Exemption to Foster beyond the usual fostering limit policy and procedure
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About this document

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<thead>
<tr>
<th>Title</th>
<th>Exemption to foster beyond the usual fostering limit policy and procedure</th>
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<tr>
<td>Purpose</td>
<td>Policy and procedure for fostering services to undertake for foster carers who are fostering beyond the usual fostering limit</td>
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<tr>
<td>Updated by</td>
<td>Rosemarie Cronin, TSD Co-ordinator (Fostering)</td>
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<tr>
<td>Approved by</td>
<td>Children in Care Workstream Meeting</td>
</tr>
<tr>
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Version Control

<table>
<thead>
<tr>
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<th>Created by</th>
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<tbody>
<tr>
<td>June 2017</td>
<td>4</td>
<td>Updated version of the Exemption form for Appendix A</td>
<td>Rosemarie Cronin</td>
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Introduction and Legal Framework

Foster carers must not foster more than three children or young people unless they are all siblings. If foster carers do foster beyond this limit they either require an exemption from the local authority to do this or they must become registered as a children’s home.

The Children Act 1989 Schedule 7 lays out the circumstances in which a person may foster more than three children without being treated as carrying on a children’s home. Additional guidance is given in the (Assessment and approval of foster carers: Amendments to the Children Act 1989 Guidance and Regulations (2013))

Exemptions to foster beyond the usual fostering limit

The only circumstances in which a fostering household may foster more than 3 children or young people are:

- “The foster children are all siblings in relation to each other, or
- The local authority within whose area the foster carer lives exempts the foster carer from the usual fostering limit in relation to specific placements (in which case they must set out the terms as detailed below), and
- The foster carer’s terms of approval allow it (any terms of approval must be compatible with the number of children the foster carer is caring for even if an exemption to the usual fostering limit has been granted, unless the placement is in an emergency and for less than six days (Assessment and approval of foster carers: Amendments to the Children Act 1989 Guidance and Regulations (2013))

Where it is anticipated that an exemption to the usual fostering limit will be required, for instance, if foster carers are regularly providing respite in a planned way for additional children, a revision of approval to reflect the numbers of children placed can be requested in advance of the exemption being required. The exemption will then be required as and when it is needed as it needs to name all the children/young people in placement.

In line with this any foster carer who fosters for Essex but lives outside of the Essex boundary must seek an exemption from the local authority where they are living. Any foster carers who foster for other local authorities or agencies and require an exemption must seek this from Essex fostering service.

The Children Act states that a local authority must consider the following when considering whether to agree an exemption for a fostering household:

1. the number of children whom the person proposes to foster;
2. the arrangements which the person proposes for the care and accommodation of the fostered child;
3. the intended and likely relationship between the person and the fostered child;
4. the period of time for which the carer proposes to foster the children;
5. whether the welfare of the fostered children (and of any other children who are or will be living in the accommodation) will be safeguarded and promoted.
Procedure for gaining an exemption and a change in the foster carers terms of approval

1. To request an exemption supervising social workers of foster carers in Essex should complete the ‘Exemptions to the “usual fostering limit”’ form. (See Appendix A)

In addition to this the foster carer’s terms of approval will need to be changed to make it compatible with the number of children the foster carer is caring for unless the placement is an emergency AND for less than 6 days.

If the fostering service proposes to revise the terms of a foster carers approval the supervising social worker should provide a statement for the fostering panel (and/or Agency Decision Maker) which sets out what they consider the foster carer or any member of the fostering household (including children or young people who have been placed) may have additional support needs as a result of the proposed revision of approval, and how these needs will be met. In addition to this the foster carer’s agreement in writing to the proposed revision of approval should be requested from the foster carer. (Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013 Regulation 28 (7)(aa)).

If the written agreement has been received and the written statement concerning the foster family’s support needs is completed a decision to change a foster carer’s terms of approval can be implemented immediately, with the agreement of the Agency Decision Maker

2. Consideration will be given to an exemption in any of the following circumstances:

- Where a child or young person has a strongly established link with a foster carer, and termination of this arrangement would be detrimental to the child
- Where a child or young person has had a link under the short break scheme and termination of this arrangement would be detrimental to the child or young person
- Where a child or young person with a strongly established relationship with a foster carer needs to return following disruption of an adoption or other placement
- Where a child or young person with a strongly established relationship with a foster carer needs to return for respite care and this is in the child’s best interests
- Where it enables siblings to stay together

3. This form should be sent to the Agency Decision Maker (Head of Fostering and Adoption or Directors of Local Delivery).

4. If the exemption is agreed the Agency Decision Maker will inform the foster carer in writing

- That the foster carer has been exempted to foster beyond the usual fostering limit
- Name the children or young people by name whom the foster carer may foster under this exemption
- Of any condition to which the exemption is subject

5. The fostering household’s family safe care plan must be updated to include all the children or young people in the household.
6. The exemption may be cancelled or varied at any time, additional conditions may be added. Any such changes must be agreed with the Agency Decision Maker and the foster carer and the fostering team should be notified of these changes in writing.

7. If a further extension is required this process should be repeated and agreement sought prior to the previous exemption running out.
Appendix A

Request for Exemption to the Usual Fostering Limit
(Children Act 1989)

Additional Guidance was issued in July 2013 which states that “Schedule 7 to the Children Act 1989 limits the number of children who may be fostered by a foster carer. The “usual fostering limit” is set at three. This means that no one may foster more than three children unless:

- The foster children are all siblings in relation to each other, or
- The local authority within whose area the foster carer lives exempts the foster carer from the usual fostering limit in relation to specific placements
- The foster carer’s terms of approval allow it (any terms of approval must be compatible with the number of children the foster carer is caring for even if an exemption to the usual fostering limit has been granted, unless the placement is in an emergency and for less than 6 days)"

This procedure is also to be used when other Local Authorities or Independent Fostering Agencies request an exemption to the usual fostering limit of three placements in respect of one of their carers residing within the boundaries of Essex County Council.

The exemption may at any time be varied or cancelled or conditions imposed, varied or cancelled by notice in writing whilst also having regard to the number of children, the day to day care arrangements, the relationships within the household, the length of time of the proposed placement and ensuring the safeguarding and promotion of the welfare of all children in the household.

The Agency Decision Maker (Head of Fostering, Adoption and External Placements or a Director of Local Delivery or the Fostering Service Manager) may agree an exemption.

In urgent situations outside normal office hours, a temporary exemption of 72 hours may be agreed by the Emergency Duty Team. Any such exemption must be notified to the Head of Service for Adoption and Fostering, Service and Team Managers on the next working day.

An exemption to the usual fostering limit is made in respect of all foster children in the household
Please indicate which child/ren are placed or it is proposed to place that causes the usual fostering limit to be exceeded

<table>
<thead>
<tr>
<th>Name of child/ren</th>
<th>Date of birth</th>
<th>Placement date/proposed placement date</th>
<th>Anticipated length of exemption</th>
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</table>
**Fostering Service Provider**

Name: 
Address: 

**Proposed placement**

Locality: 
Supervising Social Worker: 
Name of carer: 
Address: 
Telephone number: 
Approved for: 

**People living in the household**

*(including carers/their children/other foster children/lodgers/any child minded children)*

<table>
<thead>
<tr>
<th>Name</th>
<th>Age</th>
<th>Relationship</th>
<th>Placed (if a foster child)</th>
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</table>
**Type and size of accommodation** (please check appropriate box)

- [ ] Owner Occupier
- [ ] Housing Association
- [ ] Local Authority
- [ ] Privately rented

**Other (please state)**

- [ ] House
- [ ] Flat
- [ ] Floor
- [ ] Bungalow
- [ ] Other

- [ ] Living room
- [ ] Dining Room
- [ ] Study
- [ ] Other available room

Please state number of bedrooms

Is there a garden/play space?  [ ] Yes  [ ] No

**Proposed sleeping arrangements**

(please identify who sleeps in which room and where it is proposed the exempted child/ren will sleep)

<table>
<thead>
<tr>
<th>Bedroom</th>
<th>Who sleeps in this room?</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bedroom 1</td>
<td></td>
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<tr>
<td>Bedroom 2</td>
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<tr>
<td>Bedroom 3</td>
<td></td>
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<tr>
<td>Bedroom 4</td>
<td></td>
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<tr>
<td>Bedroom 5</td>
<td></td>
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</tbody>
</table>

If the child will not be sleeping in a bedroom, in which room?  ________________

Is there adequate privacy in this room for the child?  [ ] Yes  [ ] No

Is it possible to partition this or any other room in order to ensure the child/ren have appropriate privacy?  [ ] Yes  [ ] No

If **yes**, how will this be achieved?  ________________

**Day to day care of children in household**

Will the additional child/ren require a change in the routine of the household?  (Consider e.g. travelling to school. Contact, diet, religion, child minding children, social activities).  [ ] Yes  [ ] No

If **yes**, please state what:  ________________

Please state what the particular difficulty is:  ________________

Is carer able to facilitate this change?  [ ] Yes  [ ] No

If **no**, what additional support will be required to ensure the child/ren are appropriately cared for?  ________________

Has this already been arranged?  [ ] Yes  [ ] No
The proposed placement (to be completed please check all boxes that apply)

The proposed placement has suitable accommodation/sleeping arrangements for the child/ren.  
☐ Yes  ☐ No

The household members are able to live as a ‘normal’ family unit with the additional child/ren in placement.  
☐ Yes  ☐ No

The carers -please select as applicable- require additional help to provide appropriate care and supervision.  
☐ Yes  ☐ No

The ‘Usual Fostering Limit will be exceeded for a defined period of time as requested and agreed by the Head of Service or Service Manager.  
☐ Yes  ☐ No

The carers are experienced foster carers, very capable of providing satisfactory care for the children placed and able to maintain good relationships with the foster children and their own children  
☐ Yes  ☐ No

Will the proposed placement/s jeopardise other existing placements  
☐ Yes  ☐ No

Circumstances in which exemptions may be made  
(please check appropriate criterion)

☐ where a child has a strongly established link with a foster carer, and termination of this arrangement would be detrimental to the child

☐ where a child’s matched under the Short Break Scheme has been established and termination of this arrangement would be detrimental to the child

☐ where a child with a strongly established relationship with a foster carer needs to return following disruption of an adoption of other placement and this is in the child’s best interest

☐ where a child with a strongly established relationship with a foster carer needs to return for respite care and this is in the child’s best interest

☐ where, in order to keep siblings together, it is necessary to use a current foster carer.

Health issues

Are there any current health issues within the household? (In the case of exemptions relating to children age 0-5 years of age carers must be non smokers).
Are there any fertility issues?

Views of the child care Social Workers

Please include the views of allocated Child Care Social Workers of all currently placed children. Please give as much detail as possible.

Supervising Social Worker’s report

This report should cover all areas around the exemption as identified above and should include how the child/ren or additional child/ren who have been placed or who it is proposed should be placed, will settle in the placement, i.e. how the household has adjusted to the additional child/ren; have any of the household members reacted adversely to the placement; has a proper routine been established with or without additional supports from the Department; the particular skills and experience of these foster carers that makes this a suitable placement or not. Discuss the views of the child care Social Worker in relation to the proposed placement. An overall appraisal of the placement and whether this placement should continue/be made.

Agreement to exceeding the ‘Usual Fostering Limit’

Team manager’s comment:
Team manager’s signature: ______________________________  Date: __________________

Team manager’s printed name: _________________________________________________

Notice of exemption sent to carer on: _________________________________

(form updated August 2016)