



Guidance

Introduction to independent fostering agencies

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This guide defines what an independent fostering agency is and what you must do if you intend to open one.

This guide is specific to independent fostering agencies and provides information that only applies to them. However, you must also read our [main guide to registration](#), which applies to all children's social care services.

About independent fostering agencies

We do not register individual foster carers; we register fostering organisations (voluntary or private) that approve foster carers, known as independent fostering agencies.

Fostering is a way for children to have a family life while they are not able to live with their own parents. Fostering agencies approve people to be foster carers for children.

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 that independent fostering agencies can offer, 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 refuges](#) 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 refuge](#)
- multi-dimensional treatment foster care – this is a specialist programme of care that involves parenting training for both the foster carers and the child's parents in how to provide a structured and therapeutic home environment
- remand fostering – this is 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)
- early permanence services (fostering for adoption or concurrent planning), which enable children to live with foster carers who later go on to adopt them if the court decides that is in the children's best interests

You can [find more about fostering and the laws that apply to it](#).

About registration

Independent fostering agencies must register with Ofsted. 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.

Any franchise of a fostering agency must register in its own right as an independent fostering agency. Any [branch of a fostering agency must also register separately](#).

Independent fostering agencies carry out the following activities in relation to foster carers who care for children looked after by local authorities:

- recruitment
- assessment
- approval
- training
- supervision
- support
- review

They cannot carry out any of these activities before they are registered.

If you want to register as an independent fostering agency, you must meet [all the relevant regulations](#) and the [national minimum standards for fostering services](#).

You must also follow the [statutory guidance on fostering](#).

Our [guide to registration for children's social care services](#) sets out the process of registration.

Providing services in England and Wales

If you intend to provide services in both England and Wales, you may also need to register with [Care Inspectorate Wales \(CIW\)](#), regardless of where the office or branches are located. You may need to follow the regulatory framework under both the Regulation and Inspection of Social Care (Wales) Act 2016 (RISCA) and the Care Standards Act 2000.

Registering branches of agencies

You may work from different premises. You may need to register these as a separate branch of your agency, even when branches are run by the same organisation. A branch must:

- have its own registration
- have its own manager
- pay the relevant registration and annual fees
- be inspected separately

You should use the criteria below to decide whether the premises are a branch or an office and review this if you change your activities.

An office that an agency uses as part of its everyday work does not require separate registration as a branch unless the majority of the key day-to-day activities of a fostering service are carried out there.

How to decide if premises need to register as a branch

If you carry out 4 or more of the following activities in an office, other than your registered premises, it is a branch:

- provide support, training and information for foster parents (includes supervision)
- constitution and membership of a fostering panel
- assessment of prospective foster parents (includes recruiting foster parents)
- approval of foster parents
- reviews and terminations of approval

If a group of offices works together on 4 of the above activities that make up most of the agency's activities overall, this group of offices may also be a branch. The criteria we use to decide whether a group of offices is a branch includes whether they:

- operate as one service rather than separate services
- have one statement of purpose and the same policies, procedures and guidelines
- have common record-keeping procedures, administrative systems and training plans
- include one individual office that covers a wide geographical area
- include one individual office that supervises a large number of placements and staff

Before you apply

For your independent fostering agency, you will need:

- to appoint a manager
- a statement of purpose that sets out the overall aims and objectives for the children's home

If you are an organisation, such as a company, you will also need to appoint a person known as a 'responsible individual' who represents the organisation to Ofsted. You do not need to appoint a responsible individual if you are a sole trader or partnership.

What to provide when you apply

You must submit an [SC1 application](#). As part of this, you must include:

- SC1 forms for any branches, if applicable
- your details as the registered provider and, if you are an organisation such as a company, the responsible individual
- details of the manager(s)
- your statement of purpose
- your safeguarding policy
- your complaints procedure
- your equalities policy
- missing child policy
- behaviour management policy
- prevention of bullying policy
- a copy of a certificate of insurance or written confirmation that insurance will be provided (for example, a letter of intention and an insurance quote)
- your children's guide
- a copy of planning permission granted, a certificate of lawfulness, a copy of a planning application or evidence that planning permission is not required
- [a financial reference](#)
- your business plan
- your cash-flow forecast
- your last 2 annual reports, including reports for any holding company and any subsidiaries
- your last 2 annual accounts
- your [charitable objects](#)

Local authorities and trusts

If you are a children's trust through which a local authority discharges its fostering functions, you do not need to provide your financial reference, business plan, cash-flow forecast, or annual reports. As an alternative, as well as any annual accounts, you can instead provide a letter from the local authority that sets out:

- an assurance that it is content with the financial viability of the trust (this could be in the form of a service-level agreement or a memorandum of understanding)
- what mechanisms it has in place to review the ongoing performance of the trust, including its financial standing

Fees

You will need to pay an [application fee](#) for each registration.

Registration timescales

Once we have received everything necessary for your application to register, we usually make a decision within 47 days. We recommend that you allow at least 16 weeks from the start of your application before you intend to open. You cannot operate before you're registered.

After registration

You will receive a certificate of registration.

You need to pay an annual fee for each registration. We will contact you when any fees are due.

What you need to tell us

You must [use the SC3 form](#) to tell us about any changes to managers.

You can find further information about [changes to registered children's social care services](#).

Conditions of registration

We do not usually apply conditions of registration on independent fostering agencies. We may impose them in specific circumstances, for example, on agencies whose only fostering activity is fostering for adoption services. In this case, we would add the following condition:

"The registered person may only discharge fostering functions of local authorities in England in connection with the placing of children with local authority foster parents who have been approved as a prospective adopter."

Your certificate of registration will detail any conditions of your registration. It is an offence not to follow these. The [social care compliance handbook](#) sets out information about actions we may take if you do not follow your conditions.

If we grant registration with conditions that you have not agreed, you may object by making a 'written representation' to us. For information on this, see the [social care compliance handbook](#).

Once registered, you will need to apply for a [variation to their conditions of registration](#) if you intend to provide other services.

Inspections

We inspect independent fostering agencies as set out in the [social care common inspection framework](#).

We normally inspect all independent fostering agencies for the first time between 7 and 12 months from the date of registration unless there are no children being considered for placement or placed with the agency. After this, your inspections will take place within a 3-year window.

You can find information on [how we inspect voluntary adoption agencies and independent fostering agencies that provide fostering for adoption services](#).

Complaints and concerns

We may receive complaints or concerns about an independent fostering agency. We will take these seriously and we may take actions as a result, as set out in our [guidance about social care concerns](#).

There is also guidance on how we respond to concerns in our [social care compliance handbook](#).

Compliance and enforcement

Our [social care compliance handbook](#) provides more information about what will happen if you do not meet the [relevant regulations](#).

List of regulations

General legislation

- [Care Standards Act 2000](#) – legal definitions of all agencies and establishments that we register
- [The Care Standards Act 2000 \(Registration\)\(England\) Regulations 2010](#)
- [The Her Majesty's Chief Inspector of Education, Children's Services and Skills \(Fees and Frequency of Inspections\)\(Children's Homes etc.\) Regulations 2007](#)
- [The Care Standards Act 2000 \(Establishments and Agencies\)\(Miscellaneous Amendments\) Regulations 2002](#)

Fostering legislation

- [The Fostering Services \(England\) Regulations 2011](#)
- [The Refuges \(Children's Homes and Foster Placements\) Regulations 1991](#)

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