



Representation and support at fostering panels for foster carers

Fostering panels are a mechanism established within fostering regulations in England, Scotland and Wales to promote the welfare of children and to support the approval and review of foster carers. While convening a panel is not a requirement within regulations in Northern Ireland, this usually happens in practice.

Fostering panels are only one part of a wider process to assess initial and ongoing suitability to foster. Their function is not a disciplinary hearing or tribunal but serve to make a recommendation as to an individual's suitability to foster, or suitability to continue to foster.

See also:

- [Reviews | The Fostering Network](#)
- [Annual reviews | The Fostering Network](#)
- [Fostering Panels | The Fostering Network](#)

This information is for both fostering services and foster carers, to provide clarity around what to expect when being supported when attending a fostering panel.

The fostering panel

It is important for children who are cared for by foster carers that those approved to care for them have the necessary skills, knowledge and values to do this. The fostering panel plays a vital and independent role in quality assuring assessment and review reports of the applicants to foster, considering their fitness, skills, experience and their capacity to develop. Depending on local policy, this approval is then reviewed by the panel at different stages through the course of the carer's journey.

Fostering panels have core functions to deliver which are:

- To make recommendations about the approval of foster carers, including their terms of approval, for example the ages and number of children they can be approved for.
- To recommend whether a carer remains suitable to foster or not at the first annual review of a newly approved carer and any subsequent reviews the fostering service refers to it.
- To give advice or make any recommendations on any other matters referred to it by the fostering service.

The fostering panel members will include a panel chair and a vice chair along with other individuals. Some of the panel members will be independent to the fostering service and collectively they will agree a recommendation on suitability to foster to be shared with the agency decision maker.

The fostering panel should have a level of independence from the fostering service and the panel members should be representative of a diverse range of experience, expertise and backgrounds. They should bring a range of skills and knowledge and an understanding of the needs of the children who the service supports.

Contributions from those with lived experience, such as care experienced young people and children who have grown up as part of fostering families and foster carers are valuable members along with social work, education, health, corporate parents and other backgrounds.

The recruitment and appointment of panel members sits within a wider process of support, supervision and training, which is underpinned by legislation and seeks to ensure panel members are aware of their roles, responsibilities and remit.

Also attending a fostering panel will be a range of other persons who are not members but who support the panel function. These can include medical advisor, legal advisor, panel advisor, minute taker however their role is to offer support and advice to the fostering panel and those attending.

The panel has no authority to make decisions but provides a recommendation for consideration by the Agency Decision Maker (ADM) who is a senior member of staff within, or appointed by, the service who is responsible for making the final decision.

Legislative context

England

- [The Fostering Services \(England\) Regulations 2011](#)
- [The Children Act 1989 Statutory guidance and regulations: Volume 4: Fostering Service](#)
- [Assessment and Approval of Foster Carers: Fostering Statutory Guidance 2013](#)
- [Care Planning, Placement and Case Review \(England\) Regulations](#)
- [Family and Friends Care: Statutory Guidance for local authorities](#)
- [Fostering National Minimum Standards 2011](#)

Scotland

- [The Looked After Children \(Scotland\) Regulations 2009](#)
- [Guidance on Looked After Children \(Scotland\) Regulations 2009 and the Adoption and Children \(Scotland\) Act 2007](#)

Wales

- [The Fostering Panels \(Establishment and Functions\) \(Wales\) Regulations 2018](#)

Northern Ireland

- [Adoption and Children Act \(Northern Ireland\) 2022¹](#)

Attending a fostering panel

Once the assessment to become a potential foster carer has been completed, or a review of suitability to foster is taken to fostering panel, foster carers will be given the opportunity to attend and their views heard at all panel meetings at which their approval is being discussed.

In advance all paperwork that will be presented to the panel should be shared with foster carers as appropriate and foster carers should have an opportunity to respond in writing to this. While not in statutory guidance, The Fostering Network recommend that foster carers should be provided with all paperwork going to panel at least two weeks before panel is due to take place. This allows sufficient time for foster carers to read the reports and respond to anything contained within.

Foster carers are entitled to respond to the report, but also can make their own written submissions to the fostering panel. To enable them to make a submission, foster carers should be advised of the deadline for submission to ensure their views are shared with the fostering panel members along with all other paperwork.

Where will the meeting take place?

Fostering panels may be held virtually (online) where all attendees will join remotely, or in person with everyone in the same room. Attendees and panel members should have advance notice of when and how the panel meetings will be held and the time they are required to attend panel. Dates for meetings will usually be set in advance with adequate notice for attending, both for applicants and for panel members. This allows a date to work towards for the assessment to be completed by, and a panel date to be built into the ongoing review process once approved.

Attendees should be provided with any supporting information needed to attend for example, regarding the technology required to attend virtually or directions to where an 'in person' panel is held and what to expect. Whether the meeting occurs either virtually or in person, security protocols and procedures need to be in place and followed to ensure that information discussed at the panel meeting remains confidential to those attending.

Who can attend?

Foster carers can take a supporter to be with them at the fostering panel. Having a supporter in attendance will provide foster carers with emotional support and to ensure that the foster carer feels empowered to attend the fostering panel and present their own views as best they can.

¹ The regulations in Northern Ireland are currently being reviewed along with accompanying guidance.

A supporter could be a friend or family member, or formal support for example an independent support worker such as that provided by The Fostering Network, a union representative or a solicitor. However, their role is to offer support rather than legal, or other formal representation and they are not attending in a legal or other formal capacity².

In advance of a supporter attending, the panel Chair should be made aware that a foster carer will be bringing a supporter and the panel, via the Chair should be clear on whether the supporter is able to speak at the panel and in what capacity. Fostering services should include detail of the role of supporter within their local policy.

The supporter can prompt or raise an issue that the foster carer may have forgotten to raise as discussed in any preparation and can ask for time out if the foster carer is feeling distressed. They can also support the foster carer by providing clarity on what was discussed and said during the meeting. They cannot provide legal or other formal advice or speak on behalf of the foster carer. A Chair may ask a supporter for further clarification. Within the panel meeting, a supporter, as all attendees and panel members, must wait until invited to speak by the Chair.

Consent, information sharing and GDPR

A range of information will be contained within the papers presented to the fostering panel and by those in attendance. It can include information relating to foster carers and members of their household including details of the children and young people they are caring for. Other information that can be made available may be in relation to the fostering panel members and personal information relating to them.

Copies of information can be requested in advance and where consent has been given by all relevant parties.

Supporters should sign a confidentiality declaration and personal information such as that relating to children and young people may need to be redacted as supporters will not have a legitimate need to see this information.

Any papers shared, in full or in part, belong to the fostering service and are given in good faith for the purposes of the meeting and should not be retained, disclosed or used for any other purpose.

All those attending, including supporters, should be compliant with GDPR and confidentiality, particularly in relation to personal and sensitive information relating to children and young people, foster carers, panel members and fostering service staff.

See also:

[Personal and confidential references, within DPA 2018 | The Fostering Network](#)

² The Fostering Network is aware of a current judicial challenge regarding this and will update in due course in light of any changes arising from a verdict being reached.

Decisions and outcomes

During the panel, the panel administrator will record the discussions held and the recommendations made at the panel meeting. The panel Chair should ensure written minutes of panel meetings are accurate and clearly cover the key issues and views expressed by panel members and record the reasons for its recommendation.

It is important to be open and transparent with foster carer applicants and foster carers on their suitability to foster, and although not covered in regulations nor statutory guidance, it is always good practice to share panel minutes relating to their specific case with foster carers. Furthermore under the Data Protection Act 2018 a foster carer could make a formal subject access request for the minutes regarding their own approval. To support agencies, fostering panel members and foster carers it is important to have a written policy, protocol or procedure for the conduct of the business of the panel including an agreed understanding of how the minutes will be recorded and shared.

Once completed the minutes are shared with the agency's decision maker who reads them taking into account the panel's recommendation and proceeds to make a decision; either to approve a foster carer or not, or to decide to renew the approval of a foster carer or not. This decision should be made within seven working days of receipt of the recommendation and final set of panel minutes. The decision maker could also ask for further information. They may seek further information from other people involved such as specific fostering staff or the agency panel advisor. Foster carers and applicants should be kept informed of any potential delays as a result of seeking further information. The decision maker may also wish to give written advice to the fostering service to inform the development of their practice.

The foster carer or prospective foster carer should be informed orally of the decision maker's decision within two working days and written confirmation should be sent to them within five working days.

In situations where the fostering service decide to not approve them as a foster carer or to amend their terms of approval, including ending approval, the foster carer will have 28 days in which to make request a review of this decision. In England and Wales this will be via the Independent Review Mechanism (IRM).

How fostering services can support

Fostering services should ensure that their foster carers and fostering panel members know that foster carers can have a supporter at panel, what role they play including conduct and this should be included in their local policy. This should outline procedures around sharing of information and ensuring compliance with GDPR.

Good practice case study

Mr and Mrs X are foster carers who were caring for three children when they experienced an allegation that was substantiated. They accessed independent support from The Fostering Network and while they nearly resigned a few times along the way they were encouraged to stay with the process and engage in it.

In their hearts they really wanted to continue fostering but were distressed by the process of investigation and the assessment of their continued suitability to foster. They considered not attending the fostering panel or putting their versions of events in a written document for the fostering panel to read alongside their review report. Through discussion, and with support, they did put forward a written response and they did agree to their independent support worker attending the fostering panel with them as a supporter.

Mr and Mrs X informed the fostering service in advance that they would be bringing a supporter, noting who this would be and it was agreed for this action. Information was shared regarding the role of the supporter from the fostering service. It was stated that the supporter could not answer for the foster carers in general but if they were struggling to answer they could prompt, fill in, step outside with them for a few minutes and then return to the meeting. It was also stated that at the end of the meeting the service would ask the supporter if there was anything they would like to add, or any way in which they felt the service could have done something differently.

The support worker had previously attended panels with other foster carers and before the day of the fostering panel the support worker explained to the foster carers how the room would look, who would be in attendance and what the discussion might consist of.

The worker met with Mr and Mrs X before the panel at the venue to give them an opportunity to talk through any anxieties and concerns they had, and the worker also gave them some tips and advice about how to take their time in responding thoughtfully to panel questions and to ask for time out if needed or if they got upset. They reassured them that if any signals of distress from them were picked up or if there were things that they had missed that the support worker would step in.

During the panel Mr and Mrs X were able to speak up and present their views. The support worker only had to give minimal input. All that was needed were some nudges on important information or bringing them back to answer a question if they had wandered off topic.

The panel voted to recommend their reapproval as foster carers and one panel member specifically commented that they had been minded to not recommend that their approval be continued however the foster carers' presentation at panel and considered answers had persuaded them otherwise. Being able to share and bring the information captured in the paperwork to life, and speak with and answer questions raised by the panel helped the panel members gain much more information and understanding of the situation the foster carers experienced. It also meant that the three children cared for by Mr and Mrs X were able to remain in their care, being settled and continuing to be cared for.

How The Fostering Network can support

Advice and information: We offer [advice and information](#) to anyone interested in or involved in fostering in all four nations of the UK, including a Members' Helpline for all members of The Fostering Network.

Practice support: The Fostering Network offer practice support to our member fostering services across the UK through our helplines across the four countries. Fostering service members in England can access [local practice support](#) through regional consultants who provide specialist guidance and expertise on all the latest sector information including enquiries, forums, including a network of local forums for fostering panel chairs to share and develop best practice or contact practice@fostering.net

Counselling and stress support service: Members of The Fostering Network can access a confidential 24-hour stress support and counselling service on **01384 889 549**.

Legal advice: Foster carer members of The Fostering Network can access our 24-hour legal helpline on **01384 885 734** for expert advice on allegations and help with any legal queries.

Learning and development: Drawing on expertise across a range of fostering topics, our training and consultancy team can work with you to provide a range of products including in-house training, open courses and a suite of consultancy. Contact [training and consultancy](#) to find out more.

March 2023