
STATUTORY INSTRUMENTS

2002 No. 57

The Fostering Services Regulations 2002

PART II

**REGISTERED PERSONS AND MANAGEMENT
OF LOCAL AUTHORITY FOSTERING SERVICE**

Fostering agency—fitness of provider

- 5.—(1) A person shall not carry on a fostering agency unless he is fit to do so.
- (2) A person is not fit to carry on a fostering agency unless the person—
- (a) in the case of an independent fostering agency, is an individual who carries on the fostering agency—
 - (i) otherwise than in partnership with others and he satisfies the requirements set out in paragraph (3);
 - (ii) in partnership with others, and he and each of his partners satisfies the requirements set out in paragraph (3);
 - (b) is a partnership, and each of the partners satisfies the requirements set out in paragraph (3);
 - (c) is an organisation and—
 - (i) the organisation has given notice to the Commission of the name, address and position in the organisation of an individual (in these Regulations referred to as “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; and
 - (ii) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that—
- (a) he is of integrity and good character;
 - (b) he is physically and mentally fit to carry on the fostering agency; and
 - (c) full and satisfactory information is available in relation to him—
 - (i) except where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 1;
 - (ii) where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 1.
- (4) This paragraph applies where any certificate or information on any matters referred to in paragraph 2 of Schedule 1 is not available to an individual because any provision of the Police Act 1997⁽¹⁾ has not been brought into force.
- (5) A person shall not carry on a fostering agency if—

⁽¹⁾ 1997 c. 50. See the footnotes to paragraph 2 of Schedule 1.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

- (a) he has been adjudged bankrupt or sequestration of his estate has been awarded and (in either case) he has not been discharged and the bankruptcy order has not been annulled or rescinded; or
- (b) he has made a composition or arrangement with his creditors and has not been discharged in respect of it.