

# Somerset Foster Panel Appeal Process

## Purpose and Context

In compliance with the National Minimum Standards, the following process indicates the Fostering Service's responsibility to provide a complaints and representation process relating to the assessment of Foster Carers and the work of the Foster Panels.

### A. Process (Fostering Assessment)

1. The Foster Panel considers the assessment in the usual way, receiving written information in advance and then hearing information from the Assessing Social Worker presenting at Panel.
2. Based on the assessment information presented, the Panel reaches a recommendation regarding approval and the details of approval (age, number, gender of children). The Chair is responsible for ensuring that the minutes accurately reflect the discussion of the meeting and any issues of concern arising.
3. The Chair/Assessing Social Worker is responsible for contacting the applicants with the outcome and recommendation of the Panel. Applicants are told that all recommendations are passed to the Decision Maker and that a decision is made within ten working days of the Panel date.
4. Applicants receive a letter from the Agency Decision Maker indicating their approval and relevant details or a letter indicating that the proposal is not to approve them as carers, together with reasons why. Applicants are also sent a copy of the Foster Panel's recommendations.
5. If applicants are unhappy about the decision, they may make written representation to the Decision Maker within 28 days of the notice. If no representation is received, the decision stands.
6. If applicants accept the decision, but wish to complain about the process, the Decision Maker informs the County Complaints Officer and forwards relevant papers. The matter will then be dealt with in accordance with the Department's complaints procedure.
7. If applicants wish to complain about the decision, there are 3 options available to them:-
  - (a) To request that the case is referred back to the original Panel for a review of the proposal.

(b) To request that the case is referred to another LA in the South West for their advice and then returned to the Somerset Panel.

(c) To apply to the Secretary of State for a review of the 'qualifying determination' (Agency Decision) by an Independent Review Panel (see Appendix 1). If the applicant chooses this option the Independent Review Panel will review all of the information that was provided to the original fostering panel and make a fresh recommendation about the suitability of the individual to be approved. When the review panel has made its recommendation the Agency Decision Maker will be required to take this, along with their fostering panel's original recommendation, into account when making their final decision about approval. See Section below for details of the Independent Review Mechanism process.

Note – this option is not available to supported lodgings providers.

**Note** – applicants can make a choice about whether they wish to make a representation to the fostering service provider OR apply to the Independent Review Mechanism (IRM), they cannot choose both options.

The Decision Maker will then make a decision, taking into account any fresh recommendation made by the Foster Panel or the Independent Review Panel, which would, in turn, have considered any additional information presented by, or on behalf of, the applicants.

As soon as possible after the Decision Maker has reviewed the decision, the applicant will be informed of the outcome in writing. If the decision remains not to approve, written reasons will be given.

## **B. Process (Foster Carer Reviews)**

1. The Foster Panel considers the review in the usual way (see Review process). The reason for a review being presented to panel may be because there have been concerns raised about the level of care provided or there may have been an investigation into allegations of abuse against the foster carer(s).
2. Foster carers will have the option to attend any reviews presented to the panel and will be invited to attend as per the procedures detailed for applicants above.
2. Based on the review information presented, Panel may recommend that the foster carer and household are no longer appropriate carers or that the terms of approval need amending, or that the terms of approval requested are appropriate.
1. The Chair/Supervising Social Worker is responsible for informing the carers of the outcome and recommendation of the Panel. Carers are

told that all recommendations are passed to the Decision Maker for written ratification within ten working days of the Panel date.

2. Should the decision be a proposal to terminate approval, or revise the terms of approval, written notice is given to the carer with reasons. If termination of approval is decided, placements must be ended as soon as practicable, depending upon individual circumstances. If approval details are altered, it is at the discretion of the local Children's Service Manager to continue the placement.
3. If the carers are unhappy about the decision, they may make written representations to the Decision Maker within 28 days of the notice. If no written representation is received, the decision stands. For continuation of the process if carers choose to make a written representation to the Decision Maker, see 5, 6 and 7 of Section A.
4. Where foster carer reviews are presented to the Fostering Children's Service Manager, any written representation should be addressed to them. If it cannot be resolved at this level, however, the appropriate Area Children's Manager will be informed and will deal with the matter. The decision may be made for the review to be presented to the Foster Panel for consideration.

## **Appendix 1**

### **The Independent Review Mechanism**

[The Independent Review Mechanism \(IRM\)](#) is a review process which prospective or existing foster carers can use when they do not agree with the qualifying determination given to them by their fostering service provider. This includes people who are seeking to, or who are already approved to, foster a specific child. The review process is conducted by a review panel independent of the fostering service provider.

A 'qualifying determination' is a determination made by a fostering service provider that it does not propose to approve a person as suitable to foster a child or proposes to terminate or change the terms of approval of an existing carer. The IRM does not have the power to deal with complaints against the fostering service provider.

The Independent Review Panel cannot overturn the fostering service provider's determination. It can make a fresh recommendation on suitability to foster and/or the terms of approval and the Agency Decision Maker must take that recommendation into consideration when making its final decision but the final decision rests with the Fostering Service.

In summary the Independent Review Panel will:

- Review suitability as a foster carer
- Review changes to terms of approval

- Provide a fresh recommendation to the agency on suitability to be a foster carer, and the terms of approval, including approval for a specific child.
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## **IRM process**

When notification from the Agency Decision maker is received applicants or existing carers have 28 days from the date of the notifications letter to submit any representations they wish to make to the fostering service provider or apply for an independent review. An application for an independent review must be made in writing and include reasons for the application. If a written representation has not been made within 28 days the Fostering Service may proceed to make its decision.

On receipt of an application for review the IRM administrator will notify the Fostering service of the request and provide a copy of the application. The applicant will receive a written acknowledgment and notification that the Fostering Service has been advised.

The fostering Service should ensure that the Decision Maker does not make it's decision to implement the original determination until the review panel has made it's recommendation and that recommendation, along with Somerset Foster Panel's recommendation, has been taken into account.

Somerset Foster Panel Administrators will then be asked to send all of the appropriate documentation that was available to the original panel to the IRM administrator within 10 working days of receipt of the notice and should include:

- a copy of any report prepared and of any other documents that were referred to the fostering panel;
- any other relevant information in relation to the person which the Fostering Service obtained after the date they sent the documents to their foster panel;
- a copy of the notice informing the person about the qualifying determination.

**Note** – The Minutes of the Somerset Foster Panel **should not** be sent to the IRM administrator.

Before sending the notice the IRM administrator will seek the applicants consent for the Fostering Service to disclose all papers. The applicant will be asked to send their consent to the Somerset Fostering Service and a copy to the IRM administrator.

Where necessary, the review panel may seek additional information and assistance from the Fostering Service. This should be provided unless it is not

reasonably practicable to do so. The review panel administrator will also provide the Fostering service with any additional information provided by the applicants.

The review panel meeting will then be arranged by the IRM administrator and the applicant and the Fostering Service will be advised of the date, time and venue of panel.

The applicant may provide further written details of the application up to 3 weeks before the panel meeting and may expand upon these at the meeting. The applicant will receive copies of all of the papers provided to the panel and a list of the panel members. The exception to this is confidential third-party information which cannot be shared with the applicant.

The Fostering service will be invited to send two representatives to the panel. Ideally one of these people should be the assessing social worker or another person who has sound knowledge of the case. Those attending should take the file with them.

The applicant will be invited to attend and may take a friend for moral support but they will not be able to speak on his/her behalf or act as an advocate. The applicant will be able to ask and respond to questions. The applicant may bring an interpreter.

No expenses will be paid by the review panel to applicants, their friend/interpreter or to the Fostering Service's representatives.

### **Panel Membership**

The constitution and membership of a review panel is similar to that of a fostering panel and will have a maximum of ten members.

The review panel may obtain legal advice or advice from a registered medical practitioner, if they consider this necessary.

### **Independent Review Panel's Recommendation**

When reviewing a qualifying determination, the review panel will consider and take into account:

- a) the Fostering Service's qualifying determination and reasons, and the recommendation of Somerset's Fostering Panel;
- b) information that was before the Fostering Panel;
- c) any relevant information that arrived after the panel;
- d) the applicants grounds for review; and
- e) any additional information submitted by the applicant.

If the review panel is reviewing a qualifying determination not to approve a prospective foster carer, or to terminate the approval of an existing foster carer, they will make a recommendation about whether the person should be approved; and, if they consider that the person should become or remain

approved, they may also choose to make a recommendation regarding the terms of approval.

If the review panel is reviewing a qualifying determination to revise the terms of an existing foster carer's approval, they may only make a recommendation about the terms of approval, and may not make a recommendation that approval should be terminated.

Once the review panel have considered the applicants case they will record their recommendation in writing. The IRM administrator will send a copy of the review panel's recommendation, and the reasons for the recommendation, to the applicant and fostering service provider. The IRM will also send administrator will also send a copy of the panel's minutes when this ha been agreed by the panel chair.

Once the Somerset's Decision Maker has received the review panel's recommendation, they proceed to make their final decision, taking into account the recommendations made by both panels.

As soon as practicable after reaching their final decision, the fostering service provider should notify the applicant in writing of the decision and, if it has been decided not to approve them or to terminate their approval or change the terms of approval, of the reasons for the decision. The Fostering Service must also send a copy of the notification to the IRM administrator.

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