

## **Foster Care and Firearms Guidance and Procedures**

### **Legislative Summary**

[The Children's Act 1989, section 22 \(3a\)](#) dictates that it is the responsibility of the local authority to safeguard and promote the wellbeing of all children looked after by them.

[The Children's Act 1989, section 67](#) places responsibility on the local authority to ensure the welfare of all children privately fostered in their area has been satisfactory safeguarded.

[National Minimum Standards \(NMS\), standard 10](#) requires that foster carers provide a safe environment.

[NMS, standard 10.3](#) states that the home is free from avoidable hazards that might expose a child to risk of harm or injury.

### **Guidance and procedure**

Birmingham fostering agency welcomes fostering, adoption and special guardian applications from a range of people, some of whom may be in possession of licensed guns. Whilst we acknowledge the rights of individuals to own licensed guns and other weapons not requiring a licence, we will first and foremost consider the needs and any potential risk to children who are looked after.

Research tells us that where guns are present, more people die, whether this is from accidents, suicides, assaults or crime. However, we acknowledge that guns are owned in both rural and urban areas for occupation, recreational, sporting and other legitimate reasons. Target rifle and pistol shooting is a well-established sport and recreation and is one of the top three participation sports in the UK. In addition, shotguns are owned for game shooting, clay pigeon shooting, vermin control and competition shooting.

Unlike the USA individuals in the UK do not have an automatic right to possess guns. Individuals can be granted a certificate by the Police to possess a firearm or shotgun. Applicants must satisfy the Police they are fit to be entrusted with a firearm, have a good reason for possession, and they pose no danger to the public.

Safekeeping of shotguns and firearms is a requirement of the granting of certificates. Owners sometimes keep guns at their homes because gun clubs do not have premises or have the security in place to store large numbers of guns. Guns and ammunition must be stored securely and separately to prevent as far as possible unauthorised people taking or using them. The recommendation is that this should be in a locked gun cabinet or other secure container.

Many other recreational activities may pose a risk to children and young people either in themselves or as a result of equipment used for example and ownership of a crossbow or long bow would post a risk to fostered children. Horse-riding and skiing are also considered to be relatively high-risk pursuits

In determining the safety of a child in a particular foster home all risks need to be assessed and risk appropriately ameliorated. The assessment of foster carers and their homes should include all aspects of safety. This includes safety from firearms within the home.

The legal requirements concerning the licensing of firearms are strict and specific. Anyone who wishes to possess a firearm must apply for and be granted a Firearm or Shotgun certificate. All certificates are

subject to statutory security conditions. The Police will not issue a certificate unless they are satisfied with the security arrangements.

Under the Firearms Rules 1998, a prescribed safekeeping condition is attached to all firearm and shotgun certificates. This requires that the firearm(s) and ammunition **must be stored securely, to prevent, as far as is reasonably practicable, unauthorised people taking or using them.**

The Home Office provides guidance as to the safekeeping or security of firearms. The police must look at the individual circumstances of each case and at the overall security arrangements which will be in place. Each officer must decide the appropriate level of security and advise the firearm owner according to the merits of each case.

In considering whether to issue a certificate to an individual the local police force must be satisfied that the person is fit to be entrusted with a firearm. They will consider whether they are or have been any offences and the type of offences and are also able to consider reports which have not led to formal charge.

Certificates may be revoked if the Chief Officer of Police is satisfied that the holder is unable to possess firearms without danger to public safety or the peace. Again, the same elements are considered as when a certificate is issued.

For carers who hold firearm certificates it is essential that they are aware of the importance of safer care arrangements in relation to the safe storing and use of their firearms. It is important that all potential carers are aware that many young people coming into their home may be fascinated by firearms and will have little or no understanding of the dangers they represent and therefore extra vigilance must be taken in relation to firearm.

Foster carers will be advised and are advised that children should never be involved with any activities involving weapons unless they are properly supervised and are part of an organised shooting/sporting activity (e.g. Army Cadets, shooting sports). The child's Social Worker and those with parental responsibility must always give permission in writing before a child or young person can be involved in activities involving weapons.

### **Assessment stage**

At the point of a fostering assessment all applicants must be asked whether they hold or have access to firearms.

Where applicants confirm that they hold a firearm or shotgun (or an air rifle which expels more than 12ft per pound of kinetic energy), a current certificate must be seen and a copy placed on file.

The assessing social worker must see where all guns, weapons and ammunition are stored. They must be separately secured in such a way that they could not be accessed by children or young people (i.e. away from the family home or approved gun storage cabinet).

Assessing social workers must be confident that applicants are fully aware of the risks of firearms and weapons and use them in a responsible manner. The holding of firearms or other weapons must be recorded in the assessment report and reported to the panel for fostering or adoption or the appropriate manager for special guardians.

**The assessing social worker must ensure the firearms questionnaire is completed and accompanies risk assessments such as safer care. This should be updated a minimum of every year and or when the circumstances of any firearms in the home changes.**

### **Placement/Matching stage**

If a foster carer has firearms on their premises this must be considered by the supervising social worker as part of the matching and risk assessment. For some children where they have experienced violence in their family of origin it may not be appropriate to place where there are guns on the premises. In all cases, where possible, children should not know the whereabouts of firearms in the home.

### **Foster carer Review stage**

As part of the foster carer's annual review, the security of guns, weapons and ammunition and the ownership of a **current** (certificates last for 5 years) firearms/shotgun certificate must be verified by the supervising social worker. This should be completed along side the firearms questionnaire and submitted as a required document for annual review.

Any concerns about the storage, use of firearms, or lack of a certificate either at the Review or at any other time, must be immediately reported to the Head of Service and Team Manager. The social workers for the children in placement must also be informed.

The Police will be immediately notified by the supervising social worker or team manager where applicants are found to have firearms/shotgun and no certificate. Birmingham fostering agency will regard this as a very serious breach of policy and procedure which may result in a recommendation for removal of the children in placement and de-registration of the foster carer.

West Midlands police have a Firearms, Shot Gun and Explosives Licensing section in Staffordshire and if any further guidance and advice is required over any fire arm the supervising or assessing social worker should contact them directly.

Here is a [hyperlink](#) to information in respect of firearm licences:

Applications for firearm certificates can be made online and or via the relevant form being posted to:

Firearms & Explosives Licensing Unit  
Staffordshire & West Midlands Police  
Weston Road  
Stafford  
ST18 0YY

You will find further information in the form of a brief guide on fire arms security at this webpage:

[Firearms security: a brief guide - GOV.UK \(www.gov.uk\)](https://www.gov.uk/guidance/firearms-security-a-brief-guide)