

## SCHEDULE 1

Regulation 7(2), (5) and (12)

Information as to prospective foster parents and other members of their household and family

### 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 a child minder or provider of day care under Part 2 of the Children and Families (Wales) Measure 2010<sup>(1)</sup>, including particulars of any previous approval or refusal of approval relating to them or to any other member of the household.
7. If the person has, in the preceding three years, been a foster parent approved by another fostering services provider or a fostering services provider in England, the name and address of that fostering services provider.
8. Names and addresses of two persons who will provide personal references for the person.
9. In relation to the person and any other member of the person's household who is aged 18 or over, an enhanced criminal record certificate issued under section 113B of the Police Act 1997<sup>(2)</sup> which includes suitability information relating to children (within the meaning of section 113BA<sup>(2)</sup> 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. Capacity to provide support to a child in relation to their sexual orientation and gender identity.
15. Past and present employment or occupation, standard of living, leisure activities and interests.
16. Previous experience (if any) of caring for their own and other children.
17. Skill, competence and potential relevant to their capacity to care effectively for a child placed with them.

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(1) 2010 nawm 1.

(2) 1997 c. 50.

## SCHEDULE 2

Regulation 7(9) and (10)

Offences specified for the purposes of regulation 7(9) and (10)

### 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(3),
  - (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 a 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
  - (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.

#### Offences in Scotland

2. An offence under section 1 (rape) and 18 (rape of a young child) of the Sexual Offences (Scotland) Act 2009(4).
3. An offence specified in Schedule 1 to the Criminal Procedure (Scotland) Act 1995(5), except in a case where the offender was under the age of 20 at the time the offence was committed.
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(6) (indecent photographs of children).
6. An offence under section 3 of the Sexual Offences (Amendment) Act 2000(7) (abuse of trust).

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(3) 2003 c. 42.

(4) 2009 asp 9.

(5) 1995 c. 46. Schedule 1 was amended by paragraph 2(8)(a) and (b) of Schedule 5 to the Sexual Offences (Scotland) Act 2009, sections 7(1) and 8(2) of the Prohibition of Female Genital Mutilation (Scotland) Act 2005 (asp 8), paragraph 2 of Schedule 1 to the Protection of Children and Prevention of Sexual Offences (Scotland) Act 2005 (asp 9) and by section 41(2) of the Criminal Justice Licensing (Scotland) Act 2010 (asp 13).

(6) 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.

(7) 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).

## 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<sup>(8)</sup>.

8. An offence specified in Schedule 1 to the Children and Young Persons Act (Northern Ireland) 1968<sup>(9)</sup>, except in the case where the offender was under the age of 20 at the time the offence was committed.

9. An offence under Article 3 of the Protection of Children (Northern Ireland) Order 1978<sup>(10)</sup> (indecent photographs).

10. An offence contrary to Article 15 of the Criminal Justice (Evidence, etc.) (Northern Ireland) Order 1988<sup>(11)</sup> (possession of indecent photographs of children).

## PART 2

11.—(1) An offence under any of the following sections of the Sexual Offences Act 1956<sup>(12)</sup>—

- (a) section 1 (rape),
- (b) section 5 (intercourse with girl under 13),
- (c) subject to paragraph 14, section 6 (intercourse with girl between 13 and 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, or indecent assault on, girl under 16).

(2) An offence under section 1 of the Indecency with Children Act 1960<sup>(13)</sup> (indecent conduct towards young child).

(3) An offence under section 54 of the Criminal Law Act 1977<sup>(14)</sup> (inciting girl under 16 to incest).

(4) An offence under section 3 of the Sexual Offences (Amendment) Act 2000<sup>(15)</sup> (abuse of trust).

12. 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),

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<sup>(8)</sup> S.I. 2008/1769 (N.I. 2) (“the 2008 Order”).

<sup>(9)</sup> 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), paragraph 54(b) of Schedule 9 to the Children (Northern Ireland) Order 1995 (N.I. 17), paragraph 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 Corners and Justice Act 2009 (c. 25).

<sup>(10)</sup> 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.

<sup>(11)</sup> 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.

<sup>(12)</sup> 1956 c. 69.

<sup>(13)</sup> 1960 c. 33.

<sup>(14)</sup> 1977 c. 45.

<sup>(15)</sup> 2000 c. 44.

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

- (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).

**13.** 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 14, an offence under section 12 of that Act by committing buggery with a child under the age of 16,
- (f) subject to paragraph 14, 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 (procurement 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<sup>(16)</sup> (sexual intercourse with patients), notwithstanding that the provision has been repealed, by having sexual intercourse with a child,
- (o) an offence under section 4 of the Sexual Offences Act 1967<sup>(17)</sup> (procuring others to commit homosexual acts) (notwithstanding that the provision has been repealed) by—
  - (i) procuring a child to commit an act of buggery with any person, or

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<sup>(16)</sup> 1959 c. 72.

<sup>(17)</sup> 1967 c. 60.

- (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<sup>(18)</sup> (burglary), by entering a building or part of a building with intent to rape a child.

14. Paragraphs 11(1)(c) and 13(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 3

Regulations 2 and 11(2)(e)

#### Matters and obligations in foster care agreements

1. Matters to be recorded—
  - (a) the terms of the foster parent's approval,
  - (b) support and training to be given to the foster parent,
  - (c) the procedure for the review of approval of a foster parent,
  - (d) the procedure in connection with the placement of children,
  - (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 member 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 services 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 household, and
    - (iv) any request or application to adopt children, or for registration for child minding or day care under Part 2 of the Children and Families (Wales) Measure 2010,
  - (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 services provider,
  - (e) to provide care and support to a child placed with the foster parent in accordance with the child's care and support plan and in a way which maintains, protects and promotes the safety and well-being of the child,

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<sup>(18)</sup> 1968 c. 60.

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- (f) to maintain a good personal and professional relationship with a child placed with the foster parent,
- (g) not to deprive the liberty of any child placed with the foster parent without lawful authority,
- (h) to promote contact between a child placed with a foster parent and the child's parents, relatives and friends, in accordance with the child's care and support plan and any court order relating to contact,
- (i) to comply with the policies and procedures of the fostering services provider,
- (j) to promote the health and development of a child placed with a foster parent,
- (k) to ensure that the premises, facilities and equipment used by foster parents are—
  - (i) suitable and safe for the purpose for which they are intended to be used,
  - (ii) used in a safe way,
  - (iii) properly maintained, and
  - (iv) kept clean to a standard which is appropriate for the purpose for which they are being used,
- (l) to co-operate as reasonably required with the Welsh Ministers and in particular to allow a person authorised by the Welsh Ministers to interview the foster parent and visit the foster parent's home at any reasonable time,
- (m) to keep the fostering services provider informed about the child's progress and to notify it as soon as is reasonably practicable of any significant events affecting the child.