
STATUTORY INSTRUMENTS

2002 No. 57

The Fostering Services Regulations 2002

PART VII

FOSTERING AGENCIES—MISCELLANEOUS

Review of quality of care

42.—(1) The registered person shall establish and maintain a system for—

- (a) monitoring the matters set out in Schedule 7 at appropriate intervals; and
- (b) improving the quality of foster care provided by the fostering agency.

(2) The registered person shall supply to the Commission a report in respect of any review conducted by him for the purposes of paragraph (1) and make a copy of the report available upon request to the persons mentioned in regulation 3(2).

(3) The system referred to in paragraph (1) shall provide for consultation with foster parents, children placed with foster parents, and their responsible authority (unless, in the case of a fostering agency which is a voluntary organisation, it is also the responsible authority).

Notifiable events

43.—(1) If, in relation to a fostering agency, any of the events listed in column 1 of the table in Schedule 8 takes place, the registered person shall without delay notify the persons indicated in respect of the event in column 2 of the table.

(2) Any notification made in accordance with this regulation which is given orally shall be confirmed in writing.

Financial position

44.—(1) The registered provider shall carry on the fostering agency in such manner as is likely to ensure that it will be financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose.

(2) The registered provider shall—

- (a) ensure that adequate accounts are maintained and kept up to date in respect of the fostering agency; and
- (b) supply a copy of the accounts, certified by an accountant to the Commission.

(3) The registered provider shall, if the Commission so requests, provide the Commission with such information as it may require for the purpose of considering the financial viability of the fostering agency, including—

- (a) the annual accounts of the fostering agency, certified by an accountant;
- (b) a reference from a bank expressing an opinion as to the registered provider's financial standing;

- (c) information as to the financing and financial resources of the fostering agency;
 - (d) where the registered provider is a company, information as to any of its associated companies; and
 - (e) a certificate of insurance for the registered provider in respect of liability which may be incurred by him in relation to the fostering agency in respect of death, injury, public liability, damage or other loss.
- (4) In this regulation one company is associated with another if one of them has control of the other, or both are under the control of the same person.

Notice of absence

45.—(1) Where the registered manager proposes to be absent from the fostering agency for a continuous period of 28 days or more, the registered person shall give notice in writing to the Commission of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) shall be given no later than one month before the proposed absence is to start, or within such shorter period as may be agreed with the Commission, and the notice shall specify—

- (a) the length or expected length of the proposed absence;
- (b) the reason for the proposed absence;
- (c) the arrangements which have been made for the running of the fostering agency during that absence;
- (d) the name, address and qualifications of the person who will be responsible for the fostering agency during the absence; and
- (e) the arrangements that have been made or are proposed to be made for appointing another person to manage the fostering agency during the absence, including the proposed date by which the appointment is to start.

(3) Where the absence arises as a result of an emergency, the registered person shall give notice of the absence within one week of its occurrence, specifying the matters mentioned in sub-paragraphs (a) to (e) of paragraph (2).

(4) Where the registered manager has been absent from the fostering agency for a continuous period of 28 days or more, and the Commission has not been given notice of the absence, the registered person shall without delay give notice in writing to the Commission specifying the matters mentioned in paragraph (2).

(5) The registered person shall notify the Commission of the return to duty of the registered manager not later than 7 days after the date of his return.

Notice of changes

46.—(1) The registered person shall give notice in writing to the Commission as soon as it is practicable to do so if any of the following events takes place or is proposed to take place—

- (a) a person other than the registered person carries on or manages the fostering agency;
- (b) a person ceases to carry on or manage the fostering agency;
- (c) where the registered provider is an individual, he changes his name;
- (d) where the registered provider is a partnership, there is any change in the membership of the partnership;
- (e) where the registered provider is an organisation—
 - (i) the name or address of the organisation is changed;

- (ii) there is any change of director, manager, secretary or other similar officer of the organisation;
 - (iii) there is to be any change in the identity of the responsible individual;
 - (f) where the registered provider is an individual, a trustee in bankruptcy is appointed or he makes any composition or arrangement with his creditors; or
 - (g) where the registered provider is a company, or a partnership, a receiver, manager, liquidator or provisional liquidator is appointed in respect of the registered provider.
- (2) The registered provider shall notify the Commission in writing and without delay of the death of the registered manager.

Appointment of liquidators etc.

- 47.**—(1) Any person to whom paragraph (2) applies shall—
- (a) forthwith notify the Commission of his appointment indicating the reasons for it;
 - (b) appoint a manager to take full-time day to day charge of the fostering agency in any case where there is no registered manager; and
 - (c) not more than 28 days after his appointment notify the Commission of his intentions regarding the future operation of the fostering agency.
- (2) This paragraph applies to any person appointed as—
- (a) the receiver or manager of the property of a company or partnership which is a registered provider of a fostering agency;
 - (b) a liquidator or provisional liquidator of a company which is the registered provider of a fostering agency; or
 - (c) the trustee in bankruptcy of a registered provider of a fostering agency.

Offences

48.—(1) A contravention or failure to comply with any of the provisions of regulations 3 to 23 and 42 to 46 shall be an offence.

(2) The Commission shall not bring proceedings against a person in respect of any contravention or failure to comply with those regulations unless—

- (a) subject to paragraph 4, he is a registered person;
- (b) notice has been given to him in accordance with paragraph (3);
- (c) the period specified in the notice has expired;
- (d) the registered person contravenes or fails to comply with any of the provisions of the regulations mentioned in the notice.

(3) Where the Commission considers that the registered person has contravened or failed to comply with any of the provisions of the regulations mentioned in paragraph (1), it may serve a notice on the registered person specifying—

- (a) in what respect in its opinion the registered person has contravened or is contravening any of the regulations, or has failed or is failing to comply with the requirements of any of the regulations;
- (b) what action, in the opinion of the Commission, the registered person should take so as to comply with any of those regulations; and
- (c) the period, not exceeding three months, within which the registered person should take action.

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(4) The Commission may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 22 or 32, and for this purpose, references in paragraphs (2) and (3) to a registered person shall be taken to include such a person.

Compliance with regulations

49. Where there is more than one registered person in respect of a fostering agency, anything which is required under these Regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.