

Introduction to independent fostering agencies

A children's social care guide to registration

There are different types of fostering services, some of which must register with Ofsted. This guide explains in more detail what the law says anyone intending to open an independent fostering agency must do to in order to apply for registration.

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Introduction

This guide to registration provides information about what an applicant must understand and prove in order to become registered to provide and/or manage an independent fostering agency.

Independent fostering agency providers and managers must meet a range of legal requirements; this includes a requirement to register with Ofsted. We also expect providers and managers to show how they have taken account of the national minimum standards for fostering services and the *Children Act 1989 Guidance and Regulations Volume 4: Fostering Services*.¹

If you want to apply to Ofsted to open an independent fostering agency, you should first read this guide as well as our *Guide to registration for children's social care services*, which sets out the process of registration for all children's social care providers.²

This guide explains in detail what an independent fostering agency is and what the law says in order to help you decide whether you need to register as an independent fostering agency provider or manager.

What is fostering?

1. Fostering is a way for children to have a family life when they are not able to live with their own parents. Fostering agencies approve people to be foster carers to children.
2. Foster carers provide temporary and long-term care for children. Some children remain in foster care, some return to their families, others are adopted or move to live independently. There are many types of fostering including:
 - placements for children and young people with physical and learning disabilities
 - short breaks, for example to give respite care
 - refuges – foster carers' homes can be designated as refuges³ if approved by a fostering service, which must apply to the Department for Education for a certificate for the foster carer to operate as a refuge⁴
 - multi-dimensional treatment fostering – this involves parenting training for both the foster carers and child's parents. It emphasises the use of

¹ Children Act 1989 Guidance and Regulations Volume 4: Fostering Services, Department for Education, 2013; www.gov.uk/government/publications/children-act-1989-fostering-services

² *Guide to registration for children's social care services* (090020), Ofsted, 2014; www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services.

³ The Children Act 1989, part V 51(1); www.legislation.gov.uk/ukpga/1989/41/contents.

⁴ The Refuges (Children's Homes and Foster Placements) Regulations 1991; www.legislation.gov.uk/uksi/1991/1507/contents/made.

behaviour management in order to provide a structured and therapeutic home environment⁵

- remand fostering – remand fostering is used when young people in England or Wales are ‘remanded’ by the court to the care of a specially trained foster carer
 - family and friends’ placements (known as kinship care).
3. You can find more about fostering on the Department for Education website, the British Association for Adoption and Fostering website and the Fostering Network website.

Registration

4. Ofsted does not register individual foster carers; it registers fostering organisations that approve foster carers, known as independent fostering agencies.⁶ An independent fostering agency is a voluntary or private organisation that places children with foster carers. All independent fostering agencies must register with Ofsted before they can operate.⁷ It is an offence to run an independent fostering agency without registration. This helps to prevent unsuitable people owning, operating, managing or working within fostering services.
5. Each fostering agency must hold its own registration, even when run by the same organisation. Sometimes an agency has more than one office as part of its registration. The additional offices are called ‘branches’ of the main office. Only offices which do not offer the full range of fostering activities can be classified as a branch. We have produced guidance about when a fostering agency’s offices need to be registered in their own right.
6. The key functions of an independent fostering agency are to recruit, assess, approve, train, supervise, support and review foster carers who care for children looked after by local authorities.⁸ It cannot undertake any of these functions before it is registered. In order to register, anyone who wishes to open an independent fostering agency must demonstrate how they meet a number of legal requirements and minimum standards for fostering services. At the end of this guide we tell you where you can obtain copies of these.

⁵ For more information about multi-dimensional treatment fostering please use the following link: www.education.gov.uk/childrenandyoungpeople/families/childrenincare/a0069857/evidence-based-intervention.

⁶ The Care Standards Act 2000, Section 4(4); www.legislation.gov.uk/ukpga/2000/14/contents#pt1-pb1-l1g4.

⁷ ‘Operate’ means to undertake any of the activities of a fostering agency as set out in our publication *Guidance on the registration of an independent fostering agency branch*; www.ofsted.gov.uk/resources/guidance-registration-of-independent-fostering-agency-branch.

⁸ The key functions of a fostering agency are listed in our publication *Guidance on the registration of an independent fostering agency branch*; www.ofsted.gov.uk/resources/guidance-registration-of-independent-fostering-agency-branch.

7. In summary, an independent fostering agency must have:
- a registered provider and, where the provider is an organisation such as a company, a person known as a 'responsible individual' who represents the organisation to Ofsted
 - a registered manager
 - a statement of purpose that sets out the overall aims of the fostering agency and the children they provide care for;⁹ the law sets out the information this must contain
 - a children's guide, which is a summary of the statement of purpose, the complaints procedure and the address and telephone number of Ofsted in a form that is appropriate to the age, understanding and communication needs of the children the fostering agency provides services for
 - a number of policies and procedures – these are set out in *Fostering Services: National Minimum Standards 2011*.
8. There is more information on registration in the *Guide to registration for children's social care services*¹⁰ and in [Changes to children's social care services that are registered and/or inspected by Ofsted](#).¹¹

Inspection

9. We normally inspect all independent fostering agencies for the first time between seven and 12 months from the date of registration unless there are no children being considered for placement or placed with the agency. We inspect independent fostering agencies at least once in a three-year cycle.¹² We also ask all fostering agencies to complete an annual fostering quality assurance and data form.¹³ We use this data to inform our inspections and to help us decide whether we need to inspect the fostering agency or service within the coming year's cycle, which is between 1 April and 31 March each year.
10. At inspection, inspectors will evaluate the outcomes for children. For more information, please see our framework for the *Fostering: inspections of independent fostering agencies: the framework and evaluation schedule and grade descriptors*.¹⁴ The evaluation schedule and the judgements made on

⁹ The Fostering Services (England) Regulations 2011, Regulation 3(1); www.legislation.gov.uk/ukxi/2011/581/regulation/3/made.

¹⁰ See footnote 2

¹¹ *Changes to children's social care services that are registered and / or inspected by Ofsted* (100253), Ofsted, 2014; www.ofsted.gov.uk/resources/changes-childrens-social-care-services-are-registered-and-or-inspected-ofsted

¹² The Her Majesty's Chief Inspector of Schools, Children's Services and Skills (Fees and Frequency of Inspections)(Children's Homes etc) Regulations 2007 Regulation 19(1)(b) and (c), www.legislation.gov.uk/ukxi/2007/694/contents/made.

¹³ A link to the quality assurance and data form can be found on page 9 of this guide.

¹⁴ *Fostering: inspections of independent fostering agencies: the framework and evaluation schedule and grade descriptors* (130207), Ofsted, 2014; www.ofsted.gov.uk/resources/130207.

inspection are underpinned by the regulations and the national minimum standards and are intended to test compliance and support improvement.

Complaints and concerns about providers

11. We may receive complaints or concerns about a fostering agency. When considering complaints, we do not act as a complaint adjudicator. We do not decide if complaints are upheld, partially upheld or are unsubstantiated. Instead we investigate concerns to make sure that the provider continues to meet regulations and to take account of the associated national minimum standards, and remains suitable for registration. Where providers and/or managers do not, we may take compliance action as described in the 'Compliance and enforcement' section below.
12. For more information about how we deal with complaints about providers please see our guidance *Concerns and complaints about social care providers*.

Compliance and enforcement

13. Independent fostering agencies must comply with the requirements of the regulations and take into account the national minimum standards for fostering services and The Children Act 1989 Guidance and Regulations Volume 4: Fostering Services.
14. We investigate all instances that suggest a registered fostering agency does not meet legal requirements. Where we find non-compliance we take action to ensure children's safety and compliance with the law. We have a range of powers that we can use including issuing a compliance notice,¹⁵ cancelling a provider's registration or prosecuting for an offence.
15. Our *Social care compliance handbook* provides more information about this and is available on our website. There is a link to this below.

¹⁵ A compliance notice sets out the actions that a provider must take by a certain date to meet relevant service specific regulations.

Further information

All our guidance is available on our website www.ofsted.gov.uk, by calling us on 0300 123 1231, or by writing to us at the following address:

Ofsted
National Business Unit
Piccadilly Gate
Store Street
Manchester
M1 2WD.

For more information on how to apply for registration, see our *Guide to registration for children's social care services*; www.ofsted.gov.uk/resources/guide-registration-for-childrens-social-care-services.

For more information about what changes to a registration we need to be informed about, see *Changes to children's social care services that are inspected and /or registered by Ofsted* at: www.ofsted.gov.uk/resources/changes-childrens-social-care-services-are-registered-andor-inspected-ofsted.

For information on making a complaint about a registered social care provider please see *Concerns and complaints about social care providers* at www.ofsted.gov.uk/resources/concerns-and-complaints-about-social-care-providers.

For information on how we investigate and bring about compliance please see our *Social care compliance handbook* at www.ofsted.gov.uk/resources/140136.

Guidance on the registration of an independent fostering agency branch www.ofsted.gov.uk/resources/guidance-registration-of-independent-fostering-agency-branch.

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Fostering information

If you want to find out more about fostering you can go to

- the Department for Education website; www.education.gov.uk/childrenandyoungpeople/families/childrenincare/fostercare
- the British Association for Adoption & Fostering (BAAF); www.baaf.org.uk/info/firstq/index.shtml.
- The Fostering Network; www.fostering.net (you can also find the contact details for fosterline, a confidential advice line, under the resources section of this website).

Legislation

Please note: it is an applicant's responsibility to check that this is the most up-to-date legislation available and if any further amendments apply.

- The Care Standards Act 2000 – Legal definitions of all agencies and establishments we register:
www.opsi.gov.uk/acts/acts2000/ukpga_20000014_en_2
- The Care Standards Act 2000 (Registration)(England) Regulations 2010:
www.legislation.gov.uk/uksi/2010/2130/pdfs/uksi_20102130_en.pdf
- The Her Majesty's Chief Inspector of Education, Children's Services and Skills (Fees and Frequency of Inspections) (Children's Homes etc.) Regulations 2007: www.opsi.gov.uk/si/si2007/uksi_20070694_en_1
- The Care Standards Act 2000 (Establishments and Agencies) (Miscellaneous Amendments) Regulations 2002: www.opsi.gov.uk/si/si2002/20020865.htm
- The Fostering Services (England) Regulations 2011:
www.legislation.gov.uk/uksi/2011/581/contents/made
- The Refuges (Children's Homes and Foster Placements) Regulations 1991:
www.opsi.gov.uk/si/si1991/Uksi_19911507_en_1.htm

National minimum standards for fostering services

The Fostering services: national minimum standards is available at:
www.gov.uk/government/publications/fostering-services-national-minimum-standards.

Statutory guidance

The Children Act 1989 Guidance and Regulations Volume 4: Fostering Services is available at: <https://www.gov.uk/government/publications/children-act-1989-fostering-services>.