
STATUTORY INSTRUMENTS

1996 No. 3263

The Fostering of Children (Scotland) Regulations 1996

PART II

APPROVAL OF FOSTER CARERS

Appointment and composition of fostering panels

4.—(1) Each local authority shall appoint a panel consisting of individuals for the purpose of considering and advising on the matters specified in regulation 6 and may appoint such additional panels as they consider necessary, and each such panel shall be known as a “fostering panel”.

(2) A local authority shall appoint as a panel member a medical adviser who shall advise the fostering panel or panels.

5. A local authority shall satisfy themselves that the numbers, relevant qualifications and experience, of individual members of the fostering panel will enable it efficiently to discharge its functions under regulation 6.

Functions of fostering panel

6.—(1) Subject to paragraphs (2) and (3), a fostering panel shall consider every person referred to it by the local authority as a prospective foster carer and shall make recommendations to the local authority as to whether such a person is suitable to be a foster carer and shall state whether the panel’s recommendation is in respect of—

- (a) a particular child or children; or
- (b) any child; or
- (c) certain categories of child,

to whom these Regulations apply.

(2) In considering its recommendations the panel shall have regard to the duties imposed upon the local authority by section 17(1) of the Act (duty of local authority to child looked after by them) and shall consider all the information and reports passed to it and any other information which may be provided to it on request.

(3) The local authority may request a fostering panel to consider and advise on any other matters relevant to the performance of their functions under the Act and these Regulations.

Approval of foster carers by a local authority

7.—(1) Subject to paragraph (3) a local authority may approve any person as a foster carer where—

- (a) the local authority have, so far as reasonably practicable, obtained the information or data set out in Schedule ;
- (b) the prospective foster carer has been interviewed by or on behalf of the local authority;

- (c) the local authority have conveyed to the fostering panel a report including the information or data gathered under sub-paragraph (a) together with such other information and such comment as they think appropriate;
 - (d) the local authority have considered a report from the fostering panel containing recommendations on the suitability of the prospective foster carer; and
 - (e) the local authority are satisfied, having regard to the duty imposed on them by section 17(1) of the Act, that the prospective foster carer is a suitable person with whom to place a child or children.
- (2) The local authority shall state whether their approval of any person as a foster carer is in respect of—
- (a) a particular child or children; or
 - (b) any child; or
 - (c) certain categories of child

to whom these Regulations apply.

(3) Notwithstanding paragraph (1) a local authority may approve any person as a foster carer where and for as long as that person is currently approved by another local authority in terms of paragraph (1), provided that the approval is limited to those categories of child in respect of whom the first local authority has approved the person and the second local authority advises the first local authority in writing of such derivative approval.

(4) A local authority shall notify in writing persons who have been approved as foster carers under this regulation.

Agreements with foster carers

8. A local authority which approve a foster carer under regulation 7 shall enter into a written agreement with the foster carer regarding the matters and obligations set out in Schedule 2 and such other matters as may be appropriate.

Payment of allowances

9.—(1) A local authority may, subject to such conditions as they consider necessary, pay such allowance, if any, as they see fit to a foster carer with whom a child is placed under these Regulations.

- (2) Any allowance payable by virtue of paragraph (1) may be—
- (a) a fixed allowance applicable in the case of all children for whom the local authority have responsibility by virtue of these Regulations;
 - (b) a rate applicable to certain categories or circumstances of case;
 - (c) amounts relevant to the individual needs of a particular child;

and may take into account the needs and circumstances of the foster carer with whom the child is placed.

Reviews and Terminations of Approval

10.—(1) Where a foster carer has been approved under regulation 7 the local authority shall review, at intervals of not more than a year, whether the foster carer continues to be a suitable person with whom to place children.

(2) When undertaking a review under this regulation the local authority shall seek, and take into account, the views of the foster carer and of any local authority who have placed a child with the

foster carer within the preceding year or who have an earlier placement with the foster carer which has not been terminated.

(3) Where on a review the local authority are no longer satisfied–

(a) that the terms of the approval under regulation 7(2) are appropriate they shall revise the terms;

(b) that the foster carer is suitable they shall terminate the approval from a date to be specified in the notice under paragraph (4).

(4) At the conclusion of the review the local authority shall prepare a report and give notice in writing to the foster carer of their decision (including any revision of the terms of the approval under regulation 7(2)).

(5) Where a foster carer notifies the local authority that he no longer wishes to act as a foster carer, or where the authority are otherwise satisfied that this is the case, the authority shall terminate the approval from a date to be specified by notice in writing to the foster carer.

(6) A copy of any notice given under paragraph (4) or (5) shall be sent to any other local authority who known to them currently approve the foster carer under regulation 7.

(7) Where a local authority have been notified under regulation 7(3) by another authority of that authority's derivative approval, and the local authority have in terms of paragraph (3) revised or terminated their approval, they shall notify the other local authority of their decision at the same time as notifying the foster carer under paragraph (4).

(8) Any local authority currently giving derivative approval to a foster carer, as soon as any notice is received under paragraph (7) shall amend or terminate their approval in accordance with any revision or termination of the first approving authority and shall forthwith notify the foster carer of this revision or termination with the date of the revision or termination to be specified in the notice and to conform as near as practicable with the date specified in the first local authority's notice under paragraph (4).