
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations, which come into force on 1st April 2011, are made under the Children Act 1989 and the Care Standards Act 2000. They revoke, and substantially replace, the Fostering Services Regulations 2002.

They provide a regulatory framework for fostering agencies (that is, independent fostering agencies and voluntary organisations) and local authority fostering services, by placing duties on the ‘fostering service provider’. The fostering service provider in the case of a fostering agency is the person who is registered under Part 2 of the Care Standards Act 2000 as carrying on, or as the manager of, the fostering agency. The fostering service provider in relation to a local authority fostering service is the local authority.

Part 2 requires each fostering service provider to have, and keep under review, a statement of purpose setting out the aims, objectives, services and facilities provided by the fostering service, and a children’s guide to the service.

Part 3 makes provision about the management of fostering services: the fitness of the provider (fostering agencies only) and the appointment and fitness of the manager.

Part 4 concerns the conduct of the fostering service. It places duties on the fostering service provider: to safeguard and promote the welfare of children placed by them (in so far as these duties are not already imposed by the 1989 Act), to implement policies for the safeguarding of children, and in relation to acceptable measures of behaviour management; to promote contact between foster children and their families; to promote the health and development and the educational achievement of foster children; to provide support and information to foster parents; to have a procedure for considering complaints made by or on behalf of foster children and foster parents. It also contains requirements relating to the staffing of the fostering service, and record keeping.

Part 5 concerns the approval of foster parents by the fostering service provider, and reviews of approval. It makes provision for the establishment of a central list of people who are considered suitable to sit on a fostering panel, from which fostering panel members may be drawn, and sets out the functions of fostering panels, in particular to consider applications for approval of prospective foster parents which are referred to it by the provider. It sets out requirements for the assessment of prospective foster parents by the provider including the information to be obtained and checks to be carried out in relation to that person and members of their household, the process of approval and the right of a person who is informed they are unlikely to be approved to (a) submit representations to the provider or (b) have their case reviewed by the independent review panel. It also requires the provider to maintain case records in relation to each foster parent.

Part 6 relates only to fostering agencies. It makes provision about fostering agencies which cease to carry out the functions of fostering agencies: for relevant persons to be notified; for a new provider to take over responsibility for foster parents approved by the old agency and to be re-assessed by the new provider. It places duties on the registered person: to maintain a system for monitoring and improving the service and to notify certain serious events to the relevant body (whether Her Majesty’s Chief Inspector of Education, Children’s Services and Skills, a local authority, the Secretary of State, the police, or the relevant Primary Care Trust); to ensure the financial viability of the service. It provides for the Chief Inspector to be notified of certain significant changes in the management of the agency.

Status: *This is the original version (as it was originally made).*

Part 7 provides for these Regulations to apply to ‘short breaks’ with modifications (that is, where a child who is not the subject of a care order is placed in a series of short-term placements with the same foster parent, where no single placement lasts for more than 17 days, where the short breaks do not exceed 75 days in total in a 12 month period, and where the child returns at the end of each placement to their parent or other person who has parental responsibility for them). It also contains minor amendments to the Care Planning, Placement and Case Review (England) Regulations 2010. An impact assessment has not been produced for this instrument as no impact on the private, voluntary or public sectors is foreseen.