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WELSH STATUTORY INSTRUMENTS

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**2003 No. 237**

**The Fostering Services (Wales) Regulations 2003**

**PART IV**

**APPROVAL OF FOSTER PARENTS**

**Assessment of prospective foster parents**

**27.**—(1) The fostering service provider must carry out an assessment of any person whom it considers may be suitable to become a foster parent, in accordance with this regulation.

(2) If the fostering service provider considers that a person may be suitable to act as a foster parent it must—

- (a) obtain relevant information, including the information specified in Schedule 3 relating to the prospective foster parent and other members of his or her household and family, and any other information it considers relevant;
- (b) interview at least two persons nominated by the prospective foster parent to provide personal references for the prospective foster parent, and prepare written reports of the interviews;
- (c) subject to paragraph (3) consult with, and take into account the views of, the local authority in whose area the prospective foster parent lives;
- (d) having regard to these matters consider whether the prospective foster parent is suitable to act as a foster parent and whether the prospective foster parent's household is suitable for any child in respect of whom approval may be given;
- (e) prepare a written report on the person which includes the matters set out in paragraph (4); and
- (f) refer the report to the fostering panel and notify the prospective foster parent accordingly.

(3) Paragraph (2)(c) does not apply where the fostering service provider is a local authority and the applicant lives in the area of that authority.

(4) The report referred to in paragraph (2)(e) must include the following matters in relation to the prospective foster parent—

- (a) the information required by Schedule 3 and any other information the fostering service provider considers relevant;
- (b) the fostering service provider's assessment of the person's suitability to act as a foster parent;
- (c) the fostering service provider's proposals about the terms and conditions of any approval.

(5) Subject to paragraph (6), a person must not be regarded as suitable to act as a foster parent if the person or any member of the person's household aged 18 or over—

- (a) has been convicted of a specified offence committed at the age of 18 or over; or
- (b) has been cautioned in respect of any such offence which, at the time the caution was given, he or she admitted.

(6) The fostering service provider may regard a person to whom paragraph (5) would, apart from this paragraph apply, as suitable to act or to continue to act, as the case may be, as a foster parent in relation to a particular named child or children if the fostering service provider is satisfied that the welfare of that child or those children requires it, and either—

- (a) the person, or a member of the person’s household, is a relative of the child; or
- (b) the person is already acting as a foster parent for the child.

(7) In this regulation “specified offence” means—

- (a) an offence against a child;
- (b) an offence specified in Schedule 4;
- (c) an offence contrary to section 170 of the Customs and Excise Management Act 1979<sup>(1)</sup> in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876 (prohibitions and restrictions relating to pornography)<sup>(2)</sup> where the prohibited goods included indecent photographs of children under the age of 16;
- (d) any other offence involving bodily injury to a child, other than an offence of common assault or battery, and

the expression “offence against a child” has the meaning given to it by section 26(1) of the Criminal Justice and Court Services Act 2000<sup>(3)</sup> except that it does not include an offence contrary to sections 6,12 or 13 of the Sexual Offences Act 1956 (sexual intercourse with a girl aged 13 to 16, buggery, or indecency between men)<sup>(4)</sup> in a case where the offender was under the age of 20 at the time the offence was committed.

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(1) 1979 c. 2.  
(2) 1876 c. 36.  
(3) 2000 c. 43.  
(4) 1956 c. 69.