
STATUTORY INSTRUMENTS

1991 No. 2050

CHILDREN AND YOUNG PERSONS

**The Children (Private Arrangements
for Fostering) Regulations 1991**

Made - - - - *10th September 1991*
Laid before Parliament *17th September 1991*
Coming into force - - *14th October 1991*

The Secretary of State for Health, in exercise of the powers conferred by sections 67(2) and 104(4) of, and paragraph 7 of Schedule 8 to, the Children Act 1989⁽¹⁾ and of all other powers enabling him in that behalf, hereby makes the following Regulations:—

Citation, commencement and interpretation

1.—(1) These Regulations may be cited as the Children (Private Arrangements for Fostering) Regulations 1991 and shall come into force on 14th October 1991.

(2) In these Regulations, unless the context otherwise requires—

- (a) “the Act” means the Children Act 1989;
- (b) “address” includes a temporary address;
- (c) any reference to a numbered regulation is to the regulation in these Regulations bearing that number and any reference in a regulation to a numbered paragraph is to the paragraph of that regulation bearing that number.

General welfare of children

2.—(1) In carrying out functions under section 67 of the Act, as to the welfare of children who are privately fostered within their area, a local authority (including any officer of the authority making a visit under regulation 3) shall satisfy themselves as to such of the matters specified in paragraph (2) as are relevant in the particular circumstances.

(2) The matters referred to in paragraph (1) are—

- (a) the purpose and intended duration of the fostering arrangement;
- (b) the child’s physical, intellectual, emotional, social and behavioural development;
- (c) whether the child’s needs arising from his religious persuasion, racial origin and cultural and linguistic background are being met;

(1) 1989 c. 41 (in relation to section 67(2)(a)(i), see the definition of in section 105(1)).

- (d) the financial arrangements for the care and maintenance of the child;
- (e) the suitability of the accommodation;
- (f) the arrangements for the child's medical and dental care and treatment and, in particular, that the child is included on the list of a general medical practitioner who provides general medical services under Part II of the National Health Service Act 1977⁽²⁾
- (g) the arrangements for the child's education and, in particular, that the local education authority have been informed of the fostering arrangement;
- (h) the standard of care which the child is being given;
- (i) the suitability of the foster parent to look after the child and the suitability of the foster parent's household;
- (j) whether the foster parent is being given any necessary advice;
- (k) whether the contact between the child and his parents, or any other person with whom contact has been arranged, is satisfactory;
- (l) whether the child's parents, or any other person, are exercising parental responsibility for the child; and
- (m) the ascertainable wishes and feelings of the child regarding the fostering arrangements.

Visits to children

3.—(1) A local authority shall make arrangements for each child who is privately fostered within their area to be visited by an officer of the authority from time to time as the authority consider necessary in order to safeguard and promote the welfare of the child and when reasonably requested by the child or foster parent and in particular—

- (a) in the first year of the fostering arrangement, within one week from its beginning and then at intervals of not more than six weeks;
- (b) in any second or subsequent year, at intervals of not more than three months.

(2) For the purpose of making visits under this regulation the officer shall, if he considers it appropriate, arrange to see the child alone.

(3) The officer shall make a written report to the local authority after each visit.

Notifications by prospective and actual foster parents

4.—(1) Any person who proposes to foster privately a child for whom he is not already caring and providing accommodation shall notify the appropriate local authority not less than six, nor more than thirteen, weeks before he receives the child, unless he receives him in an emergency.

(2) A person who is privately fostering a child—

- (a) whom he received in an emergency; or
- (b) for whom he was already caring and providing accommodation when he became a foster child,

shall notify the appropriate local authority not more than 48 hours after the fostering arrangements began.

(3) A notice under paragraph (1) or (2) shall specify—

- (a) the name, sex, date and place of birth, religious persuasion, racial origin and cultural and linguistic background of the child;

(2) 1977 c. 49.

- (b) the name and address of the person giving the notice and any previous address within the last 5 years;
 - (c) the purpose and intended duration of the fostering arrangement;
 - (d) the name and address of any parent of the child and of any other person who has parental responsibility for the child and (if different) of any person from whom the child was, or is to be, received;
 - (e) the name and address of any person, other than a person specified in subparagraph (d) above, who is involved directly or indirectly in making the fostering arrangement; and
 - (f) the intended date of the beginning of the fostering arrangement or, as the case may be, the date on which the arrangement actually began.
- (4) A person giving notice under paragraph (1) or (2) shall include in the notice particulars of—
- (a) any offence of which he has been convicted;
 - (b) any disqualification or prohibition imposed on him under (as the case may be) section 68 or 69 of the Act or under any previous enactment of either of those sections; and
 - (c) any such conviction, disqualification or prohibition imposed on any other person living in, or employed at, the same household.
- (5) Any person who is fostering a child privately shall notify the appropriate local authority of—
- (a) any change in his address;
 - (b) any person who begins, or ceases, to be part of his household; and
 - (c) any further conviction, disqualification or prohibition as mentioned in subparagraphs (a) to (c) of paragraph (4).
- (6) A notice under paragraph (5) shall be given—
- (a) in advance if practicable; and
 - (b) in any other case, not more than 48 hours after the change of circumstances,
- and if the new address is in the area of another local authority, or of a local authority in Scotland, the authority to whom the notice is given shall inform the other authority of the new address and of the particulars given to them under sub-paragraphs (a) and (d) of paragraph (3).
- (7) Paragraphs (4)(a) and (c) and (5)(c) are subject to the Rehabilitation of Offenders Act 1974(3)

Notifications by former foster parents

5.—(1) Subject to paragraphs (2) and (3), any person who has been fostering a child privately, but has ceased to do so, shall notify the appropriate local authority within 48 hours and shall include in the notice the name and address of the person into whose care the child was received.

(2) Where the reason for the ending of the fostering arrangement is the death of the child the foster parent shall notify forthwith the local authority and also the person from whom the foster parent received the child.

(3) Paragraph (1) shall not apply where the foster parent intends to resume the fostering arrangement after an interval of not more than 27 days but if—

- (a) he subsequently abandons his intention; or
- (b) the interval expires without his having given effect to his intention,

he shall thereupon give notice to the local authority within 48 hours of abandoning his intention or as the case may be the expiry of the interval.

Other notifications

6.—(1) Any person who is, or proposes to be, involved (whether or not directly) in arranging for a child to be fostered privately shall notify the appropriate local authority not less than six, nor more than thirteen, weeks before the fostering arrangement begins unless the fostering arrangement is made in an emergency in which case the notification shall be not more than 48 hours after the fostering arrangement begins.

(2) A parent of a child, and any other person who has parental responsibility for the child, who knows that it is proposed that the child should be fostered privately shall notify the appropriate local authority not less than six, nor more than thirteen, weeks before the fostering arrangement begins unless the fostering arrangement is made in an emergency in which case the notification shall be not more than 48 hours thereafter.

(3) Any notice under paragraph (1) or (2) shall specify—

- (a) the information mentioned in sub-paragraphs (a) to (c) of regulation 4(3);
- (b) the arrangements for the care of any brother or sister of the child who is not included in the fostering arrangement;
- (c) the name and address of any other person involved (whether or not directly) in the fostering arrangement;
- (d) where the notice is given under paragraph (1), the relationship to the child of the person giving the notice and also the information specified in sub-paragraph (d) of regulation 4(3).

(4) Any parent of a privately fostered child, and any other person who has parental responsibility for the child, shall notify the appropriate local authority of—

- (a) the ending of the fostering arrangement; and
- (b) any change in his own address.

Form of notifications

7. Any notice required under regulations 4 to 6 shall be given in writing and may be sent by post.

Signed by authority of the Secretary of State for Health.

10th September 1991

Virginia Bottomley
Minister of State,
Department of Health

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations provide for the arrangements for fostering children privately. Such arrangements were previously governed by provisions of the Foster Children Act 1980 (c. 6). The main difference between the provisions under the 1980 Act and the Children Act 1989, under which these Regulations are made, is that much of the detail concerning notification, visiting and the local authority's welfare duty towards privately fostered children which was contained in the 1980 Act is now contained with modifications in these Regulations rather than the 1989 Act.

The Regulations make provision for the matters as to which local authorities are required to satisfy themselves regarding the welfare of privately fostered children (regulation 2); for the occasions on which officers of the authorities are to visit privately fostered children (regulation 3); as to notifications by prospective and actual foster parents (regulation 4) and by former foster parents (regulation 5); and as to other notifications (regulation 6) and to the form of notifications (regulation 7) (failure to comply with the provisions for notification may be an offence under section 70(1)(a) of the Children Act 1989).