

# Wirral Fostering Service

## Persons Disqualified from Fostering

IT TAKES A BIG **HEART** TO FOSTER



## **CONTENTS**

1. Persons Disqualified from Fostering
2. New Applications
3. Approved Foster Carers

## 1. Persons Disqualified from Fostering

A person is disqualified from acting as a Foster Carer for the Fostering Service (unless a relative of the child or already acting as a child's Foster Carer) if s/he or any adult member of the household has been cautioned for or convicted of a specified offence committed at the age of 18 or over.

A specified offence is defined as offence against a child\*, an offence specified in [Part 1 of Schedule 4 of the Fostering Service Regulations 2011](#), the importation/possession of indecent photographs of a child under 16 and any other offence which involves bodily injury to a child (other than common assault or battery).

\*A list of these offences is set out in the Criminal Justice and Court Services Act 2000, except that it does not include an offence contrary to Section 9 of the Sexual Offences Act 2003 (sexual activity with a child) where the offender was under 20 when the offence was committed and the child was aged 13 or over. See [Section 26 of the Criminal Justice and Court Services Act 2000](#).

In addition, a person is disqualified from acting as a Foster Carer for the Fostering Service (unless a relative of the child or already acting as a child's foster carer) if s/he or any adult member of the household has been cautioned or convicted of an offence specified in [paragraph 1 of part 2 of Schedule 4 of the Fostering Services Regulations 2011](#) committed at the age of 18 or over OR falls within [paragraph 2 or 3 of Part 2 of Schedule 4](#) notwithstanding that the offences listed have been repealed.

The individual circumstances of situations where an applicant has been accused but not convicted of such an offence must be considered in light of the full details and an assessment of any risks that they may pose to children be undertaken.

## 2. New Applications

Where Disclosure and Barring Service (DBS) checks reveal that an applicant for approval as a Foster Carer is a disqualified person, the applicants must be advised that their application cannot proceed. This must be confirmed in writing to them, together with the reasons, and retained with their application form. The file should also be closed electronically.

Where the applicant is seeking temporary approval as a Connected Person Carer and the person would otherwise be regarded as disqualified, an application for consent to proceed with the assessment in relation to the particular child can be considered by the Agency Decision Maker on the recommendation of the Head of Service for Fostering.

In these circumstances, the assessing Supervising Social Worker responsible for carrying out the checks on the prospective Foster Carer should prepare a report on the application setting out:

- a. The reasons for the application;
- b. The circumstances surrounding the conviction or caution which would result in the person being disqualified unless consent is given;
- c. An assessment of whether the placement would meet the child's needs despite the conviction/caution.
- d. A recommendation as to whether the application should proceed.

The decision of the Agency Decision Maker will be recorded in writing and a copy placed on the case record of the applicant. A copy of the decision will also be sent to the person concerned.

### **3. Approved Foster Carers**

Where information is provided or updating Disclosure and Barring Service (DBS) Checks reveal that an approved Foster Carer has been convicted of or cautioned for a criminal offence as a result of which he or she will become a disqualified person unless consent is given, an urgent review of the Foster Carer's approval should be held – see [Review and Termination of Approval of Foster Carers procedure](#) and a written report detailing the circumstances leading to the conviction/caution, together with background information from the Foster Carer's case record, must be presented to the Fostering Panel as soon as possible. The report on the DBS goes to the Head of Service who makes a recommendation to the Agency Decision Maker. The report should contain a recommendation on whether consent should be granted to allow the Foster Carer to continue to be approved as a Foster Carer for the (named) child or children currently in placement.

A copy of the report should be sent to the Chair of the Fostering Panel at least 10 working days before the relevant panel meeting.

Where such information is received, the Social Worker for any child currently in placement must be informed and plans for the termination of the placement will also need to be considered as appropriate.

Where the report recommends the termination of approval of the Foster Carer, the report should be presented to the earliest possible Fostering Panel.

The Agency Decision Maker will consider the recommendation of the Fostering Panel on any such applications.

The decision of the Agency Decision Maker will be recorded in writing and a copy placed on the case record of the Foster Carer.

Written notice of the decision, together with reasons, must then be sent to the Foster Carer as soon as practicable.