



Children Act 1989

1989 CHAPTER 41

PART IX

PRIVATE ARRANGEMENTS FOR FOSTERING CHILDREN

68 Persons disqualified from being private foster parents.

- (1) Unless he has disclosed the fact to the appropriate local authority and obtained their written consent, a person shall not foster a child privately if he is disqualified from doing so by regulations made by the Secretary of State for the purposes of this section.
- (2) The regulations may, in particular, provide for a person to be so disqualified where—
 - (a) an order of a kind specified in the regulations has been made at any time with respect to him;
 - (b) an order of a kind so specified has been made at any time with respect to any child who has been in his care;
 - (c) a requirement of a kind so specified has been imposed at any time with respect to any such child, under or by virtue of any enactment;
 - (d) he has been convicted of any offence of a kind so specified, or^{F1} . . . discharged absolutely or conditionally for any such offence;
 - (e) a prohibition has been imposed on him at any time under section 69 or under any other specified enactment;
 - (f) his rights and powers with respect to a child have at any time been vested in a specified authority under a specified enactment.
- [^{F2}(2A) A conviction in respect of which a probation order was made before 1st October 1992 (which would not otherwise be treated as a conviction) is to be treated as a conviction for the purposes of subsection (2)(d).]
- (3) Unless he has disclosed the fact to the appropriate local authority and obtained their written consent, a person shall not foster a child privately if—
 - (a) he lives in the same household as a person who is himself prevented from fostering a child by subsection (1); or
 - (b) he lives in a household at which any such person is employed.

Changes to legislation: Children Act 1989, Section 68 is up to date with all changes known to be in force on or before 21 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

- [^{F3}(3A) A person shall not foster a child privately if—
- (a) he is barred from regulated activity relating to children (within the meaning of section 3(2) of the Safeguarding Vulnerable Groups Act 2006); or
 - (b) he lives in the same household as a person who is barred from such activity.]
- (4) Where an authority refuse to give their consent under this section, they shall inform the applicant by a written notice which states—
- (a) the reason for the refusal;
 - (b) the applicant’s right under paragraph 8 of Schedule 8 to appeal against the refusal; and
 - (c) the time within which he may do so.
- (5) In this section—
- “the appropriate authority” means the local authority within whose area it is proposed to foster the child in question; and
 - “enactment” means any enactment having effect, at any time, in any part of the United Kingdom.

Textual Amendments

- F1** Words in s. 68(2)(d) repealed (4.4.2005) by [Criminal Justice Act 2003 \(c. 44\)](#), ss. 304, 332, [Sch. 32 Pt. 1 para. 60\(2\)](#), [Sch. 37 Pt. 7](#); S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 paras. 42\(24\), 44\(4\)\(j\)](#) (subject to transitional provisions and savings in [Sch. 2](#))
- F2** [S. 68\(2A\)](#) inserted (4.4.2005) by [Criminal Justice Act 2003 \(c.44\)](#), s. 304, [Sch. 32 Pt. 1 para. 60\(3\)](#); S.I. 2005/950, [art. 2\(1\)](#), [Sch. 1 para. 42\(24\)](#) (subject to transitional provisions and savings in [Sch. 2](#))
- F3** [S. 68\(3A\)](#) inserted (12.10.2009) by [Safeguarding Vulnerable Groups Act 2006 \(c. 47\)](#), ss. 63, 65, [Sch. 9 para. 12](#) (with ss. 51, 57(3), 60(4), 64(5)); S.I. 2009/2611, [art. 2](#), [Sch.](#)

Modifications etc. (not altering text)

- C1** [S. 68](#): power to amend conferred (15.1.2005) by [Children Act 2004 \(c. 31\)](#), [ss. 45–47](#)

Commencement Information

- I1** [S. 68](#) wholly in force at 14.10.1991 see [s. 108\(2\)\(3\)](#) and S.I. 1991/828, [art. 3\(2\)](#)

Changes to legislation:

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)