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STATUTORY INSTRUMENTS

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**2002 No. 57**

**The Fostering Services Regulations 2002**

**PART I  
GENERAL**

**Citation, commencement and extent**

1.—(1) These Regulations may be cited as the Fostering Services Regulations 2002 and shall come into force on 1st April 2002.

(2) These Regulations extend to England only.

**Interpretation**

2.—(1) In these Regulations, unless the context otherwise requires—

“the 1989 Act” means the Children Act 1989;

“the 2000 Act” means the Care Standards Act 2000;

“approval” means approval as a foster parent in accordance with regulation 28 and references to a person being approved shall be construed accordingly;

“area authority” means the local authority in whose area a child is placed, in any case where that local authority is not the child’s responsible authority;

“assessment” shall be construed in accordance with regulation 27(1);

“child protection enquiries” has the meaning given to it by regulation 12(4);

“children’s guide” means the written guide produced in accordance with regulation 3(3);

“foster care agreement” has the meaning given to it by regulation 28(5)(b);

“foster placement agreement” has the meaning given to it by regulation 34(3);

“foster parent” means a person with whom a child is placed or may be placed under these Regulations, and except in Parts IV and V of these Regulations, includes any person who is not a foster parent but with whom a child is placed by a local authority under regulation 38(2);

“fostering panel” means a panel established in accordance with regulation 24;

“fostering service” means—

(a) a fostering agency within the meaning of section 4(4) of the 2000 Act; or

(b) a local authority fostering service;

“fostering service provider” means—

(a) in relation to a fostering agency, a registered person; or

(b) in relation to a local authority fostering service, a local authority;

“general practitioner” means a registered medical practitioner who—

- (a) provides general medical services under Part II of the National Health Service Act 1977<sup>(1)</sup>;
- (b) performs personal medical services in connection with a pilot scheme under the National Health Service (Primary Care) Act 1997<sup>(2)</sup>; or
- (c) provides services which correspond to services provided under Part II of the National Health Service Act 1977 otherwise than in pursuance of that Act;

“independent fostering agency” means a fostering agency falling within section 4(4)(a) of the 2000 Act (discharging functions of local authorities in connection with the placing of children with foster parents);

“local authority fostering service” means the discharge by a local authority of relevant fostering functions within the meaning of section 43(3)(b) of the 2000 Act;

“organisation” means a body corporate or any unincorporated association other than a partnership;

“parent” in relation to a child, includes any person who has parental responsibility for him;

“placement” means any placement of a child made by—

- (a) a local authority under section 23(2)(a) of the 1989 Act or a voluntary organisation under section 59(1)(a) of the 1989 Act which is not—
  - (i) a placement with a person who falls within section 23(4) of that Act; or
  - (ii) a placement for adoption; and
- (b) except in Part V of these Regulations includes a placement arranged by an independent fostering agency acting on behalf of a local authority,

and references to a child who is placed shall be construed accordingly;

“registered manager” in relation to a fostering agency means a person who is registered under Part II of the 2000 Act as the manager of the fostering agency;

“registered person” in relation to a fostering agency means any person who is the registered provider or the registered manager of the fostering agency;

“registered provider” in relation to a fostering agency means a person who is registered under Part II of the 2000 Act as the person carrying on the fostering agency<sup>(3)</sup>;

“responsible authority” means, in relation to a child, the local authority or voluntary organisation as the case may be, responsible for the child’s placement;

“responsible individual” shall be construed in accordance with regulation 5(2)(c)(i);

“statement of purpose” means the written statement compiled in accordance with regulation 3(1).

- (2) In these Regulations, a reference—
  - (a) to a numbered regulation or Schedule is to the regulation in, or Schedule to, these Regulations bearing that number;
  - (b) in a regulation or Schedule to a numbered paragraph, is to the paragraph in that regulation or Schedule bearing that number;
  - (c) in a paragraph to a lettered or numbered sub-paragraph is to the sub-paragraph in that paragraph bearing that letter or number.

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(1) 1977 c. 49.

(2) 1997 c. 46.

(3) By section 121(4) of the 2000 Act the person who carries on a fostering agency falling within section 4(4)(b) of that Act (a voluntary organisation which places children with foster parents under section 59(1) of the 1989 Act) is the voluntary organisation itself.

(3) In these Regulations, references to employing a person include employing a person whether or not for payment, and whether under a contract of service or a contract for services, and allowing a person to work as a volunteer, but do not include allowing a person to act as a foster parent, and references to an employee or to a person being employed shall be construed accordingly.

### **Statement of purpose and children's guide**

**3.—**(1) The fostering service provider shall compile, in relation to the fostering service, a written statement (in these Regulations referred to as “the statement of purpose”) which shall consist of—

- (a) a statement of the aims and objectives of the fostering service; and
- (b) a statement as to the services and facilities to be provided by the fostering service.

(2) The fostering service provider shall provide a copy of the statement of purpose to the Commission<sup>(4)</sup> and shall make it available, upon request, for inspection by—

- (a) any person working for the purposes of the fostering service;
- (b) any foster parent or prospective foster parent of the fostering service;
- (c) any child placed with a foster parent by the fostering service; and
- (d) the parent of any such child.

(3) The fostering service provider shall produce a written guide to the fostering service (in these Regulations referred to as “the children's guide”) which shall include—

- (a) a summary of the statement of purpose;
- (b) a summary of the procedure established—
  - (i) in the case of an independent fostering agency, under regulation 18(1);
  - (ii) in the case of a local authority fostering service, under section 26(3) of the 1989 Act; and
  - (iii) in the case of a fostering agency falling within section 4(4)(b) of the 2000 Act, under section 59(4)(b) of the 1989 Act<sup>(5)</sup>; and
- (c) the address and telephone number of the Commission.

(4) The fostering service provider shall provide a copy of the children's guide to the Commission, to each foster parent approved by the fostering service provider and (subject to his age and understanding), to each child placed by it.

(5) Subject to paragraph (6) of this regulation the fostering service provider shall ensure that the fostering service is at all times conducted in a manner which is consistent with its statement of purpose.

(6) Nothing in paragraph (5) shall require or authorise the fostering service provider to contravene or not comply with—

- (a) any other provision of these Regulations; or
- (b) in the case of a fostering agency, any conditions for the time being in force in relation to the registration of the registered person under Part II of the 2000 Act.

### **Review of statement of purpose and children's guide**

**4.** The fostering service provider shall—

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(4) By virtue of section 6(1) of the 2000 Act, the Commission means the National Care Standards Commission established under that Act.

(5) The current Regulations are the Representations Procedure (Children) Regulations 1991 (S.I.1991/894, as amended by S.I. 1991/2033, S.I. 1993/3069, and S.I. 2001/2874).

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**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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- (a) keep under review and where appropriate revise the statement of purpose and children's guide;
- (b) notify the Commission of any such revision within 28 days; and
- (c) if the children's guide is revised, supply a copy to each foster parent approved by the fostering service provider and (subject to his age and understanding), to each child placed by it.