

## SCHEDULES

### SCHEDULE 5

Article 91(4).

#### FOSTER PARENTS: LIMITS ON NUMBER OF FOSTER CHILDREN

##### *Interpretation*

1. For the purposes of this Schedule, a person fosters a child if—
  - (a) he is an authority foster parent in relation to the child;
  - (b) he is a foster parent with whom the child has been placed by a voluntary organisation; or
  - (c) he fosters the child privately.

##### *The usual fostering limit*

2. Subject to what follows, a person shall not foster more than three children (“the usual fostering limit”).

##### *Siblings*

3. A person may exceed the usual fostering limit if the children concerned are all siblings with respect to each other.

##### *Exemption by an authority*

- 4.—(1) A person may exceed the usual fostering limit if he is exempted from it by the authority within whose area he lives.

- (2) In considering whether to exempt a person, an authority shall have regard, in particular, to—
  - (a) the number of children whom the person proposes to foster;
  - (b) the arrangements which the person proposes for the care and accommodation of the fostered children;
  - (c) the intended and likely relationship between the person and the fostered children;
  - (d) the period of time for which he proposes to foster the children; and
  - (e) whether the welfare of the fostered children (and of any other children who are or will be living in the accommodation) will be safeguarded and promoted.
- (3) Where an authority exempts a person, the authority shall inform him by notice in writing—
  - (a) that he is so exempted;
  - (b) of the children, described by name, whom he may foster; and
  - (c) of any condition to which the exemption is subject.
- (4) An authority may at any time by notice in writing—
  - (a) vary or cancel an exemption; or
  - (b) impose, vary or cancel a condition to which the exemption is subject,

**Status:** This is the original version (as it was originally made).

and, in considering whether to do so, the authority shall have regard in particular to the considerations mentioned in sub-paragraph (2).

(5) The Department may make regulations amplifying or modifying the provisions of this paragraph in order to provide for cases where children need to be placed with foster parents as a matter of urgency.

*Effects of exceeding fostering limit*

**5.—(1)** A person shall cease to be treated as fostering and shall be treated as carrying on a children's home if—

- (a) he exceeds the usual fostering limit; or
- (b) where he is exempted under paragraph 4—
  - (i) he fosters any child not named in the exemption; and
  - (ii) in so doing, he exceeds the usual fostering limit.

(2) Sub-paragraph (1) shall not apply if the children concerned are all siblings in respect of each other.

*Complaints, etc.*

**6.—(1)** Every authority shall establish a procedure for considering any representations (including any complaint) made to the authority about the discharge of its functions under paragraph 4 by a person exempted or seeking to be exempted under that paragraph.

(2) In carrying out any consideration of representations under sub-paragraph (1), an authority shall comply with any regulations made by the Department for the purposes of this paragraph.