



## 2022 CHAPTER 18

### PART 2

#### Children order amendments

##### **Authority foster parents**

**126.** After Article 28 of the Children Order (regulations under Article 27) insert—

##### **“Authority foster parents**

**28A.**—(1) Regulations under Article 27(2)(a) may, in particular, make provision—

- (a) for securing that a child is not placed with an authority foster parent unless that person is approved as an authority foster parent in accordance with prescribed arrangements;
  - (b) establishing a procedure under which any person in respect of whom a qualifying determination has been made may apply to the Department for a review of that determination by a panel constituted by the Department.
- (2) A determination is a qualifying determination if—
- (a) it relates to the issue of whether a person should be approved, or should continue to be approved, as an authority foster parent; and
  - (b) it is of a prescribed description.
- (3) Regulations under paragraph (1)(b) may include provision as to—
- (a) the duties and powers of a panel;
  - (b) the administration and procedures of a panel;

- (c) the appointment of persons who may be members of a panel (including the number, or any limit on the number, of members who may be appointed and any conditions for appointment);
- (d) the payment of fees to members of a panel;
- (e) the duties of any person in connection with reviews conducted under the regulations;
- (f) the monitoring of any such reviews.

(4) Regulations made by virtue of paragraph (3)(e) may impose a duty to pay to the Department such sum as the Department may determine; but such a duty may not be imposed upon a person who has applied for a review of a qualifying determination.

(5) The Department must secure that, taking one financial year with another, the aggregate of the sums which become payable to the Department under regulations made by virtue of paragraph (4) does not exceed the cost to the Department of performing independent review functions.

(6) The Department may make an arrangement with an organisation under which independent review functions are performed by the organisation on behalf of the Department.

(7) If the Department makes such an arrangement with an organisation, the organisation is to perform its functions under the arrangement in accordance with any directions given by the Department.

(8) The arrangement may include provision for payments to be made to the organisation by the Department.

(9) Payments made by the Department in accordance with such provision are to be taken into account in determining (for the purpose of paragraph (5)) the cost to the Department of performing independent review functions.

(10) In this Article—

“independent review function” means a function conferred or imposed on the Department by regulations made by virtue of paragraph (1)(b);

“organisation” includes a public body and a private or voluntary organisation.”.