
STATUTORY INSTRUMENTS

2002 No. 635

**Disqualification from Caring for
Children (England) Regulations 2002**

Grounds for disqualification

2.—(1) For the purposes of section 68 of the Act (persons disqualified from being private foster parents) a person is disqualified from fostering a child privately if any of the following provisions of this regulation apply to him.

(2) He is a parent of a child with respect to whom an order has been made at any time under—

- (a) section 31(1)(a) of the Act (care order); or
- (b) Article 50(1)(a) of the Children (Northern Ireland) Order 1995⁽¹⁾ (care order).

(3) One of the following orders has been made at any time with respect to a child so as to remove the child from his care, or prevent the child living with him—

- (a) an order under section 31(1)(a) of the Act;
- (b) any order that would have been deemed to be a care order by virtue of paragraph 15 of Schedule 14 to the Act (transitional provisions for children in compulsory care), had it been in force immediately before the day on which Part IV of the Act came into force⁽²⁾;
- (c) a supervision order which imposes a residence requirement under paragraph 5 of Schedule 6 to the Powers of Criminal Courts (Sentencing) Act 2000⁽³⁾ or section 12AA of the Children and Young Persons Act 1969⁽⁴⁾ (requirement to live in local authority accommodation);
- (d) an order under Article 50(1)(a) of the Children (Northern Ireland) Order 1995; or
- (e) a fit person order, parental rights order, or training school order under the Children and Young Persons Act (Northern Ireland) 1968⁽⁵⁾.

(4) A supervision requirement has been imposed at any time with respect to a child so as to remove that child from his care, under—

- (a) section 44 of the Social Work (Scotland) Act 1968⁽⁶⁾; or
- (b) section 70 of the Children (Scotland) Act 1995⁽⁷⁾.

(5) His rights and powers with respect to a child have at any time been vested in a local authority in Scotland—

- (a) under section 16 of the Social Work (Scotland) Act 1968⁽⁸⁾; or

⁽¹⁾ [S.I. 1995/755 \(N.I.2\)](#).

⁽²⁾ Part IV of the Act came into force on 14th October 1991.

⁽³⁾ [2000 c. 6](#).

⁽⁴⁾ [1969 c. 54](#). Section 12AA was repealed by the Powers of Criminal Courts (Sentencing) Act 2000.

⁽⁵⁾ [1968 c. 34 \(N.I.\)](#). The provisions relating to these orders were repealed by the Children (Northern Ireland) Order 1995 and the Criminal Justice (Children) (Northern Ireland) Order 1998 ([S.I. 1998/1504 \(N.I.9\)](#)).

⁽⁶⁾ [1968 c. 49](#). Section 44 was repealed by the Children (Scotland) Act 1995.

⁽⁷⁾ [1995 c. 36](#).

⁽⁸⁾ Section 16 was repealed by the Children (Scotland) Act 1995.

- (b) pursuant to a parental responsibilities order under section 86 of the Children (Scotland) Act 1995.
- (6) He has been convicted of—
- (a) an offence against a child within the meaning of section 26(1) of the Criminal Justice and Court Services Act 2000⁽⁹⁾;
 - (b) any offence specified in the Schedule to these Regulations; or
 - (c) any other offence involving bodily injury to a child.
- (7) He is a person—
- (a) who has been refused registration in respect of a children’s home under section 13 of the 2000 Act;
 - (b) whose registration in respect of a children’s home has been cancelled under section 14 or 20(1) of the 2000 Act; or
 - (c) who has been concerned in the management of, or had any financial interest in, a children’s home, in respect of which the registration of any person has been cancelled under section 14 or 20(1) of the 2000 Act.
- (8) He is a person who has at any time been refused registration in relation to a voluntary home or a children’s home, or who carried on, was otherwise concerned with the management of, or had any financial interest in, a voluntary home or a children’s home the registration of which was cancelled, under, as the case may be—
- (a) paragraph 1 of Schedule 5 to the Act⁽¹⁰⁾;
 - (b) paragraph 1 or 4 of Schedule 6 to the Act;
 - (c) section 127 of the Children and Young Persons Act (Northern Ireland) 1968⁽¹¹⁾; or
 - (d) Article 80, 82, 96 or 98 of the Children (Northern Ireland) Order 1995.
- (9) He is a person in respect of whom—
- (a) a prohibition has been imposed at any time under—
 - (i) section 69 of the Act, section 10 of the Foster Children Act 1980⁽¹²⁾ or section 4 of the Children Act 1958⁽¹³⁾ (power to prohibit private fostering);
 - (ii) Article 110 of the Children (Northern Ireland) Order 1995 (power to prohibit private fostering); or
 - (iii) section 10 of the Foster Children (Scotland) Act 1984 (power to prohibit the keeping of foster children)⁽¹⁴⁾; or
 - (b) a notice in writing has been given by a Health and Social Services Board under section 1(3) of the Children and Young Persons Act (Northern Ireland) 1968 (withholding consent to the care and maintenance of the child being undertaken by a person).
- (10) He has at any time been refused registration in respect of the provision of nurseries or day care, or for child minding, or had any such registration cancelled under, as the case may be—
- (a) Part X or XA of the Act⁽¹⁵⁾;

(9) 2000 c. 43.

(10) This provision, and those mentioned in the following sub-paragraph are repealed by the Care Standards Act 2000 with effect from 1st April 2002 (S.I. 2001/3852) (C.125).

(11) This section, and all other sections of the Children and Young Persons Act (Northern Ireland) 1968 referred to below in this regulation were repealed by the Children (Northern Ireland) Order 1995.

(12) 1980 c. 86. The Foster Children Act was repealed by the Children Act 1989.

(13) 1948 c. 65. Section 4 was repealed by the Foster Children Act 1980.

(14) 1984 c. 56.

(15) Part X of the Children Act has ceased to extend to England, and Part XA is inserted, by section 79 of the Care Standards Act 2000 (S.I. 2001/2041) (C.68).

- (b) section 1 or 5 of the Nurseries and Child-Minders Regulation Act 1948⁽¹⁶⁾;
 - (c) Part XI of the Children (Northern Ireland) Order 1995; or
 - (d) section 11(5) or 15 of the Children and Young Persons Act (Northern Ireland) 1968.
- (11) He has at any time been refused registration or had such registration cancelled—
- (a) under section 62 of the Social Work (Scotland) Act 1968 (registration of residential and other establishments); or
 - (b) in respect of a care home service, child minding or day care of children, under Part 1 of the Regulation of Care (Scotland) Act 2001⁽¹⁷⁾.

⁽¹⁶⁾ 1948 c. 53. This Act was repealed by the Children Act 1989.

⁽¹⁷⁾ 2001 asp 8.