

# Guidance on the registration of an independent fostering agency branch

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All independent fostering agencies must register with Ofsted and each branch of an agency must register separately.

**Age group:** All

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## Introduction

1. This guidance has been updated to reflect the revised Fostering Service (England) Regulations 2011.
2. The Care Standards Act 2000 defines a fostering agency as:
  - an undertaking which consists of or includes discharging functions of local authorities in connection with the placing of children with foster parentsor:
  - a voluntary organisation which places children with foster parents under section 59(1) of the 1989 Act.<sup>1</sup>
3. Ofsted defines an independent fostering agency as:

‘an office(s) that is/are independently undertaking the majority of the key day-to-day activities of a fostering service’.

## Branches and registration

4. All independent fostering agencies must register with Ofsted and each branch of an agency must register separately.
5. The Care Standards Act 2000 states that:

‘Where the activities of an agency are carried on from two or more branches, each of those branches shall be treated as a separate agency for the purposes of this Part.’<sup>2</sup>
6. 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. For example, premises that are only used for staff to meet with foster carers for training or to hold support groups would be considered an ‘office’ that does not require separate registration.
7. We use the criteria below to decide whether the premises an agency uses is a branch or an office. Providers should use these criteria when deciding how to register or if they intend to make changes to their operation. We use the criteria during inspection to check that a provider is taking this guidance into account and complying with the legal requirement to ensure that branches are registered separately.

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<sup>1</sup> Under sections 4(4) (a) and (b) of the Care Standards Act 2000; <http://www.legislation.gov.uk/ukpga/2000/14/contents>.

<sup>2</sup> Under section 78 (5) of the Care Standards Act 2000.

## How we decide if an office requires registration as a branch

8. The key issue we take into account when deciding whether an office requires registration as a branch is whether the day-to-day activities undertaken on the premises mean it is operating independently.

### The key activities of an independent fostering agency

9. The Fostering Service (England) Regulations 2011 list the following activities that Ofsted considers as key activities:
  - support, training and information for foster parents (includes supervision) (regulation 17)
  - constitution and membership of a fostering panel (regulation 23)
  - assessment of prospective foster parents (includes recruiting foster parents) (regulation 26)
  - approval of foster parents (regulation 27)
  - reviews and terminations of approval (regulation 28).
10. Independent fostering agencies may carry out the key activities listed in paragraph 9 from several offices. However, if four or more of these key activities are carried out at an individual office, other than an independent fostering agency's registered premises, it is a branch, which must:
  - have its own registration
  - have its own manager
  - pay the relevant registration and annual fees
  - be inspected separately.
11. A group of offices can also be a branch if they work together to carry out four of the key fostering activities that equate to the majority of an agency's key activities. The criteria we take into consideration to decide if a group of offices is a branch includes whether the group of offices:
  - operate as one service or separate services (for example, does the office direct their own activities, or are these directed by another office?)
  - have one statement of purpose and the same policies, procedures and guidelines
  - have common record keeping procedures, administrative systems and training plans
  - have one individual office that covers a wide geographical area

- have one individual office that supervises a large number of placements and staff.
12. We use all the above criteria when deciding if an office, or a group of offices, is a branch. In some cases, a decision will be made on the basis of only one of the criteria. For example, a large geographical coverage is likely to indicate sufficient independence to require registration as a branch.

## **Franchises**

13. Any franchise of a fostering agency must register in its own right as an independent fostering agency.