
STATUTORY INSTRUMENTS

2010 No. 959

The Care Planning, Placement and Case
Review (England) Regulations 2010

PART 4

Provision for different types of placement

CHAPTER 2

Placement with local authority foster parents

Interpretation

21.—(1) In this Chapter “registered person” has the same meaning as in the 2002 Regulations⁽¹⁾.

(2) Where C is placed jointly with two persons each of whom is approved as a local authority foster parent, any reference in these Regulations to a local authority foster parent is to be interpreted as referring equally to both such persons and any requirement to be satisfied by or relating to a particular local authority foster parent must be satisfied by, or treated as relating to, both of them.

Conditions to be complied with before placing a child with a local authority foster parent

22.—(1) This regulation applies where the responsible authority propose to place C with F.

(2) The responsible authority may only place C with F if—

(a) F is approved by—

(i) the responsible authority, or

(ii) provided that the conditions specified in paragraph (3) are also satisfied, another fostering service provider,

(b) the terms of F’s approval are consistent with the proposed placement, and

(c) F has entered into a foster care agreement either with the responsible authority or with another fostering service provider in accordance with regulation 28(5)(b) of the 2002 Regulations.

(3) The conditions referred to in paragraph (2)(a)(ii) are that—

(a) the fostering service provider by whom F is approved consents to the proposed placement, and

(b) where any other local authority currently have a child placed with F, that local authority consents to the proposed placement.

(1) “Registered person” is defined in regulation 2(1) of the 2002 Regulations.

Emergency placement with a local authority foster parent

23.—(1) Where it is necessary to place C in an emergency, the responsible authority may place C with any local authority foster parent who has been approved in accordance with the 2002 Regulations, even if the terms of that approval are not consistent with the placement, provided that the placement is for no longer than six working days.

(2) When the period of six working days referred to in paragraph (1) expires, the responsible authority must terminate the placement unless the terms of that person’s approval have been amended to be consistent with the placement.

Temporary approval of relative, friend or other person connected with C

24.—(1) Where the responsible authority is satisfied that—

- (a) the most appropriate placement for C is with a connected person, notwithstanding that the connected person is not approved as a local authority foster parent, and
- (b) it is necessary for C to be placed with the connected person before the connected person’s suitability to be a local authority foster parent has been assessed in accordance with the 2002 Regulations,

they may approve that person as a local authority foster parent for a temporary period not exceeding 16 weeks (“temporary approval”) provided that they first comply with the requirements of paragraph (2).

(2) Before making a placement under paragraph (1), the responsible authority must—

- (a) assess the suitability of the connected person to care for C, including the suitability of—
 - (i) the proposed accommodation, and
 - (ii) all other persons aged 18 and over who are members of the household in which it is proposed that C will live,
 taking into account all the matters set out in Schedule 4,
- (b) consider whether, in all the circumstances and taking into account the services to be provided by the responsible authority, the proposed arrangements will safeguard and promote C’s welfare and meet C’s needs set out in the care plan, and
- (c) make immediate arrangements for the suitability of the connected person to be a local authority foster parent to be assessed in accordance with the 2002 Regulations (“the full assessment process”) before the temporary approval expires.

(3) In this regulation “connected person” means a relative, friend or other person connected with C.

Expiry of temporary approval

25.—(1) Subject to paragraph (4), the responsible authority may extend the temporary approval of a connected person if—

- (a) it is likely to expire before the full assessment process is completed, or
- (b) the connected person, having undergone the full assessment process, is not approved and seeks a review of the decision in accordance with Regulations made under paragraph 12F(1)(b) of Schedule 2 to the 1989 Act⁽²⁾.

(2) In a case falling within paragraph (1)(a), the responsible authority may extend the temporary approval once for a further period of up to eight weeks.

(2) See the Independent Review of Determinations (Adoptions and Fostering) Regulations 2009 (S.I. 2009/395).

(3) In a case falling within paragraph (1)(b), the responsible authority may extend the temporary approval until the outcome of the review is known.

(4) Before deciding whether to extend the temporary approval in the circumstances set out in paragraph (1), the responsible authority must first—

- (a) consider whether placement with the connected person is still the most appropriate placement available,
- (b) seek the views of the fostering panel established by the fostering service provider in accordance with the 2002 Regulations, and
- (c) inform the IRO.

(5) A decision to extend temporary approval must be approved by a nominated officer.

(6) If the period of temporary approval and of any extension to that period expires and the connected person has not been approved as a local authority foster parent in accordance with the 2002 Regulations, the responsible authority must terminate the placement after first making other arrangements for C's accommodation.

Independent fostering agencies – discharge of responsible authority functions

26.—(1) A responsible authority may make arrangements in accordance with this regulation for the duties imposed on it as responsible authority by regulation 14(3) and regulation 22 to be discharged on their behalf by a registered person.

(2) No arrangements may be made under this regulation unless the responsible authority has entered into a written agreement with the registered person which includes the information set out in paragraph 1 of Schedule 5, and where the responsible authority proposes to make an arrangement under this regulation in relation to a particular child, the written agreement must also include the matters set out in paragraph 2 of Schedule 5.

(3) The responsible authority must report to the Chief Inspector of Education, Children's Services and Skills any concerns they may have about the services provided by a registered person.