Fostering Regulations and National Guidance

Description

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Sparks Fostering trains and supports foster carers to carry out the parenting and professional aspects of the fostering role, and also to ensure that the fostering regulations and national guidance are adhered to. The regulations and guidance are put in place to ensure that all foster carers meet a 'minimum' standard of care. An appreciation of the fostering minimum standards and regulations would support foster carers and fostering staff to complete their roles, and would also help Sparks Fostering to thrive as a fostering provider.

Some key terms and the main legislation for foster care is provided here.

Legal definition of a 'looked after child'

A child who has been in the care of their local authority for more than 24 hours is known as a looked after child. Looked after children are also often referred to as children in care, or child looked after. At Sparks Fostering we refer to the people in our care as 'residents' because the term includes children, young people and young adults. On an individual basis we expect the resident to be referred to by their name.

Care orders

A care order is given by a court. It allows a council to take a child into care. Under the Children Act 1989 a council can apply for a care order if it believes a child is suffering or at risk of suffering significant harm. The court decides if the child can be taken into care.

Section 20 arrangement

Under Section 20 of the Children Act 1989, a child or young person may be accommodated by the local authority, where there is usually agreement to this arrangement by those with parental responsibility. The child becomes looked after under a Section 20 arrangement and is a looked after child but is not in care. Parental responsibility is not given to the local authority under Section 20.

Section 31 care order

When a child is made the subject of a 'Section 31' care order, the local authority has legal

responsibility for the child. Parents continue to have parental responsibility; however, the local authority can limit their parental responsibility if this is necessary in the interests of the child's welfare.

Delegated authority and consent

There are some decisions for children which can only be made by someone with parental responsibility. Some of these decisions can be 'delegated' to the foster carer by those with parental responsibility. This would mean, for example, that the foster carer can attend school meetings without needing to ask for permission each time.

Corporate Parent

When a child comes into care, the council becomes the Corporate Parent. Corporate parenting refers to the shared responsibility across each council to ensure that children and young people in care or leaving care are supported to thrive. A good corporate parent should have the same aspirations for a child in care or care leaver, as a good parent would have for their child.

Care leavers

Care leavers are young people aged 16 to 25 years old who have been in care at some point since they were 14-years old and were in care on or after their 16th birthday.

Coram Voice has produced a document 'Sorted and Supported: A guide to care leavers rights and entitlements'.

The core regulations and guidance which underpin the work of Sparks Fostering include:

- The Fostering Services (England) Regulations 2011
- The Fostering Services: National Minimum Standards 2011
- The Children Act 1989 vol.4

Additional regulation includes:

- The Children Act 2004
- The Care Standards Act 2000
- The Care Planning, Placement & Case Review (England) Regulations 2010
- The Care Planning and Fostering (Miscellaneous Amendments) (England) Regulations 2015
- European Convention on Human Rights
- United Nations Convention on the Rights of the Child
- Working Together to Safeguard Children

It is the role of Ofsted to ensure that all fostering providers comply with the regulations and guidance – and if the fostering provider fails to meet the required standard, there is a risk that the provider would be closed down.

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