
STATUTORY INSTRUMENTS

2005 No. 1533

**The Children (Private Arrangements
for Fostering) Regulations 2005**

Citation, commencement and application

1.—(1) These Regulations may be cited as the Children (Private Arrangements for Fostering) Regulations 2005 and shall come into force on 1st July 2005.

(2) These Regulations apply to England only.

Interpretation

2. In these Regulations—

“the Act” means the Children Act 1989;

“appropriate local authority” means—

- (i) the local authority within whose area the child is being fostered privately; or
- (ii) in the case of a proposal to foster a child privately, the local authority within whose area it is proposed that he will be fostered privately;

“private foster carer” means a person who fosters a child privately; and

“working day” means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971⁽¹⁾.

Notification of proposal to foster a child privately

3.—(1) A person who proposes to foster a child privately must notify the appropriate local authority of the proposal—

- (a) at least six weeks before the private fostering arrangement is to begin; or
- (b) where the private fostering arrangement is to begin within six weeks, immediately.

(2) Any person who is involved (whether or not directly) in arranging for a child to be fostered privately must notify the appropriate local authority of the arrangement as soon as possible after the arrangement has been made.

(3) A parent of a child, and a person who is not a parent of his but who has parental responsibility for a child, who is not involved (whether or not directly) in arranging for the child to be fostered privately but who knows that it is proposed that the child should be fostered privately must notify the appropriate local authority of the proposal as soon as possible after he becomes aware of the arrangement.

(4) Notification given under paragraphs (1) to (3) must contain such of the information specified in Schedule 1 as the person giving the notification is able to provide.

Action to be taken by local authority on receipt of notification of proposal to foster a child privately

4.—(1) Where a local authority have received notification under regulation 3 they must, for the purposes of discharging their duty under section 67(1) of the Act (welfare of privately fostered children), arrange for an officer of the authority within seven working days to—

- (a) visit the premises where it is proposed that the child will be cared for and accommodated;
- (b) visit and speak to the proposed private foster carer and to all members of his household;
- (c) visit and speak to the child, alone unless the officer considers it inappropriate;
- (d) speak to and, if it is practicable to do so, visit every parent of or person with parental responsibility for the child; and
- (e) establish such matters listed in Schedule 2 as appear to the officer to be relevant.

(2) Having completed his functions under paragraph (1) the officer must make a written report to the local authority.

Notification by person already fostering a child privately

5.—(1) A person who is fostering a child privately and has not given notification to the appropriate local authority in accordance with regulation 3 must notify the appropriate local authority immediately.

(2) Notification given under paragraph (1) must contain such of the information specified in Schedule 1 as the person giving the notification is able to provide.

Notification of a child going to live with private foster carer

6.—(1) A person who has given notification under regulation 3(1) must, within 48 hours of the start of the arrangement, notify the appropriate local authority of the fact.

(2) A parent of a child, and any other person who has parental responsibility for the child, who has given notification under regulation 3(2) or 3(3) must within 48 hours of the child's going to live with a private foster carer, notify the appropriate local authority of the fact.

Action to be taken by local authority on receipt of notification about a child being fostered privately

7.—(1) Where a local authority have received a notification under regulation 5 or 6 they must for the purposes of discharging their functions under section 67(1) of the Act, arrange for an officer of the authority within seven working days to—

- (a) visit the premises where the child is being cared for and accommodated;
- (b) visit and speak to the private foster carer and to all members of his household;
- (c) visit and speak to the child, alone unless the officer considers it inappropriate;
- (d) speak to and, if it is practicable to do so, visit every parent of or person with parental responsibility for the child; and
- (e) establish such matters listed in Schedule 3 as appear to the officer to be relevant.

(2) Having completed his functions under paragraph (1) the officer must make a written report to the local authority.

Subsequent visits to children who are being fostered privately

8.—(1) Each local authority must arrange for an officer of the authority to visit every child who is being fostered privately in their area—

- (a) in the first year of the private fostering arrangement, at intervals of not more than six weeks; and
- (b) in any second or subsequent year, at intervals of not more than 12 weeks.

(2) In addition to visits carried out in accordance with paragraph (1) the local authority must arrange for every child who is fostered privately in their area to be visited by an officer when reasonably requested to do so by the child, the private foster carer, a parent of the child or any other person with parental responsibility for the child.

(3) When carrying out a visit under this regulation the officer must speak to the child alone unless he considers it inappropriate.

(4) When carrying out a visit under this regulation the officer must establish such matters listed in Schedule 3 as appear to him to be relevant.

(5) The officer must make a written report to the local authority after each visit carried out in accordance with this regulation.

(6) For the purposes of this regulation, the private fostering arrangement is deemed to begin when the local authority become aware of it.

Notification of change of circumstances

9.—(1) A private foster carer must notify the appropriate local authority of—

- (a) any change of his address;
- (b) any further offence of which he or a person who is part of or employed at his household has been convicted;
- (c) any further disqualification imposed on him or a person who is part of or employed at his household under section 68 of the Act;
- (d) any person who begins to be part of or employed at his household, and any offence of which that person has been convicted, and any disqualification or prohibition imposed on him under section 68 or 69 of the Act or under any previous enactment of either of those sections; and
- (e) any person who ceases to be part of or employed at his household.

(2) A notification under paragraph (1) must be given—

- (a) in advance if practicable;
- (b) in any other case, not more than 48 hours after the change of circumstances.

(3) If the private foster carer's new address is in the area of another local authority, or of a local authority in Scotland, Wales or Northern Ireland, the authority to whom the notification is given under this regulation must pass on to the authority for the area—

- (a) the name and new address of the private foster carer;
- (b) the name of the child who is being fostered privately; and
- (c) the name and address of the child's parents or any other person who has parental responsibility for him.

(4) The parent of a privately fostered child, and any other person who has parental responsibility for the child, who knows that the child is being fostered privately, must notify the appropriate local authority of any change of his own address.

Notification of the end of a private fostering arrangement

10.—(1) Subject to paragraphs (2) and (3), any person who has been fostering a child privately but has ceased to do so must notify the appropriate local authority within 48 hours and must include in the notification the name and address of the person into whose care the child was received and that person's relationship with the child.

(2) Where a person has been fostering a child privately but has ceased to do so because of the death of the child he must in his notification to the local authority indicate that that is the reason.

(3) Paragraph (1) shall not apply where the private foster carer intends to resume the private fostering arrangement after an interval of not more than 27 days but if—

- (a) he subsequently abandons his intention; or
- (b) the interval expires without his having given effect to his intention,

he must notify the local authority within 48 hours of abandoning his intention or, as the case may be, the expiry of the interval.

(4) Any parent of a privately fostered child, and any other person who has parental responsibility for a child, who has given notification to the local authority under regulation 3(2) or (3) must notify the appropriate local authority of the ending of the private fostering arrangement and must include in the notification the name and address of the person into whose care the child was received and that person's relationship with the child.

Form of notification

11. Any notification required under these Regulations must be given in writing and may be sent by post.

Monitoring the discharge of functions under Part 9 of the Act

12. Each local authority must monitor the way in which they discharge their functions under Part 9 of the Act and must appoint an officer of the authority for that purpose.

Revocation and transitional provision

13. The Children (Private Arrangements for Fostering) Regulations 1991(2) in so far as they apply to England are revoked, save that any notification given under those Regulations before the coming into force of these Regulations shall be treated as if it had been given under these Regulations.

Signed by the Secretary of State for Education and Skills

9th June 2005

Maria Eagle
Parliamentary Under Secretary of State
Department for Education and Skills

(2) S.I.1991/2050, as amended in relation to England by S.I. 2004/865.