
STATUTORY INSTRUMENTS

2011 No. 581

The Fostering Services (England) Regulations 2011

PART 3

Management of Fostering Service

Fostering agency

Fitness of fostering service provider

- 5.—(1) A person must not carry on a fostering agency unless—
- (a) in the case of an individual carrying on an independent fostering agency otherwise than in partnership with others, that person,
 - (b) in the case of an individual carrying on an independent fostering agency in partnership with others, that person and each of the other partners,
 - (c) in the case of a partnership carrying on a fostering agency, each of the partners, and
 - (d) in the case of an organisation carrying on a fostering agency, where the organisation has given notice to the Chief Inspector of the name, address and position in the organisation of an individual (“the responsible individual”) who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the fostering agency, the responsible individual,
- satisfies the requirements of paragraph (2) as to fitness.
- (2) The requirements are that—
- (a) the person is of integrity and good character,
 - (b) the person is physically and mentally fit to carry on the fostering agency, and
 - (c) full and satisfactory information is available in relation to the person in respect of each of the matters specified in Schedule 1.
- (3) A person may not carry on a fostering agency if that person—
- (a) has been adjudged bankrupt or sequestration of their estate has been awarded and (in either case) they have not been discharged and the bankruptcy order has not been annulled or rescinded, or a moratorium period under a debt relief order (within the meaning of section 251A of the Insolvency Act 1986⁽¹⁾) applies in relation to them, or
 - (b) has made a composition arrangement with their creditors and has not been discharged in respect of it.

Appointment of manager

- 6.—(1) The registered provider must appoint an individual to manage the fostering agency.

(1) 1986 c.45. Section 251A was inserted by section 108(1) of, and Schedule 17 to, the Tribunals, Courts and Enforcement Act 2007 (c.15).

- (2) Where the registered provider is—
 - (a) an organisation, it must not appoint the person who is the responsible individual as the manager,
 - (b) a partnership, it must not appoint any of the partners as the manager.
- (3) The registered provider must notify the Chief Inspector without delay of—
 - (a) the name of any person appointed in accordance with this regulation, and
 - (b) the date on which the appointment is to take effect.

Fitness of manager

- 7.—(1) A person must not manage a fostering agency unless they are fit to do so.
- (2) A person is not fit to manage a fostering agency unless that person—
 - (a) is of integrity and good character;
 - (b) having regard to the size of the fostering agency, its statement of purpose, and the numbers and needs of the children placed by it—
 - (i) has the qualifications, skills and experience necessary for managing the fostering agency, and
 - (ii) is physically and mentally fit to manage a fostering agency,
 and full and satisfactory information is available in relation to that person in respect of each of the matters specified in Schedule 1.

Registered person – general requirements

- 8.—(1) The registered provider and the registered manager must, having regard to—
 - (a) the size of the fostering agency, its statement of purpose, and the numbers and needs of the children placed by the fostering agency, and
 - (b) the need to safeguard and promote the welfare of the children placed by the fostering agency,
 carry on or manage the fostering agency (as the case may be) with sufficient care, competence and skill.
- (2) The registered provider must ensure that—
 - (a) where the registered provider is an individual, that person,
 - (b) where the registered provider is an organisation, the responsible individual,
 - (c) where the registered provider is a partnership, one of the partners,
 undertakes, from time to time, such training as is appropriate to ensure that they have the experience and skills necessary for carrying on the fostering agency.
- (3) The registered manager must undertake from time to time such training as is appropriate to ensure that they have the experience and skills necessary for managing the fostering agency.

Notification of offences

- 9. Where the registered person or the responsible individual is convicted of any criminal offence, whether in England and Wales or elsewhere, that person must without delay give notice in writing to the Chief Inspector of—
 - (a) the date and place of the conviction,
 - (b) the offence of which they were convicted, and

(c) the penalty imposed on them in respect of the offence.