

SCHEDULE 1

Regulations 5, 7, 20

Information required in respect of persons seeking to carry on, manage or work for the purposes of a fostering service

1. Proof of identity including a recent photograph.
2. Either—
 - (a) where the certificate is required for a purpose related to registration under Part 2 of the 2000 Act or the position falls within regulation 5A of the Police Act 1997 (Criminal Records) Regulations 2002 ^{M1}, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to children (within the meaning of section 113BA(2) of that Act) ^{M2}, or
 - (b) in any other case, a standard criminal record certificate issued under section 113A of the Police Act 1997 ^{M3}.

Marginal Citations

- M1** [S.I. 2002/233](#). Regulation 5A was inserted by article 2(b) of the Schedule to [S.I. 2006/748](#) and amended by S.I.s 2006/2181, 2007/1892, 2007/3224, 2008/2143, 2009/1882, 2010/817 and 2010/1836.
- M2** [1997 c. 50](#). Section 113B was inserted by section 163(2) of the [Serious Organised Crime and Police Act 2005 \(c.15\)](#) and amended by: section 63(1) of, and paragraph 14(1) and (3) of Schedule 9 to, the 2006 Act; section 378(1) of, and paragraph 149 of Schedule 16 to, the [Armed Forces Act 2006 \(c.52\)](#); sections 79(1) and 80 of the Protection of Vulnerable Groups (Scotland) Act 2007 ([2007 asp 14](#)); sections 97(2) and 112(2) of, and part 8 of Schedule 8 to, the Policing and Crime Act 2009; and by S.I.s 2009/203 and 2010/1146. Section 113BA(2) was inserted by section 63(1) of, and paragraph 14(1) and (4) of Schedule 9 to, the 2006 Act and amended by: section 81(2) and (3)(h) of the Policing and Crime Act 2009; section 170(2) of the Education and Inspections Act 2006; and section 169 of, and paragraph 12(a) and (b) of Schedule 1 to, the [Education and Skills Act 2008 \(c.25\)](#).
- M3** Section 113A was inserted by section 163(2) of the Serious Organised Crime and Police Act 2005 and amended by: section 63(1) of, and paragraph 14(1) and (2) of Schedule 9 to, the 2006 Act; sections 97(2) and 112(2) of, and Part 8 of Schedule 8 to, the Policing and Crime Act 2009; sections 78(2)(a) to (d) and 88 of, and paragraphs 27 and 28 of Schedule 4 to, the Protection of Vulnerable Groups (Scotland) Act 2007; section 50(1) and (3)(a) to (c) of the [Criminal Justice and Immigration Act 2008 \(c.4\)](#) and by [S.I. 2009/203](#) and 2010/1146.

3. Two written references, including a reference from the person's most recent employer, if any.
4. Where a person has previously worked in a position whose duties involved work with children or vulnerable adults verification, so far as reasonably practicable, of the reason why the employment or position ended.
5. Documentary evidence of any relevant qualification.
6. A full employment history, together with a satisfactory written explanation of any gaps in employment.

SCHEDULE 2

Regulation 22

Records to be kept by fostering service providers

1. A record in the form of a register showing in respect of each child placed with foster parents—

Changes to legislation: There are currently no known outstanding effects for the The Fostering Services (England) Regulations 2011. (See end of Document for details)

- (a) the date of the placement,
 - (b) the name and address of the foster parent,
 - (c) the date on which the child ceased to be placed there,
 - (d) the child's address prior to the placement,
 - (e) the child's address on leaving the placement,
 - (f) the child's placing authority (if it is not the fostering service provider),
 - (g) the statutory provision under which the child is placed with foster parents.
2. A record showing in respect of each person working for the fostering service provider, that person's—
- (a) full name,
 - (b) sex,
 - (c) date of birth,
 - (d) home address,
 - (e) qualifications relevant to, and experience of, work involving children,
- and showing whether that person is employed by the fostering service provider under a contract of service or a contract for services, or is employed by someone other than the fostering service provider, and whether they work full-time or part-time and, if part-time, the average number of hours worked per week.
3. A record of all accidents occurring to children whilst placed with foster parents.

[^{F1}SCHEDULE 3

Regulation 26(1A) and (2)

Information as to prospective foster parent (“X”) and other members of their household and family

Textual Amendments

F1 Sch. 3 substituted (1.7.2013) by [The Care Planning, Placement and Case Review and Fostering Services \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/984\)](#), regs. 1, 12

PART 1

- 1. Full name, address and date of birth.
- 2. Details of health (supported by a medical report).
- 3. Particulars of any other adult members of the household.
- 4. Particulars of the children in the family, whether or not members of the household, and any other children in the household.
- 5. Particulars of their accommodation.
- 6. The outcome of any request or application made by them or any other member of their household to foster or adopt children, or for registration as an early years provider or later years provider under Part 3 of the Childcare Act 2006, including particulars of any previous approval or refusal of approval relating to them or to any other member of the household.

7. If X has, in the preceding twelve months, been a foster parent approved by another fostering service provider, the name and address of that fostering service provider.

8. Names and addresses of two persons who will provide personal references for X.

9. In relation to X and any other member of X's household who is aged 18 or over, an enhanced criminal record certificate issued under section 113B of the Police Act 1997 which includes suitability information relating to children (within the meaning of section 113BA(2) of that Act).

10. Details of current, and any previous, marriage, civil partnership or similar relationship.

PART 2

11. Details of personality.

12. Religious persuasion, and capacity to care for a child from any particular religious persuasion.

13. Racial origin, cultural and linguistic background and capacity to care for a child from any particular racial origin or cultural or linguistic background.

14. Past and present employment or occupation, standard of living, leisure activities and interests.

15. Previous experience (if any) of caring for their own and other children.

16. Skills, competence and potential relevant to their capacity to care effectively for a child placed with them.]

SCHEDULE 4

Regulation 26(6)(b)

Offences specified for the purposes of regulation 26

PART 1

Offences in England and Wales

1. Any of the following offences against an adult —

- (a) an offence of rape under section 1 of the Sexual Offences Act 2003,
- (b) an offence of assault by penetration under section 2 of that Act,
- (c) an offence of causing a person to engage in sexual activity without consent under section 4 of that Act, if the activity fell within subsection (4) of that section,
- (d) an offence of sexual activity with a person with a mental disorder impeding choice under section 30 of that Act, if the touching fell within subsection (3) of that section,
- (e) an offence of causing or inciting a person with mental disorder impeding choice to engage in sexual activity under section 31 of that Act, if the activity caused or incited fell within subsection (3) of that section,
- (f) an offence of inducement, threat or deception to procure sexual activity with a person with a mental disorder under section 34 of that Act, if the touching involved fell within subsection (2) of that section, and

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- (g) an offence of causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, threat or deception under section 35 of that Act, if the activity fell within subsection (2) of that section.

[^{F2}1A. Any of the following offences—

- (a) an offence of virginity testing under section 136 of the Health and Care Act 2022,
- (b) an offence of offering to carry out virginity testing under section 137 of that Act,
- (c) an offence of aiding or abetting etc a person to carry out virginity testing under section 138 of that Act,
- (d) an offence of carrying out hymenoplasty under section 148 of that Act,
- (e) an offence of offering to carry out hymenoplasty under section 149 of that Act, and
- (f) an offence of aiding or abetting etc a person to carry out hymenoplasty under section 150 of that Act.]

Textual Amendments

F2 Sch. 4 Pt. 1 para. 1A inserted (1.7.2022) by The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), regs. 1(2), **133(2)(a)**

Textual Amendments

F2 Sch. 4 Pt. 1 para. 1A inserted (1.7.2022) by The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), regs. 1(2), **133(2)(a)**

Offences in Scotland

- 2. An offence under section 1 (rape) and 18 (rape of a young child) of the Sexual Offences (Scotland) Act 2009 ^{M4}.

Marginal Citations

M4 2009 asp 9.

- 3. An offence specified in Schedule 1 to the Criminal Procedure (Scotland) Act 1995 ^{M5} except, in a case where the offender was under the age of 20 at the time the offence was committed.

Marginal Citations

M5 1995 c.46. Schedule 1 was amended by section 7(1) and 8(2) of the Prohibition of Female Genital Mutilation (Scotland) Act 2005 (asp 8), **paragraph 2** of the Schedule to the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9) (“the 2005 Act”) and by section 41(2) of the Criminal Justice Licensing (Scotland) Act 2010 (asp 13) (not yet in force).

- 4. An offence of plagium (theft of a child below the age of puberty).
- 5. An offence under section 52 or 52A of the Civic Government (Scotland) Act 1982 ^{M6} (indecent photographs of children).

Marginal Citations

M6 1982 c.45. Section 52 was amended by section 84(6) of, and paragraph 17 of Schedule 9 to the [Criminal Justice and Public Order Act 1994 \(c.33\)](#) (“the 1994 Act”), paragraph 44(3) of Schedule 4 to the [Criminal Procedure \(Consequential Provisions\) \(Scotland\) Act 1995 \(c.40\)](#) and paragraph 89 of Schedule 15 to the [Criminal Justice Act 1988 \(c.33\)](#) (“the 1988 Act”). Section 52A was inserted by section 161 of the 1988 Act and was amended by section 84(7) of the 1994 Act.

6. An offence under section 3 of the Sexual Offences (Amendment) Act 2000^{M7} (abuse of trust).

Marginal Citations

M7 2000 c.44. Section 3 was amended by paragraph 62 of Schedule 28 to the [Civil Partnership Act 2004 \(c.33\)](#) and repealed by Schedule 6 of the Sexual Offences (Scotland) Act 2009 (not yet in force).

[^{F3}6A. Any of the following offences—

- (a) an offence of virginity testing under section 140 of the Health and Care Act 2022,
- (b) an offence of offering to carry out virginity testing under section 141 of that Act,
- (c) an offence of aiding or abetting etc a person to carry out virginity testing under section 142 of that Act,
- (d) an offence of carrying out hymenoplasty under section 152 of that Act,
- (e) an offence of offering to carry out hymenoplasty under section 153 of that Act, and
- (f) an offence of aiding or abetting etc a person to carry out hymenoplasty under section 154 of that Act.]

Textual Amendments

F3 Sch. 4 Pt. 1 para. 6A inserted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), regs. 1(2), **133(2)(b)**

Offences in Northern Ireland

7. An offence under Article 5 (rape) and Article 12 (rape of a child under 13) of the Sexual Offences (Northern Ireland) Order 2008^{M8}.

Marginal Citations

M8 S.I. 2008/1769 (“the 2008 Order”).

8. An offence specified in Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968^{M9}, except in the case where the offender was under the age of 20 at the time the offence was committed.

Marginal Citations

M9 1968 c.34 (N.I.). Schedule 1 was amended by paragraph 7 of Schedule 10 to the [Domestic Violence, Crime and Victims Act 2004 \(c.28\)](#), **article 7** of the Child Abduction (Northern Ireland) Order 1985 (N.I. 17), Schedule 54(b) of Schedule 9 to the Children (Northern Ireland) Order 1995 (N.I.17), paragraph

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6(a), (b) and (c) of Schedule 1 to the Criminal Justice (Northern Ireland) Order 2003 (N.I.13), paragraph 18(3) of Schedule 6 to the [Sexual Offences Act 2003 \(c.42\)](#), [paragraph 12\(4\)](#) of Schedule 1 to the 2008 Order and paragraph 57 of Schedule 21 to the [Coroners and Justice Act 2009 \(c.25\)](#).

9. An offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978 ^{M10} (indecent photographs).

Marginal Citations

M10 [S.I. 1978/1047 \(N.I.17\)](#). Article 3 was amended by section 84 of the 1994 Act and article 42(4) of the 2008 Order.

10. An offence contrary to Article 15 of the Criminal Justice (Evidence, etc) (Northern Ireland) Order 1988 ^{M11} (possession of indecent photographs of children).

Marginal Citations

M11 [S.I. 1988/1847 \(N.I.17\)](#). Article 15 was amended by section 41(4) of the [Criminal Justice and Courts Services Act 2000 \(c.43\)](#), [section 84\(11\)](#) of the 1994 Act, paragraph 25 of Schedule 26 to the Criminal Justice and Immigration Act 2008 and article 42(7) of the 2008 Order.

[^{F4}**10A.** Any of the following offences—

- (a) an offence of virginity testing under section 144 of the Health and Care Act 2022,
- (b) an offence of offering to carry out virginity testing under section 145 of that Act,
- (c) an offence of aiding or abetting etc a person to carry out virginity testing under section 146 of that Act,
- (d) an offence of carrying out hymenoplasty under section 156 of that Act,
- (e) an offence of offering to carry out hymenoplasty under section 157 of that Act, and
- (f) an offence of aiding or abetting etc a person to carry out hymenoplasty under section 158 of that Act.]

Textual Amendments

F4 [Sch. 4 Pt. 1 para. 10A](#) inserted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), regs. 1(2), [133\(2\)\(c\)](#)

Regulation 26(7)

PART 2

- 1.—(1) An offence under any of the following sections of the Sexual Offences Act 1956—
- (a) section 1 (rape),
 - (b) section 5 (intercourse with a girl under 13),
 - (c) subject to paragraph 4, section 6 (intercourse with a girl under 16),
 - (d) section 19 or 20 (abduction of girl under 18 or 16),
 - (e) section 25 or 26 (permitting girl under 13, or between 13 and 16, to use premises for intercourse), and

- (f) section 28 (causing or encouraging prostitution of, intercourse with an indecent assault on, girl under 16).
- (2) An offence under section 1 of the Indecency with Children Act 1969 (indecent conduct towards young child).
- (3) An offence under section 54 of the Criminal Law Act 1977 (inciting girl under 16 to incest).
- (4) An offence under section 3 of the Sexual Offences (Amendment) Act 2000 (abuse of trust).

2. A person falls within this paragraph if the person has been convicted of any of the following offences against a child committed at the age of 18 or over or has been cautioned by a constable in respect of any such offence—

- (a) an offence under section 2 or 3 of the Sexual Offences Act 1956 (procurement of woman by threats or false pretences),
- (b) an offence under section 4 of that Act (administering drugs to obtain or facilitate intercourse),
- (c) an offence under section 14 or 15 of that Act (indecent assault),
- (d) an offence under section 16 of that Act (assault with intent to commit buggery),
- (e) an offence under section 17 of that Act (abduction of woman by force or for the sake of her property), and
- (f) an offence under section 24 of that Act (detention of woman in brothel or other premises).

3. A person falls within this paragraph if the person has been convicted of any of the following offences committed at the age of 18 or over or has been cautioned by a constable in respect of any such offence—

- (a) an offence under section 7 of the Sexual Offences Act 1956 (intercourse with defective) by having sexual intercourse with a child,
- (b) an offence under section 9 of that Act (procurement of defective) by procuring a child to have sexual intercourse,
- (c) an offence under section 10 of that Act (incest by a man) by having sexual intercourse with a child,
- (d) an offence under section 11 of that Act (incest by a woman) by allowing a child to have sexual intercourse with her,
- (e) subject to paragraph 4, an offence under section 12 of that Act by committing buggery with a child under the age of 16,
- (f) subject to paragraph 4, an offence under section 13 of that Act by committing an act of gross indecency with a child,
- (g) an offence under section 21 of that Act (abduction of defective from parent or guardian) by taking a child out of the possession of her parent or guardian,
- (h) an offence under section 22 of that Act (causing prostitution of women) in relation to a child,
- (i) an offence under section 23 of that Act (procurator of girl under 21) by procuring a child to have sexual intercourse with a third person,
- (j) an offence under section 27 of that Act (permitting defective to use premises for intercourse) by inducing or suffering a child to resort to or be on premises for the purpose of having sexual intercourse,
- (k) an offence under section 29 of that Act (causing or encouraging prostitution of defective) by causing or encouraging the prostitution of a child,

- (l) an offence under section 30 of that Act (man living on earnings of prostitution) in a case where the prostitute is a child,
 - (m) an offence under section 31 of that Act (woman exercising control over prostitute) in a case where the prostitute is a child,
 - (n) an offence under section 128 of the Mental Health Act 1959 (sexual intercourse with patients) by having sexual intercourse with a child,
 - (o) an offence under section 4 of the Sexual Offences Act 1967 (procuring others to commit homosexual acts) by—
 - (i) procuring a child to commit an act of buggery with any person, or
 - (ii) procuring any person to commit an act of buggery with a child,
 - (p) an offence under section 5 of that Act (living on earnings of male prostitution) by living wholly or in part on the earnings of prostitution of a child, and
 - (q) an offence under section 9(1)(a) of the Theft Act 1968 (burglary), by entering a building or part of a building with intent to rape a child.
4. Paragraphs 1(c) and 3(e) and (f) do not include offences in a case where the offender was under the age of 20 at the time the offence was committed.

SCHEDULE 5

Regulation 27(5)(b)

Matters and obligations in Foster Care Agreements

1. Matters to be recorded
 - (a) The terms of the foster parent's approval.
 - (b) The support and training to be given to the foster parent.
 - (c) The procedure for the review of approval of the foster parent.
 - (d) The procedure in connection with the placement of children and the matters to be included in any placement plan.
 - (e) The arrangements for meeting any legal liabilities of the foster parent arising by reason of a placement.
 - (f) The procedure available to foster parents for making complaints and representations.
2. Obligations on the foster parent
 - (a) To care for any child placed with them as if the child was a child of the foster parent's family and to promote that child's welfare having regard to the long and short-term plans for the child.
 - (b) To give written notice to the fostering service provider without delay, with full particulars, of—
 - (i) any intended change of the foster parent's address,
 - (ii) any change in the composition of the household,
 - (iii) any other change in the foster parent's personal circumstances and any other event affecting either their capacity to care for any child placed or the suitability of the household, and
 - (iv) any request or application to adopt children, or for registration as an early years provider or a later years provider under Part 3 of the Childcare Act 2006.
 - (c) Not to administer corporal punishment to any child placed with the foster parent.

- (d) To ensure that any information relating to a child placed with the foster parent, to the child's family or to any other person, which has been given to them in confidence in connection with a placement is kept confidential and is not disclosed to any person without the consent of the fostering service provider.
- (e) To comply with the terms of any placement plan.
- (f) To comply with the policies and procedures of the fostering service provider issued under regulations 12 and 13.
- (g) To co-operate as reasonably required with the Chief Inspector and in particular to allow a person authorised by the Chief Inspector to interview the foster parent and visit the foster parent's home at any reasonable time.
- (h) To keep the fostering service provider informed about the child's progress and to notify it as soon as is reasonably practicable of any significant events affecting the child.

SCHEDULE 6

Regulation 35(1)

Matters to be monitored by the registered person

1. Compliance in relation to each child placed with foster parents, with the child's care plan.
2. All accidents, injuries and illnesses of children placed with foster parents.
3. Complaints in relation to children placed with foster parents and their outcomes.
4. Any allegations or suspicions of abuse or neglect in respect of children placed with foster parents and the outcome of any investigation.
5. Recruitment records and the conduct of required checks of new workers.
6. Notifications of events listed in Schedule 7.
7. Any child missing from a foster parent's home without permission.
8. Use of any measures of control, restraint or discipline in respect of children accommodated in a foster home.
9. Medication, medical treatment and first aid administered to any child placed with foster parents.
10. Where applicable, the standard of any education provided by the fostering service.
11. Records of assessments.
12. Records of fostering panel meetings.
13. Records of appraisals of employees.
14. Minutes of staff meetings.

SCHEDULE 7

Regulation 36(1)

Events and notifications

Column 1

Column 2

Changes to legislation: There are currently no known outstanding effects for the The Fostering Services (England) Regulations 2011. (See end of Document for details)

Event	To be notified to:					
	Chief Inspector	Responsible authority	Secretary of State	Area authority	Police	[^{F5} integrated care board][^{F6} and [^{F7} NHS England]]
Death of a child placed with foster parents	yes	yes	yes	yes		yes
Information is provided to the [^{F8} Disclosure and Barring Service] under any of sections 35, 36, 39, 41 or 45 of the Safeguarding Vulnerable Groups Act 2006 M12 in respect of an individual working for a fostering service	yes	yes				
Serious illness or serious accident of a child placed with foster parents		yes				
Outbreak at the home of a foster parent of any infectious disease which in the opinion of a general practitioner attending the home is sufficiently serious to be so notified	yes	yes		[^{F9} yes]		^{F10} ...
Allegation that a child placed with foster parents has committed a serious offence		yes			yes	
Involvement or suspected involvement of a	yes	yes		yes	yes	

child placed with foster parents in [F11sexual exploitation]

Serious incident relating to a child placed with foster parents necessitating calling the police to the foster parent's home yes yes

A child placed with foster parents is missing from the placement yes [F12yes] [F12yes]

Any serious complaint about any foster parent approved by the fostering agency yes yes

Instigation and outcome of any child protection enquiry involving a child placed with foster parents yes yes yes

Textual Amendments

- F5** Words in Sch.7 substituted (1.7.2022) by The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), reg. 1(2), Sch. para. 1(1)(3) (with Sch. para. 1(2))
- F6** Words in Sch. 7 table substituted (1.4.2013) by The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013 (S.I. 2013/235), art. 1(2), **Sch. 2 para. 160(3)(b)(i)**
- F7** Words in Regulations substituted (6.11.2023) by The Health and Care Act 2022 (Further Consequential Amendments) (No. 2) Regulations 2023 (S.I. 2023/1071), reg. 1(1), **Sch. para. 1**
- F8** Words in Sch. 7 substituted (1.12.2012) by The Protection of Freedoms Act 2012 (Disclosure and Barring Service Transfer of Functions) Order 2012 (S.I. 2012/3006), arts. 1(1), **33** (with Pt. 4)
- F9** Word in Sch. 7 table inserted (1.4.2013) by The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013 (S.I. 2013/235), art. 1(2), **Sch. 2 para. 160(3)(a)**
- F10** Word in Sch. 7 table omitted (1.4.2013) by virtue of The National Treatment Agency (Abolition) and the Health and Social Care Act 2012 (Consequential, Transitional and Saving Provisions) Order 2013 (S.I. 2013/235), art. 1(2), **Sch. 2 para. 160(3)(b)(ii)**
- F11** Words in Sch. 7 substituted (27.1.2014) by The Childrens Homes and Looked after Children (Miscellaneous Amendments) (England) Regulations 2013 (S.I. 2013/3239), regs. 1(1), **29(a)**
- F12** Word in Sch. 7 inserted (27.1.2014) by The Childrens Homes and Looked after Children (Miscellaneous Amendments) (England) Regulations 2013 (S.I. 2013/3239), regs. 1(1), **29(b)**

Changes to legislation: *There are currently no known outstanding effects for the The Fostering Services (England) Regulations 2011. (See end of Document for details)*

Marginal Citations

M12 Sections 35, 36, 39, 41 and 45 were amended by section 81(2) and (3)(m)(i) of the Policing and Crime Act 2009. Section 41 was also amended by paragraph 9(1) and (2) of Schedule 5 to [S.I. 2009/1182](#), and by paragraph 15 of Schedule 4 to [S.I. 2010/231](#). Section 45 was also amended by paragraph 91 of Schedule 5, and Part 1 of Schedule 15, to the [Health and Social Care Act 2008 \(c.14\)](#), [article 6](#) of [S.I. 2009/1797](#), [article 30\(b\)](#) of [S.I. 2009/2610](#) and by article 2 of [S.I. 2010/1073](#).

Changes to legislation:

There are currently no known outstanding effects for the The Fostering Services (England) Regulations 2011.