



Change of Approval Terms and Exemptions

Usual Fostering Limit

Schedule 7 of The Children Act 1989 limits the number of children who may be moved to live with a Foster Parent. The 'usual fostering limit' is 3 and no Foster Parent can foster more than 3 children unless:

- The children are all siblings in relation to each other, or
- The Local Authority (in whose area the Foster Parent lives) has made an exemption for that Foster Parent which relates to named children.

A Local Authority cannot grant an exemption to a Foster Parent living outside of its area. For example, if a Foster Parent was approved in Norfolk but is living in Suffolk, the Decision Maker in Suffolk would have to be contacted to request an exemption.

Reasons why an Exemption would be considered

Exemptions should only be considered in certain circumstances, such as:

- The child concerned was previously living with the Foster Parent, for whom an exemption is being sought, and his/her current arrangement has disrupted
- The Foster Parents have special skills to meet the child's needs, and these are not available in any other foster home
- The foster home is the most appropriate way of meeting the child's needs arising from their disability, race, faith, language and/or culture
- The arrangement will keep siblings together

Applying for an Exemption

The need for an exemption will be identified when the AFA Duty team is looking for a suitable home for a child or children and a specific Foster Parent is identified as being the most appropriate match. A request for an exemption should initially be discussed and agreed with the Foster Parent's Fostering Social Worker and their Manager. The Social Worker/s of any other child currently in the home should be contacted to discuss the potential impact, should another child(ren) move into the home.

Applications for exemptions must be made in writing and the following will be taken into account by the Local Authority Decision Maker when considering an exemption:

- The number, ages and circumstances of all the children in the household
- The arrangements for the care and accommodation of the children
- The 'intended and likely relationship' between the Foster Parent and the fostered children
- The timescale of the arrangement
- The Foster Parent's capacity to provide sufficient care to all the children in the home
- The need to safeguard and promote the welfare of fostered children and any other children (including the Foster Parent's own) who live in the home.
- Details of any additional support required and how this will be provided

Once considered by the Decision Maker, the exemption must detail the reasons why it has been granted and be signed and dated by them. Depending on the Local Authority involved, there should be arrangements in place in an emergency for a Duty Manager to agree an exemption. Exemptions are still required, even in an emergency and must be confirmed in writing. Any exemption will be specific to a child or children and may be subject to conditions, such as a time limit after which the exemption should be reviewed.

The Foster Parent's approval terms must reflect the number of children looked after in the home so must also be changed at the same time that an exemption is made. This means that each child who is looked after in home is to be named under the Foster Parent's approval terms. A report documenting the reasons for the change and outlining the ability of the Foster Parents to meet the needs of all the children must be provided to AFA's Decision Maker for their consideration (see below for more details).

Exemptions can also only be made with the consent of the Foster Parent. The exemption and change to approval terms should be confirmed with the Foster Parents in writing.

It should be noted that although an exemption is not required if there are more than three children who are looked after in the home who are siblings, the Foster Parent's approval terms still need to be changed, with the children being named. Exemptions only relate to the number of children in a foster home over the 'usual fostering limit' of 3 and should not be used for changing any other terms of approval.

Any exemptions or changes to a Foster Parent's approval terms made by the relevant Decision Makers should be reported to the Fostering Panel for information only at the next available Panel Meeting.

Review and Monitoring Exemptions

The Registered Manager will be responsible for monitoring exemptions and ensuring that a record is made of any changes, for example, the number of children living in the home no longer exceeding the 'usual fostering limit' of 3 children. If this is the case the Foster Parent's approval terms will need to be changed and this should be communicated in writing to all those involved.

Change of Approval Terms

There can be no temporary changes to approval terms and any further changes must follow a set process. However, there can be a variation of approval terms for up to 6 working days only. Therefore, a child who is looked after can be moved, in an emergency, with any approved Foster Parent regardless of their terms of approval, for up to 6 working days. During that time, if it is in the best interests of the child to remain with the Foster Parent, their terms of approval can be changed to cover the number of children (up to the 'usual fostering limit' of 3), the age of any children and type of arrangement.

If time allows, this request can be brought to a Fostering Panel, but the decision to change terms of approval can be made by the Decision Maker outside of Panel. Even if an exemption has been granted because the number of children exceeds the maximum of 3, the terms of approval will need to be changed to name the children in the home (as detailed above). A Foster Parent's terms of approval must always be consistent with the number of children in the home. The following information should be provided to allow the Decision Maker to consider the request:

- Signed consent from the Foster Parent to a change of their approval terms
- An assessment of the Foster Parent's ability to provide care in line with their requested approval terms

- A brief assessment of and plan to meet any additional support needs that will be required
- A copy of the Foster Parent's most recent Annual Review

Should all of the above be available and satisfactory, the Decision Maker can change the terms of approval with immediate effect as, in these circumstances, the decision is not a 'qualifying determination'. If the Foster Parent is not in agreement with a change of approval terms, for example, if the number of children who can be moved to the foster home is reduced, this is a 'qualifying determination' and the Foster Parent has 28 days to appeal using the AFA's procedures or by contacting the Independent Review Mechanism.

Connected Policies or Guidance

Name of Policy / Guidance	Relevant for
Record Keeping and Confidentiality Policy	All staff and Foster Parents
Care Arrangements with Foster Parents	Foster Parent, Fostering Social Workers
Foster Parent Handbook	Foster Parent, Fostering Social Workers
Fostering Panel Policy	All staff and Foster Parents

Updated May 2022

Version 1.2