
STATUTORY INSTRUMENTS

2002 No. 57

The Fostering Services Regulations 2002

PART VIII

MISCELLANEOUS

Transitional provisions

50.—(1) This paragraph applies to a fostering agency falling within section 4(4)(b) of the 2000 Act (a voluntary organisation which places children with foster parents under section 59(1) of the 1989 Act) which has, before the coming into force of these Regulations duly made an application for registration under Part II of the 2000 Act.

(2) These Regulations shall apply to a fostering agency to which paragraph (1) applies, as if any reference in them to a registered person is a reference to the person who carries on the agency⁽¹⁾—

- (a) until such time as the application for registration is granted, either unconditionally or subject only to conditions which have been agreed in writing between that person and the Commission; or
- (b) if the application is granted subject to conditions which have not been so agreed, or it is refused—
 - (i) if no appeal is brought, until the expiration of the period of 28 days after service on that person of notice of the Commission’s decision; or
 - (ii) if an appeal is brought, until it is determined or abandoned.

(3) This paragraph applies to an independent fostering agency which is carried on by a voluntary organisation, which has, before the coming into force of these Regulations, duly made an application for registration under Part II of the 2000 Act.

(4) Where a local authority looking after a child is satisfied that the child should be placed with foster parents, they may make arrangements, subject to paragraph (5), for the duties imposed on them by regulations 34, 35, 36(1) and 37 to be discharged on their behalf by the voluntary organisation to which paragraph (3) applies (“an unregistered independent voluntary provider”)—

- (a) until such time as the application for registration is granted, either unconditionally or subject only to conditions which have been agreed in writing between that provider and the Commission; or
- (b) if the application is granted subject to conditions which have not been so agreed, or it is refused—
 - (i) if no appeal is brought, until the expiration of the period of 28 days after service on that provider of notice of the Commission’s decision; or
 - (ii) if an appeal is brought, until it is determined or abandoned.

(5) A local authority may not make arrangements under paragraph (4) unless they—

(1) See Section 121(4) of the Care Standards Act 2000.

- (a) are satisfied—
 - (i) as to the capacity of the unregistered independent voluntary provider to discharge duties on their behalf; and
 - (ii) that those arrangements are the most suitable way for those duties to be discharged; and
 - (b) enter into a written agreement with the unregistered independent voluntary provider about the arrangements, providing for consultation and exchange of information and reports between the local authority and the unregistered independent voluntary agency.
- (6) Paragraphs (2) and (4) are subject to the provisions of Article 2 of, and sub-paragraphs (5) and (6) of paragraph 15 of Schedule 1 to, the Care Standards Act 2000 (Commencement No. 9 (England) and Transitional Provisions) Order 2001 (application by the Commission to a justice of the peace)(2).
- (7) Regulation 20(6) shall not apply to any person to whom it would, apart from this regulation apply, if he is on 1st April 2002 already employed by a fostering service provider in a position to which paragraph (7) of that regulation applies.

Revocation

51. The following Regulations are revoked—

- (a) the Foster Placement (Children) Regulations 1991(3);
- (b) regulation 2 of the Children (Short-term Placements) (Miscellaneous Amendments) Regulations 1995(4);
- (c) regulation 3 of the Children (Protection from Offenders) (Miscellaneous Amendments) Regulations 1997(5);
- (d) regulation 2 of the Children (Protection from Offenders) (Amendment) Regulations 1999(6) so far as it amends the Foster Placement (Children) Regulations 1991; and
- (e) regulation 2 of the Foster Placement (Children) and Adoption Agencies Amendment (England) Regulations 2001(7).

(2) S.I.2001/3852 (c. 125).
(3) S.I. 1991/910.
(4) S.I. 1995/2015.
(5) S.I. 1997/2308.
(6) S.I. 1999/2768.
(7) S.I. 2001/2992.