
 STATUTORY INSTRUMENTS

1985 No 1798 (S 134)

SOCIAL WORK, SCOTLAND

CHILDREN AND YOUNG PERSONS

The Foster Children (Private Fostering) (Scotland)
Regulations 1985

<i>Made</i>	19th November 1985
<i>Laid before Parliament</i>	3rd December 1985
<i>Coming into Operation</i>	1st April 1986

The Secretary of State in exercise of the powers conferred on him by section 5(2)(c) of the Social Work (Scotland) Act 1968 (a) sections 3(3) 4 and 14(2) to (4) of the Foster Children (Scotland) Act 1984 (b) and of all other powers enabling him in that behalf hereby makes the following regulations —

Citation and commencement

1 These regulations may be cited as the Foster Children (Private Fostering) (Scotland) Regulations 1985 and shall come into operation on 1st April 1986

Interpretation

2 —(1) In these regulations—

the Act means the Foster Children (Scotland) Act 1984

local authority means a regional or islands council

foster child has the meaning assigned to it by section 1 (as read with section 2) of the Act

foster parent is a person required to give written notice to a local authority by virtue of section 5(1) or (2) of the Act

relative has the same meaning as in section 21(1) of the Act

(2) In these regulations any reference to a numbered regulation shall be construed as a reference to the regulation bearing that number in these regulations

Notification by parent

3 —(1) Except where a child is placed with a foster parent in an emergency the parent of a child where it is proposed that the child shall become a foster child for the purposes of the Act shall give notice of the proposed fostering to the local authority in whose area the premises in which the child is to be kept are situated not less than 2 weeks before the date on which the child becomes a foster child

(2) Where a child is placed with a foster parent in an emergency or becomes a foster child while in the care and possession of a person with whom

(a) 1968 c 49; section 5(2) was substituted by Children Act 1975 c 72 Schedule 3 paragraph 49

(b) 1984 c 56

he has been placed the parent of the child shall give notice thereof to the local authority in whose area the premises in which the child is being kept are situated not later than one week after the child is placed with the foster parent or as the case may be after the child becomes a foster child

- (3) (a) A notice under paragraph (1) or (2) shall specify in writing the premises in which the child is to be or is being kept and
- (b) The local authority may in addition require a parent to provide in writing or in such other form as the local authority consider appropriate, any or all of the information as to the parent and the child set out in the Schedule as is considered necessary in order to determine whether the placement is or will be appropriate to the child's needs

(4) For the purposes of this regulation parent includes a guardian or relative of the child who has care and possession of the child and who is proposing to place or has placed the child with a foster parent

4—(1) A local authority which receive notice in accordance with regulation 3 above shall in accordance with paragraphs (2) and (3) below, enquire into the circumstances of the child's placement or proposed placement as a foster child in order to determine whether the placement is or will be appropriate to his needs

- (2) For the purposes of paragraph (1) a local authority shall—
- (a) ensure that the child and his parent or any guardian or relative from whom they have received notice are visited on their behalf
- (b) obtain a statement prepared by a fully registered medical practitioner as to the health of the child
- (c) discover so far as practicable the child's wishes and feelings in connection with his placement as a foster child having regard to his age and understanding and
- (d) enquire of the local authority for the child's home area whether they have reason to believe that it would be detrimental to the welfare of the child for him to be kept by a foster parent

(3) The visit or visits required by paragraph (2)(a) shall be carried out before the date on which the child is due to be placed with a foster parent or the expiry of a period of two weeks from the date on which the local authority receive notice under regulation 3 if that is later

5 On receipt of notice under regulation 3 or section 5(1) or (2) of the Act the local authority shall—

- (a) obtain a certificate prepared by a fully registered medical practitioner stating whether the foster parent has any medical problems likely to affect adversely his ability to be a foster parent
- (b) arrange for the foster parent to be interviewed on their behalf
- (c) satisfy themselves by a visit on their behalf whether any premises in Great Britain in which the foster child is to be placed are adequate for the needs of the child
- (d) satisfy themselves whether it would be detrimental to the welfare of the child to be placed with the foster parent in the said premises
- (e) consider a written report on the matters referred to in this regulation and any other information which they consider relevant so as to decide whether the proposed placement with the foster parent is appropriate to the child's needs

Notifications by a local authority

6 —(1) Where by virtue of regulation 4 or 5 a local authority consider that a proposed or existing placement of a child with a foster parent is not appropriate to the child's needs they shall so notify in writing the parent guardian or relative and the foster parent forthwith and the said notification shall include such additional information if any as to the arrangements which the local authority consider appropriate—

- (a) to render the said placement appropriate to the needs of the child or
- (b) to promote more effectively the welfare of the child in accordance with the Act

(2) Where, by virtue of regulation 4 or 5 the local authority are satisfied having regard to the needs of the child that paragraph (1) does not apply the local authority shall forthwith notify in writing the parent guardian or relative and the foster parent that they do not propose to make any observations on the placement or to take any action with regard to it

Visiting of a foster child by a local authority

7 —(1) Where a local authority receive a notice under section 5(1) or (2) of the Act they shall take such steps as are necessary to satisfy themselves that the placement of the foster child continues to be appropriate to the needs of the child and in particular shall ensure that—

- (a) the child is visited on their behalf within one week of his placement with the foster parent (failing which where the notice is received under section 5(2) within one week of receipt of the notice) and thereafter—
 - (i) in the case of a child who has lived continuously with a foster parent for less than one year at intervals of not more than 3 months from the date of the last visit
 - (ii) in any other case at intervals of not more than 6 months from the date of the last visit and
 - (iii) on such other occasions at lesser intervals as the local authority consider necessary

in order to supervise the child's welfare as long as the child remains in the care and possession of the foster parent

- (b) a written report on any such visit is made to the local authority

(2) Where following a visit made in accordance with paragraph (1) above or for any other reason a local authority consider that it is no longer appropriate to his needs for a child to remain with a foster parent then without prejudice to any action they may take under section 12 of the Act the local authority shall forthwith notify the foster parent and regulation 6(1) shall apply to such notice

Advertisements relating to the fostering of children

8 No person who is disqualified from maintaining a foster child by virtue of section 7 of the Act shall publish or cause to be published any advertisement indicating that he is willing to undertake, or to arrange for the care and maintenance of a child to whom the Act applies

Transitional

9 Where, before the date on which these regulations come into operation a child became a foster child or was placed with a foster parent and the child continues to be a foster child after that date—

- (a) the parent of the child shall notify the local authority in whose area the premises in which the child is being kept are situated not more than 8 weeks from the date of commencement of these regulations and
- (b) a notification under paragraph (a) shall be treated as a notification under regulation 3 for the purposes of these regulations

John J Mackay
Parliamentary Under Secretary of State
Scottish Office

New St Andrew s House
Edinburgh
19th November 1985

Regulation 3(3)

SCHEDULE

INFORMATION TO BE PROVIDED TO THE LOCAL AUTHORITY

Concerning the child

- 1 Name date and place of birth and present address
- 2 Nationality and race
- 3 Details of any previous occasions when the child was placed with a foster parent
- 4 Details of any previous involvement of the child with a local authority (where known); including any occasions when the child was in the care of or under the supervision of a local authority under the Social Work (Scotland) Act 1968
- 5 Names and dates of birth of any brothers or sisters
- 6 Details of—
 - (a) any previous occasion when a brother or sister of the child was placed with a foster parent; or
 - (b) any previous involvement with the local authority (where known); including any occasions when a brother or sister was in the care of or under supervision of a local authority under the Social Work (Scotland) Act 1968
- 7 Name and address of school attended (where appropriate)
- 8 Name and address of the child's general practitioner

Concerning each parent (other than a guardian or relative) of the child

- 9 Name date and place of birth and present address
- 10 Any proposed future address
- 11 Marital status and date and place of marriage (if relevant)
- 12 Past and present relationship (if any) with the other natural parent of the child
- 13 Religion
- 14 Each parent's reasons for seeking a private fostering placement of the child; information on why the child cannot be cared for by a natural parent or relative

Concerning each guardian or relative caring for the child

- 15 Name date and place of birth and present address
- 16 Any proposed future address
- 17 Any information they may have on the circumstances and whereabouts of each parent of the child
- 18 Reasons for seeking a private fostering placement of the child; information on why the child cannot be cared for by him or by another relative or one of the child's natural parents

EXPLANATORY NOTE

(This Note is not part of the Regulations)

These regulations require parents including a guardian or relative to notify the local authority of arrangements to be made for the fostering of their children privately under the Foster Children (Scotland) Act 1984 (regulation 3). They also make provision for the local authority to investigate the suitability of such private fostering arrangements in the interests of the child (regulations 4 to 6) and for the visiting of such foster children by the local authority (regulation 7). They also prohibit persons who are disqualified by virtue of section 7 of the 1984 Act from publishing or causing to be published any advertisement relating to their willingness to act as a foster parent for the purposes of that Act (regulation 8).

SI 1985/1798
ISBN 0-11-057798-1



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