should be taken regarding all pet assessments and always be mindful of the fostering task.

Health Visitor, Nursery, School, College checks

Although it is not a statutory requirement to obtain these checks for prospective foster parents who have children in their care, it is recognised as best practice to do so. These checks and references provide essential evidence to enable triangulation.

Reg 7(5)(a) states that a fostering services provider should obtain “*any other information it considers relevant*”; **Part 1 Schedule 1 para 4** refers to “*Particulars of the children of the family*” and **Part 2 Schedule 1 paras 16 & 17** refers to “*Previous experience (if any) of caring for their own and other children*” and “*Skill, competence and potential relevant to their capacity to care effectively for a child placed with them*”.

Seeking a health visitor, nursery, school and / or college check is seen as relevant in gathering this information.

It is important to be clear about the purpose of these checks and the relevance to the fostering task, including a prospective foster parent’s attitude towards supporting education and offering stimulation; a prospective foster parent’s ability to work constructively with other professionals; and the likely impact of fostering on the prospective foster parent and their child / children.

Social Media checks

These checks are not contained in the regulations but there is a specific Section A Part 2 of the CoramBAAF Form F (Wales). **Reg 7(5)(a)** states that a fostering services provider should obtain “*any other information it considers relevant*”. Given the present day use of social media – potentially by prospective foster parents, their children, and prospective foster children – undertaking a social media check is necessary and relevant to comply with best practice around safeguarding.

Prospective foster parents should be informed of the need for a discussion about social media during the information giving stage. This discussion should then be undertaken in Stage 2. Any checks should be carried out in the spirit of openness with the full consent of the prospective foster parent. This could be done by sitting alongside the prospective foster parent and together using a search engine to see what information is held on the prospective foster parent in the public domain. This exercise could then lead to a discussion on the issues relating to social media for foster families.

At the end of Stage 2 the prospective foster parent should be asked to sign a declaration that they understand the inappropriateness of using social media to share information / photographs in respect of any child placed or in exploring the birth family through social media. This declaration will be kept on their case record. Appendix 4 offers a suggested pro forma for this process.

Previous partner and adult children

Good practice regarding references from ex partners has already been covered earlier in the guide including what would constitute Stage 1 and Stage 2 information.

In the event that a previous partner reference could not be taken up for specific reasons, it would be relevant to obtain references from adult children if this was applicable and appropriate.

Oversees Checks

Where a prospective foster parent has lived overseas for an extended period (usually six months or over), when aged 18 or over, overseas checks should be sought. These can be difficult to obtain from certain countries and if unavailable the fostering services provider should try to triangulate evidence about the person's time abroad, for example with employer references or through personal references.

Services should be proportionate in their response and not cause undue delay unless they have reasonable concerns about the gap in a chronology. Where, however, it is considered that an overseas check is necessary, the agency will need to discuss the length of time this will take with the prospective foster parent and that receipt of information that would lead the agency to conclude that the person was unsuitable to foster might mean that an assessment is ceased at a very late stage.

Second Opinion Visits

Second opinion visits should not be routinely carried out. Where there is an issue of significant concern, a second opinion visit may be thought appropriate. This should be conducted by a team manager or senior member of the team, with their report written, signed, dated and appended to the Form F.

Prospective foster parents should be clear about the reason for the visit and the grounds for the concern.

If there is a routine visit made by a social worker other than the worker allocated to the prospective foster carer, then that needs to be undertaken and explained as a 'quality assurance' or 'mid review' visit, which does not set out to address particular concerns but is a review of the whole process so far.

Brief Report

Regulation 7(6) provides for cases where the fostering assessment is still incomplete (that is not all elements of the Stage 2 process have been covered), but information has come to light, that is clearly Stage 2 information, that leads the fostering services provider to believe that the prospective foster parent may not be suitable to foster. In the vast majority of circumstances, services and prospective foster parents would be able to come to a mutual agreement to end the assessment. The ability to ensure respectful and transparent counselling out is an essential function of any fostering service. When this mutual agreement cannot be reached the brief report should be utilised.

It is a significant step to take a prospective foster parent to panel with a brief report, rather than complete Stage 2 and take a full report to panel, and the decision to do so should be made at Team Manager level. The fostering services provider will need to be clear that the Stage 2 information causing concern is robust enough evidentially for a recommendation that the prospective foster parent is not suitable to foster a child.

There is no separate pro forma for a brief report. The fostering services provider should use the usual format / Form F form, providing the information gathered already and making a clear analysis of the information leading to bringing a brief report. Some agencies may wish to use the competency framework when preparing a brief report.

A brief report should include:

- Date of application and move to Stage 2
- All checks undertaken, outcomes, analysis of any concerns and why decision made to go to Stage 2
- Reference reports with evaluation of information provided
- Details of information gathered to date
- Summary of issues that have raised concerns and how these have been discussed. Important to distinguish information that is evidenced and professional opinion.
- Response of applicant
- Analysis of strengths and concerns and clear reasons for reaching conclusion
- Second opinion visit if applicable

Prospective foster parents must be notified that the brief report is to be sent to panel; be provided with a copy of the report; be given 10 days from the date of the notification to send their observations to the fostering services provider ([Reg 7\(5\)\(d\)](#) and [7Reg 7\(7\)](#))

If a Brief report is presented to the fostering panel, the panel has two options:

1. to request that a full Form F report is brought back to panel, or
2. to recommend to the Decision Maker that the prospective foster parent is not suitable to foster a child.

A decision not to approve as suitable to foster on the basis of a Brief report constitutes a qualifying “determination”, and there is an opportunity to make representations to panel or apply to the IRM.

A letter which goes from the DM to the prospective foster parent should be clear on the reasons why a brief report was taken to panel and DM, the reasons why they have made the qualifying determination that they are not suitable to foster a child, and provide details of their right to return to panel or apply to the IRM.

Full Report

In line with [Regulation 7\(5\)\(c\)](#) a report covering Stage 1 and Stage 2 of the assessment with all supporting information and with recommendation of suitability to foster with terms of approval should be presented to the fostering panel.

From both a practitioner and panel member perspective, a good assessment report (whether full or brief) should be well written and coherent and should include:

- A well planned and thorough approach to gathering and analysing information
- Relevant detail explored, concise description, evidence of good observation, reflection and analysis
- Checks and references from a range of sources; all checks and references completed
- Triangulation of information gathered; gaps and discrepancies explored
- Exploration of unresolved issues
- Exploration of a prospective foster parent's understanding of the fostering task and impact on them and each member of the household
- Use of relevant research
- The voice of the prospective foster parent and household members
- Clear evidence of capacity to foster, with professional analysis of this information
- Recommendation of terms of approval ([Reg 7\(5\)\(c\)\(iii\)](#))
- Identification of further training and development (using the nationally agreed Personal Learning Record and Development Plan)

All assessments must relate to the needs of the children requiring foster placements, reflect an understanding of the impact on children of early unmet needs and be the foundation for equipping prospective foster parents for the task.

There is no such thing as a “perfect” family or an “ideal” match and there will always be an element of risk in any recommendation. It is important that strengths, limitations and support needs are clearly identified within any assessment and ways to address any limitations are clearly specified.

An assessment can only capture a specific period in time and are always the start of the process of fostering for a person. Re parenting children who have experienced significant development trauma is a considerable challenge and it is inevitable and accepted that foster parents will need support and training to equip them. This ethos is clearly endorsed within the **“Post Approval Learning and Development Framework for Foster Carers”** March 2019 (available on the AFA Cymru website).

Recommendation

Practitioners and Panel members should always be clear that the welfare of the child is their paramount consideration and it will sometimes be necessary to reach a view that someone is not suitable to be recommended to be approved as a foster parents or no longer suitable to continue as a foster parents

It is important that panel members have relevant training in making difficult decisions and the ability to clearly state their concerns.

Panel have the option to defer their recommendation for further information (this would be asking for a full report if a brief report was presented, or further information not contained within a full report) and should be clear about what information is required.

Approval as a foster parent

Regulation 8 details the requirements for approval as a foster parent.

- A person cannot be approved as a foster parent if they are already approved as a foster parent by another agency, and unless that approval is terminated. There is an existing protocol in place for transfer of foster parents from one fostering services provider to another.
- An assessment of a person's suitability has been completed
- Panel has considered this assessment

Reg 8(3) *a fostering services provider must, in deciding whether to approve a person as a foster parent and as to the terms of any approval, take into account the recommendation of the fostering panel*

Reg 8(4) *no member of the fostering panel may take part in any decision made by the fostering services provider under paragraph (3).*

Reg 8(5) states that a fostering services provider must formally notifying the approved Foster Parent in writing along with the terms of their approval, and should enter into a “*foster care agreement*” with the approved foster parent. Details of what should be included is in **Schedule 3** of the regulations.

Decision not to approve as a foster parent

The decision not to approve as a foster parent, unless specifically based on Stage 1 information (as discussed above), is a qualifying “determination” and the person is eligible to make representations to the IRM if they wish to do so.

Reg 8(6) *if a fostering services provider considers that a person is not suitable to act as a foster parent, the provider must, subject to paragraph (7)*

- (a) Give the person notice of the proposal not to approve the person as suitable to act as a foster parent (a “determination”), together with the reasons for that proposal and a copy of the foster panel’s recommendations, and*
- (b) Advise the person that within 28 days of the date of notice the person may*
 - (i) submit any written representations that the person wishes to make to the fostering services provider or*
 - (ii) apply to the Welsh Ministers for a review of the determination by an independent review panel*

If representations are received, the fostering services provider must refer the case back to panel (**Reg 8(9)(a)**) and take into account any fresh recommendations made by panel in making any subsequent decision (**Reg 8(9)(b)**).

Regulation 10 of these regulations sets out the information to be sent to the IRM.

Connected Persons

Connected persons foster parents are assessed under these regulations, the only difference being that they are assessed for a specific child (or children) that are usually known by them. There is an additional layer of complexity as the majority of connected persons foster parent cases are being assessed whilst care proceedings are taking place by means of a Connected Persons assessment, which is considering special guardianship and supervision orders alongside the fostering consideration.

The way in which a Connected Person assessment is undertaken can cut across the Stage 1 and Stage 2 process as detailed in these regulations, in that a Viability assessment will often contain Stage 1 and Stage 2 information. This can create a difficulty where a court has agreed that a Viability assessment has been unsuccessful and a completion of a Unified / Connected Person assessment is not necessary.

Local Authorities should be clear that they have decided that the prospective foster parent is not suitable to foster on the basis of stage 1 info obtained through the Viability assessment. If that is not possible and Stage 2 information has been considered in making the decision that the Viability assessment has been unsuccessful, consideration should be given to requesting the court to provide a direction that this will not necessitate further work and reporting.

The “**Good Practice Guide for the Assessment and Support of Kinship Foster Carers**” (available as a free download on the AFA Cymru website) provides information and good practice about Viability Assessments of Prospective Connected Persons Foster Carers.

As stated above for connected persons cases, any assessment and fostering panel should always be mindful of the fact that the consideration for recommendation and approval is for a specific known child (or children) who is usually known to the applicant / prospective foster parent. Therefore, the terms of approval are specific to that child (or children), and the fostering services provider should specifically focus on the needs of that child rather than a large range of hypothetical children as in approval of other foster parents.

If a child moves from the connected persons foster parent, their approval as a foster parent should be terminated or reassessed depending upon the nature of the task they are to undertake.

Reviews of Approved Foster Parents

Regulation 8 and **Regulation 9** relates to the continued approval of existing foster parents and decision to terminate approval if appropriate. A decision to terminate approval or change the terms of approval would be a qualifying “determination”. Any decisions must be provided in writing to the foster parent.

***Reg 9(2)** a review must take place not more than one year after approval and thereafter whenever the fostering services provider considers it necessary, but at intervals of not more than one year*

***Reg 9(5)** the fostering services provider must on the occasion of the first review under this regulation, and may on any subsequent review, refer their report to the fostering panel for consideration*

Each fostering services provider should have a clear policy and procedure regarding foster parent reviews. This policy should reflect the service’s obligation under **Reg 5(5)(a)** to monitor the effectiveness of reviews, and should include the fostering panels’ involvement and contribution to this.

There is a regulatory requirement for reviews to be conducted annually and more frequently if appropriate and/ or necessary to do so.

Foster parent notice

***Regulation 9(13)** a foster parent may give notice in writing to the fostering services provider at any time that the foster parent no longer wishes to act as a foster parent, whereupon the foster parent’s approval is terminated with effect from 28 days from the date on which the notice is received by the fostering services provider*

A fostering services provider is not able to decline a resignation; however this does not prevent the service from forming a view of the person’s future suitability to foster. If a resignation is received during the course of an investigation or an assessment into the standards of care provided by a foster parent, the foster parents should be notified of the need to conclude this assessment to ensure their views are heard and recorded.

Where foster parents do not wish to engage in such an assessment, records held on the foster parents' file should reflect any intended course of action or outcome concluded at the time. Should a foster parent who resigns want to foster again, suitability would need to be assessed taking into consideration their previous experience and the outcomes of such assessments or panel recommendations.

Requirements regarding records to be kept

Regulation 12 refers to the list of foster parents, including prospective kinship foster parents with whom a child has been placed under **Regulation 26 of the Care Planning, Placement and Case Review (Wales) Regulations 2015**, required to be kept by the fostering services providers and minimum contents of this list

Regulation 11 refers to case records relating to approved foster parents and other, required contents and minimum timeframe for maintenance of these records.

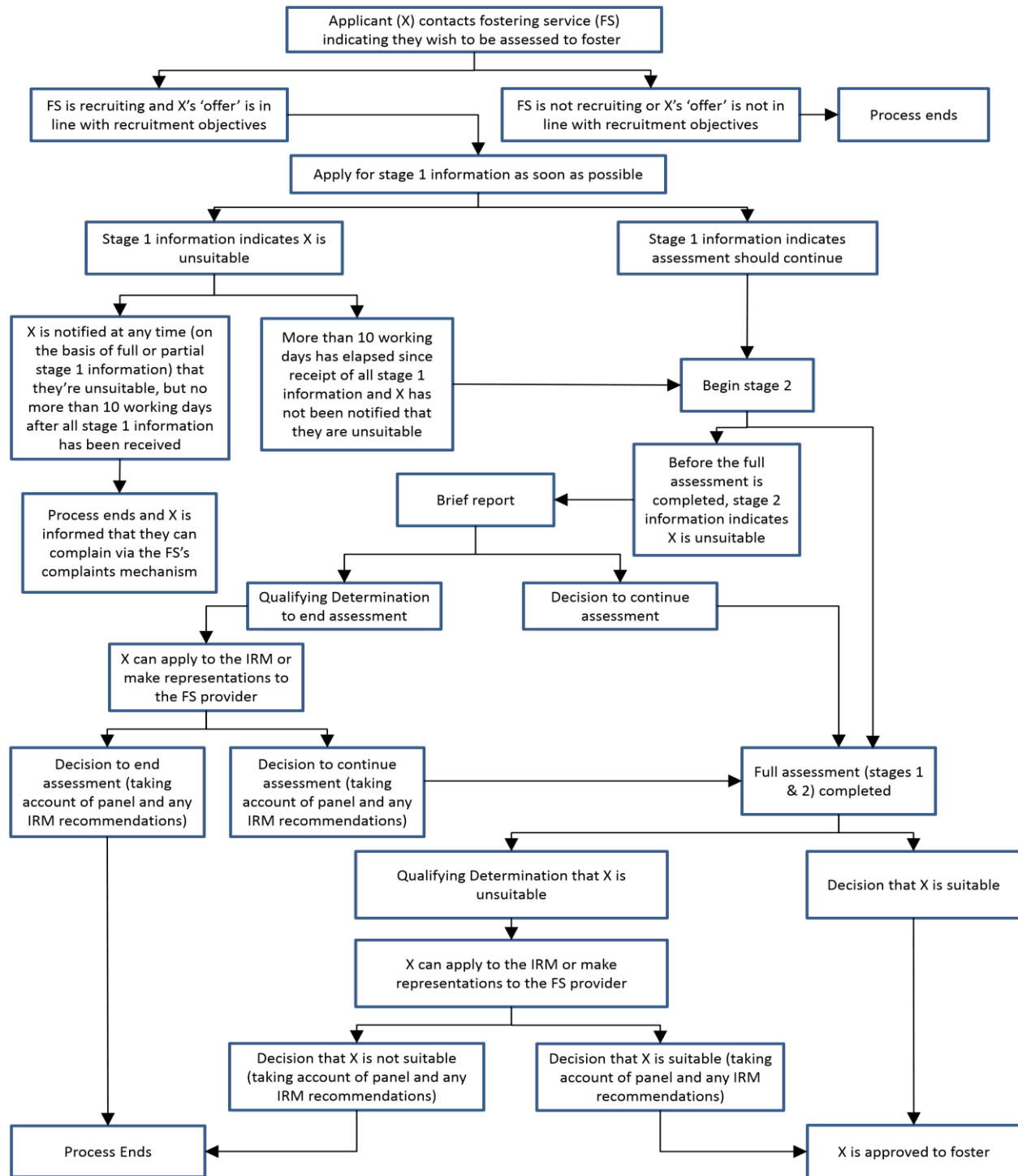
Regulation 13(3) refers to minimum timeframes for maintenance of records for prospective foster parents / foster parents who are not approved.

These are minimum timeframes and should be in line with the fostering services providers' GDPR policies and procedures regarding the storage of information.

APPENDICES

1. Flowchart of Stage 1 & Stage 2 of the Assessment and Approval process
2. Core Competencies for Foster Parents
3. Diagram depicting different possible permutations of the assessment process
4. Declaration in respect of social media use

Appendix 1 – Stages 1 and 2: Foster carer assessment & approval process



NB - This diagram illustrates how stages 1 & 2 of the assessment process fit together. It is not intended to cover all actions a FS must undertake as part of the process - FSs must refer to the regulations and statutory guidance for this information. It should be noted that at any point in the process applicants (1) can withdraw, in which case the process ends; and (2) can complain to the FS (and must be informed of their right to do so if they are turned down in stage 1).

Appendix 2

Competencies for Foster Parents

1 Caring for Children

- 1.1 An ability to provide a good standard of care to children that promotes healthy emotional, physical, sexual and intellectual development
- 1.2 An ability to accept the individual child as he / she is
- 1.3 An ability to work closely with children's families, and others who are important to the child
- 1.4 An ability to set appropriate boundaries, and manage children's behavior within these, without the use of physical or other inappropriate punishment
- 1.5 A knowledge of normal child development and an ability to listen to and communicate with children appropriate to their emotional age and understanding
- 1.6 An ability to promote a young person's development towards adult status

2 Providing a safe and caring environment

- 2.1 An ability to ensure that children are cared for in a home where they are safe from harm or abuse
- 2.2 An ability to help children keep themselves safe from harm or abuse, and to know how to seek help if their safety is threatened
- 2.3 An ability to recognize the particular vulnerability to abuse and to discrimination of disabled children

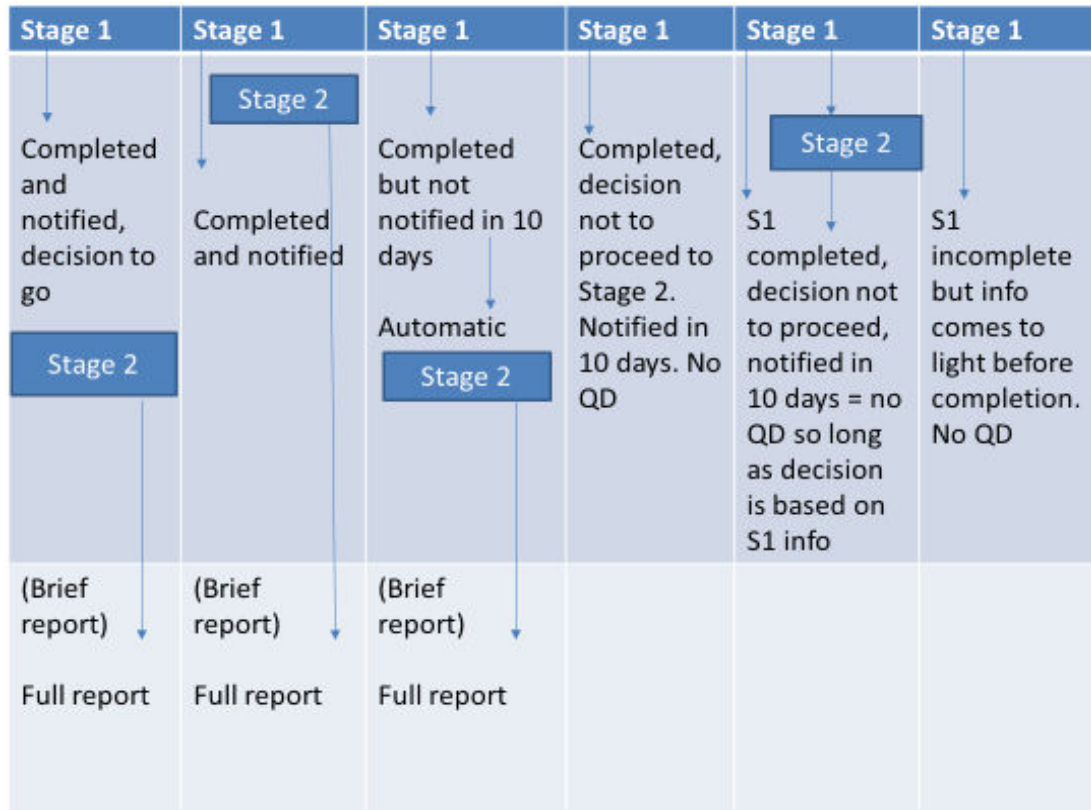
3 Working as part of a team

- 3.1 An ability to collaborate with other professional workers and to contribute to the department's planning for the child / young people
- 3.2 An ability to communicate effectively
- 3.3 An ability to keep information confidential
- 3.4 An ability to promote equality, diversity and rights of individuals and groups within society

4 Own Development

- 4.1 An ability to appreciate how personal experiences have affected themselves and their families, and the impact that fostering is likely to have on them all
- 4.2 An ability to use people and links within the community to provide support
- 4.3 An ability to use training opportunities and improve skills
- 4.4 An ability to sustain positive relationships and maintain effective functioning through periods of stress

Appendix 3



Appendix 4

DECLARATION IN RESPECT OF SOCIAL MEDIA USE

I / we, (names) agree that, if we proceed to a Stage 2 assessment, as part of the assessment the (fostering services provider) will access information on me / us, via a search engine, that is in the public domain. I/we understand that our assessor will undertake this search with us.

I /we understand that as prospective foster parents and approved foster parents we need to exercise caution in our use of social media.

I/ we agree that I/we will not use social media to share information, including photographs. of any child placed with us.

Signed

Dated