STATUTORY INSTRUMENTS

2011 No. 581

The Fostering Services (England) Regulations 2011

PART 1

General

Citation, commencement and application

1.—(1) These Regulations may be cited as the Fostering Services (England) Regulations 2011 and come into force on 1st April 2011.

(2) These Regulations apply in relation to England only.

Interpretation

2.—(1) In these Regulations—

"the 1989 Act" means the Children Act 1989;

"the 2000 Act" means the Care Standards Act 2000;

"approval" means approval as a foster parent in accordance with regulation 27 and references to a person being approved are to be construed accordingly;

"area authority", in relation to a child, means the local authority(**1**) in whose area the child is placed, or is to be placed, where that authority is not the responsible authority;

"care plan" means the plan for the future care of a child prepared in accordance with Part 2 of the Care Planning Regulations;

"the Care Planning Regulations" means the Care Planning, Placement and Case Review (England) Regulations 2010(**2**);

"Chief Inspector" means Her Majesty's Chief Inspector of Education, Children's Services and Skills(**3**);

"child protection enquiries" has the meaning given in regulation 12(5);

"children's guide" has the meaning given in regulation 3(3);

"early years provider" has the meaning given in section 96 of the Childcare Act 2006(**4**);

"foster care agreement" has the meaning given in regulation 27(5)(b);

"foster parent" means a person who—

(i) is approved as a foster parent under these Regulations, and

(**1**) "Local authority" is defined in section 105(1) of the 1989 Act as, in relation to England, "the council of a county, a metropolitan district, a London Borough or the Common Council of the City of London". Further, by virtue of the Isles of Scilly (Children Act 1989) Order 2010 (S.I. 2010/1116) any reference to a "local authority" in the 1989 Act is to be construed, in relation to the Isles of Scilly, as a reference to the Council of the Isles of Scilly.

(**2**) S.I. 2010/959.

(**3**) Her Majesty's Chief Inspector of Education, Children's Services and Skills is appointed under section 113 of the Education and Inspections Act 2006 (c. 40).

(**4**) 2006 c.21.

(ii) except in regulations 25 to 30, includes a person with whom a child is placed under regulation 24 of the Care Planning Regulations (*temporary approval of a relative, friend or other person connected with the child*);

"fostering agency" has the meaning given in section 4(4) of the 2000 Act(**5**);

"fostering panel" means a panel constituted in accordance with regulation 23;

"fostering service" means—

(i) a fostering agency, or

(ii) a local authority fostering service;

"fostering service provider" means—

(i) in relation to a fostering agency, a registered person, or

(ii) in relation to a local authority fostering service, a local authority;

"independent fostering agency" means a fostering agency falling within section 4(4)(a) of the 2000 Act(**6**);

"IRO" means the independent reviewing officer appointed for a child under section 25A(1) of the 1989 Act(**7**);

"Independent Safeguarding Authority" has the meaning given in section 1 of the Safeguarding Vulnerable Groups Act 2006(**8**);

"later years provider" has the meaning given in section 96 of the Childcare Act 2006;

"local authority fostering service" means the discharge by a local authority of "relevant fostering functions" within the meaning of section 43(3)(b) of the 2000 Act(**9**);

"organisation" means a body corporate or any unincorporated association other than a partnership;

"parent", in relation to a child, includes any person who has parental responsibility for the child;

"parent and child arrangements" means arrangements made by a local authority for a parent and their child to live with a foster parent, whether or not the parent or the child is placed with the foster parent;

"placement" means any placement of a child with foster parents made—

(i) by a local authority under section 22C of the 1989 Act, or

(ii) by a voluntary organisation under section 59(1)(a) of the 1989 Act,

which is not a placement for adoption, and includes a placement arranged by an independent fostering agency acting on behalf of a local authority, and references to a child who is placed are to be construed accordingly;

"placement plan" means the plan for the placement of a child prepared in accordance with regulation 9 of the Care Planning Regulations;

(**5**) That is, (a) an undertaking which consists of or includes discharging functions of local authorities in connection with the placing of children with foster parents, or (b) a voluntary organisation which places children with foster parents under section 59(1) of the 1989 Act. A 'voluntary organisation' is defined by virtue of section 121(1) of the Care Standards Act 2000, as 'a body other than a public or local authority the activities of which are not carried on for profit'.

(**6**) That is, an undertaking which consists of or includes discharging functions of local authorities in connection with the placing of children with foster parents.

(**7**) Section 25A was inserted by section 10(1) of the 2008 Act.

(**8**) 2006 c.47 ("the 2006 Act"). Section 1 was amended by section 81(2) and (3)(m)(i) of the Policing and Crime Act 2009 (c.26).

(**9**) That is, functions under section 22C of the 1989 Act in connection with placements with local authority foster parents, or regulations under paragraph 12E(a), (b), (c) or (d) or 12F of Schedule 2 to the 1989 Act *(regulations as to placing of children with foster parents*). These Regulations and the Care Planning Regulations are made under those paragraphs of Schedule 2. Section 43(3)(b) is substituted by section 8(2) of, and paragraph 13 of Schedule 1 to, the 2008 Act.

"placing authority", in relation to a child, means the local authority or voluntary organisation (as the case may be) responsible for the child's placement;

"Primary Care Trust" means a Primary Care Trust continued or established in accordance with section 18 of the National Health Service Act 2006(**10**);

"registered manager", in relation to a fostering agency, means a person who is registered under Part 2 of the 2000 Act as the manager of the fostering agency;

"registered person", in relation to a fostering agency, means a person who is the registered provider or the registered manager of the fostering agency;

"registered provider", in relation to a fostering agency, means a person who is registered under Part 2 of the 2000 Act as the person carrying on the fostering agency;

"responsible authority", in relation to a child, means the local authority that looks after the child(**11**);

"responsible individual" has the meaning given in regulation 5(1)(d);

"statement of purpose" has the meaning given in regulation 3(1); and

"X" has the meaning given in regulation 26(1).

(2) In these Regulations, references to employing a person include employing a person whether or not for payment, and whether under a contract of service or a contract for services, and allowing a person to work as a volunteer, but do not include allowing a person to act as a foster parent, and references to an employee or to a person being employed are to be construed accordingly.

PART 2

Statement of purpose and children's guide

Statement of purpose and children's guide

3.—(1) The fostering service provider must compile a written statement in relation to the fostering service ("the statement of purpose") which consists of—

(a) a statement of the aims and objectives of the fostering service, and

(b) a statement as to the services and facilities (including any parent and child arrangements) provided by the fostering service.

(2) The fostering service provider must provide a copy of the statement of purpose to the Chief Inspector, place a copy on their website (if they have one), and make copies available, upon request, to—

(a) any person working for the purposes of the fostering service,

(b) any foster parent or prospective foster parent of the fostering service,

(c) any child placed with a foster parent by the fostering service, and

(d) the parent of any such child.

(3) The fostering service provider must produce a written guide to the fostering service ("the children's guide") which includes—

(a) a summary of the statement of purpose,

(b) a summary of the procedure *(the representations and complaints procedure)* established—

(**10**) 2006 c. 41.

(**11**) For the meaning of a child who is "looked after" see section 22(1) of the 1989 Act, as amended by section 107 of, and paragraph 19 of Schedule 5 to, the Local Government Act 2000 (c.22), section 2 of the 2000 Act and by section 116(2) of the 2002 Act.

(i) in the case of an independent fostering agency, under regulation 18(1),

(ii) in the case of a local authority fostering service, under section 26(3) of the 1989 Act(**12**),

(iii) in the case of a fostering agency falling within section 4(4)(b) of the 2000 Act, under section 59(4)(b) of the 1989 Act, and

(c) the address, including email address, and telephone number of the Chief Inspector.

(4) The fostering service provider must provide a copy of the children's guide to the Chief Inspector, to each foster parent approved by the fostering service provider, and to each child placed by them (subject to the child's age and understanding).

(5) Subject to paragraph (6), the fostering service provider must ensure that the fostering service is at all times conducted in a manner which is consistent with its statement of purpose.

(6) Nothing in paragraph (5) requires or authorises the fostering service provider to contravene or to fail to comply with—

(a) any other provision of these Regulations, or

(b) in the case of a fostering agency, any conditions for the time being in force in relation to the registration of the registered person under Part 2 of the 2000 Act.

Review of statement of purpose and children's guide

4. The fostering service provider must—

(a) keep under review and, where appropriate, revise the statement of purpose and children's guide,

(b) notify the Chief Inspector of any such revision within 28 days, and

(c) if the children's guide is revised, supply a copy to each foster parent approved by the fostering service provider, and to each child placed by them (subject to the child's age and understanding).

PART 3

Management of Fostering Service

Fostering agency

Fitness of fostering service provider

5.—(1) A person must not carry on a fostering agency unless—

(a) in the case of an individual carrying on an independent fostering agency otherwise than in partnership with others, that person,

(b) in the case of an individual carrying on an independent fostering agency in partnership with others, that person and each of the other partners,

(c) in the case of a partnership carrying on a fostering agency, each of the partners, and

(d) in the case of an organisation carrying on a fostering agency, where the organisation has given notice to the Chief Inspector of the name, address and position in the organisation of an individual ("the responsible individual") who is a director, manager, secretary or

(**12**) Section 26(3) was amended by section 117(2) and (3) of the 2002 Act.

other officer of the organisation and is responsible for supervising the management of the fostering agency, the responsible individual,

satisfies the requirements of paragraph (2) as to fitness.

(2) The requirements are that—

(a) the person is of integrity and good character,

(b) the person is physically and mentally fit to carry on the fostering agency, and

(c) full and satisfactory information is available in relation to the person in respect of each of the matters specified in Schedule 1.

(3) A person may not carry on a fostering agency if that person—

(a) has been adjudged bankrupt or sequestration of their estate has been awarded and (in either case) they have not been discharged and the bankruptcy order has not been annulled or rescinded, or a moratorium period under a debt relief order (within the meaning of section 251A of the Insolvency Act 1986(**13**)) applies in relation to them, or

(b) has made a composition arrangement with their creditors and has not been discharged in respect of it.

Appointment of manager

6.—(1) The registered provider must appoint an individual to manage the fostering agency.

(2) Where the registered provider is—

(a) an organisation, it must not appoint the person who is the responsible individual as the manager,

(b) a partnership, it must not appoint any of the partners as the manager.

(3) The registered provider must notify the Chief Inspector without delay of—

(a) the name of any person appointed in accordance with this regulation, and

(b) the date on which the appointment is to take effect.

Fitness of manager

7.—(1) A person must not manage a fostering agency unless they are fit to do so.

(2) A person is not fit to manage a fostering agency unless that person—

(a) is of integrity and good character;

(b) having regard to the size of the fostering agency, its statement of purpose, and the numbers and needs of the children placed by it—

(i) has the qualifications, skills and experience necessary for managing the fostering agency, and

(ii) is physically and mentally fit to manage a fostering agency,

and full and satisfactory information is available in relation to that person in respect of each of the matters specified in Schedule 1.

Registered person – general requirements

8.—(1) The registered provider and the registered manager must, having regard to—

(**13**) 1986 c.45. Section 251A was inserted by section 108(1) of, and Schedule 17 to, the Tribunals, Courts and Enforcement Act 2007 (c.15).

(a) the size of the fostering agency, its statement of purpose, and the numbers and needs of the children placed by the fostering agency, and

(b) the need to safeguard and promote the welfare of the children placed by the fostering agency,

carry on or manage the fostering agency (as the case may be) with sufficient care, competence and skill.

(2) The registered provider must ensure that—

(a) where the registered provider is an individual, that person,

(b) where the registered provider is an organisation, the responsible individual,

(c) where the registered provider is a partnership, one of the partners,

undertakes, from time to time, such training as is appropriate to ensure that they have the experience and skills necessary for carrying on the fostering agency.

(3) The registered manager must undertake from time to time such training as is appropriate to ensure that they have the experience and skills necessary for managing the fostering agency.

Notification of offences

9. Where the registered person or the responsible individual is convicted of any criminal offence, whether in England and Wales or elsewhere, that person must without delay give notice in writing to the Chief Inspector of—

(a) the date and place of the conviction,

(b) the offence of which they were convicted, and

(c) the penalty imposed on them in respect of the offence.

Local authority fostering service

Manager

10.—(1) Each local authority must appoint one of its officers to manage the local authority fostering service, and must notify the Chief Inspector without delay of—

(a) the name of the person appointed, and

(b) the date on which the appointment is to take effect.

(2) Regulations 7, 8 and 9 apply to the manager of a local authority fostering service, in relation to that service, as they apply to the manager of a fostering agency in relation to the fostering agency.

(3) The local authority must notify the Chief Inspector without delay if the person appointed under paragraph (1) ceases to manage the local authority fostering service.

PART 4

Conduct of Fostering Services

Independent fostering agencies—duty to secure welfare

11. The registered person in respect of an independent fostering agency must ensure that—

(a) the welfare of children placed or to be placed with foster parents is safeguarded and promoted at all times, and

(b) before making any decision affecting a child placed or to be placed with a foster parent due consideration is given to the child's—

(i) wishes and feelings (having regard to the child's age and understanding), and

(ii) religious persuasion, racial origin and cultural and linguistic background.

Arrangements for the protection of children

12.—(1) The fostering service provider must prepare and implement a written policy which—

(a) is intended to safeguard children placed with foster parents from abuse or neglect, and

(b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.

(2) The written policy must include a statement of measures to be taken to safeguard any child before making parent and child arrangements with that foster parent.

(3) The procedure under paragraph (1)(b) must, subject to paragraph (4), provide in particular for—

(a) liaison and co-operation with any local authority which is, or may be, making child protection enquiries in relation to any child placed by the fostering service provider,

(b) the prompt referral to the area authority of any allegation of abuse or neglect affecting any child placed by the fostering service provider,

(c) notification of the instigation and outcome of any child protection enquiries involving a child placed by the fostering service provider, to the Chief Inspector,

(d) written records to be kept of any allegation of abuse or neglect, and of the action taken in response,

(e) consideration to be given to the measures which may be necessary to protect children placed with foster parents following an allegation of abuse or neglect, and

(f) arrangements to be made for persons working for the purposes of the fostering service, foster parents and children placed by the fostering service, to have the address (including email address), and telephone number of—

(i) the area authority, and

(ii) the Chief Inspector,

for the purposes of referring any concern about child welfare or safety to them.

(4) Sub-paragraphs (a) and (c) of paragraph (3) do not apply to a local authority fostering service.

(5) In this regulation "child protection enquiries" means any enquiries carried out by a local authority in the exercise of any of its functions conferred by or under the 1989 Act relating to the protection of children.

Behaviour management and children missing from foster parent's home

13.—(1) The fostering service provider must prepare and implement a written policy on acceptable measures of control, restraint and discipline of children placed with foster parents.

(2) The fostering service provider must take all reasonable steps to ensure that—

(a) no form of corporal punishment is used on any child placed with a foster parent,

(b) no child placed with a foster parent is subject to any measure of control, restraint or discipline which is excessive or unreasonable, and

(c) restraint is used on a child only where it is necessary to prevent injury to the child or other persons, or serious damage to property.

(3) The fostering service provider must prepare and implement a written procedure to be followed if a child is missing from a foster parent's home without permission.

Duty to promote contact

14. The fostering service provider must, subject to the provisions of the care plan and any court order relating to contact, promote contact between a child placed with a foster parent and the child's parents, relatives and friends unless such contact is not reasonably practicable or consistent with the child's welfare.

Health of children placed with foster parents

15.—(1) The fostering service provider must promote the health and development of children placed with foster parents.

(2) In particular the fostering service provider must ensure that each child—

(a) is a registered patient with a general medical practitioner who provides primary medical services under Part 4 of the National Health Service Act 2006,

(b) has access to such medical, dental, nursing, psychological and psychiatric advice, treatment and other services as the child may require,

(c) is provided with such individual support, aids and equipment which the child may require as a result of any particular health needs or disability the child may have, and

(d) is provided with guidance, support and advice on health, personal care and health promotion issues appropriate to the child's needs and wishes.

(3) In this regulation "general medical practitioner" means a medical practitioner whose name is included in the General Practitioner Register kept by the General Medical Council under section 34C of the Medical Act 1983(**14**).

Education, employment and leisure activities

16.—(1) The fostering service provider must promote the educational achievement of children placed with foster parents.

(2) In particular the fostering service provider must—

(a) implement a procedure for monitoring the educational achievement, progress and school attendance of children placed with foster parents,

(b) promote the regular school attendance and participation in school activities of children of compulsory school age placed with foster parents, and

(c) provide foster parents with such information and assistance, including equipment, as may be necessary to meet the educational needs of children placed with them.

(3) The fostering service provider must ensure that any education they provide for any child placed with a foster parent who is of compulsory school age, but who is not attending school, is efficient and suitable to the child's age, ability, aptitude, and any special educational needs the child may have.

(4) The fostering service provider must ensure that foster parents promote the leisure interests of children placed with them.

(5) Where any child placed with a foster parent is above compulsory school age, the fostering service provider must assist with the making of, and give effect to, the arrangements made for the child's education, training and employment.

(**14**) 1983 c. 54. Section 34C was inserted by paragraph 10 of Schedule 1 to S.I. 2010/234.

Support, training and information for foster parents

17.—(1) The fostering service provider must provide foster parents with such training, advice, information and support, including support outside office hours, as appears necessary in the interests of children placed with them.

(2) The fostering service provider must take all reasonable steps to ensure that foster parents are familiar with, and act in accordance with the policies established in accordance with regulations 12(1) and 13(1) and (3).

(3) The fostering service provider must ensure that, in relation to any child placed or to be placed with a foster parent, the foster parent is given such information, which is kept up to date, as to enable him to provide appropriate care for the child, and in particular that each foster parent is provided with a copy of the most recent version of the child's care plan provided to the fostering service provider under regulation 6(3)(d) of the Care Planning Regulations.

Independent fostering agencies – representations and complaints

18.—(1) Subject to paragraph (7), the registered person in respect of an independent fostering agency must establish a written procedure for considering complaints made by or on behalf of children placed by the agency, and by foster parents approved by the agency.

(2) The procedure must, in particular, provide—

(a) for an opportunity for informal resolution of the complaint at an early stage,

(b) that no person who is the subject of a complaint takes part in its consideration other than, if the registered person considers it appropriate, at the informal resolution stage only,

(c) for dealing with complaints about the registered person,

(d) for complaints to be made by a person acting on behalf of a child,

(e) for the procedure to be made known to—

(i) children placed by the agency (subject to their age and understanding),

(ii) the parents of those children,

(iii) persons working for the purposes of the independent fostering agency,

and for a copy of the procedure to be supplied to any of those persons on request.

(3) The copy of the procedure supplied under paragraph (2)(e) must include—

(a) the name, address (including email address), and telephone number of the Chief Inspector, and

(b) details of the procedure (if any) which has been notified to the registered person by the Chief Inspector for the making of complaints to the Chief Inspector relating to independent fostering agencies.

(4) The registered person must ensure that a written record is made of any complaint or representation, the action taken in response to it, and the outcome of the investigation.

(5) The registered person must ensure that—

(a) children are enabled to make a complaint or representation, and

(b) no child is subject to any reprisal for making a complaint or representation.

(6) The registered person must, on request, supply the Chief Inspector with a statement containing a summary of any complaints made during the preceding 12 months and the action taken in response.

(7) This regulation (apart from paragraph (4)) does not apply in relation to any matter to which the Children Act 1989 Representations Procedure (England) Regulations 2006 applies(**15**).

(**15**) S.I. 2006/1738.

Staffing of fostering service

19. The fostering service provider must ensure that there is a sufficient number of suitably qualified, competent and experienced persons working for the purposes of the fostering service, having regard to—

(a) the size of the fostering service, its statement of purpose, and the numbers and needs of the children placed by it, and

(b) the need to safeguard and promote the health and welfare of children placed with foster parents.

Fitness of workers

20.—(1) The fostering service provider must not—

(a) employ a person to work for the purposes of the fostering service unless that person is fit to do so, or

(b) allow a person to whom paragraph (2) applies, to work for the purposes of the fostering service unless that person is fit to do so.

(2) This paragraph applies to any person who is employed, other than by the fostering service provider, in a position in which that person may in the course of their duties have regular contact with children placed by the fostering service.

(3) For the purposes of paragraph (1), a person is not fit to work for the purposes of a fostering service unless that person—

(a) is of integrity and good character,

(b) has the qualifications, skills and experience necessary for the work they are to perform,

(c) is physically and mentally fit for the work they are to perform,

and full and satisfactory information is available in relation to that person in respect of each of the matters specified in Schedule 1.

(4) The fostering service provider must take reasonable steps to ensure that any person working for a fostering service who is not employed by the fostering service, and to whom paragraph (2) does not apply, is appropriately supervised while carrying out their duties.

Employment of staff

21.—(1) The fostering service provider must—

(a) ensure that all permanent appointments are subject to the satisfactory completion of a period of probation, and

(b) provide all employees with a job description outlining their responsibilities.

(2) The fostering service provider must operate a disciplinary procedure which, in particular—

(a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of children placed with foster parents,

(b) provides that the failure on the part of an employee to report an incident of abuse or neglect, or suspected abuse or neglect, of a child placed with foster parents to an appropriate person is a ground on which disciplinary proceedings may be instituted.

(3) For the purposes of paragraph (2)(b), an appropriate person is—

(a) in any case—

(i) the registered person, or the manager of the local authority fostering service (as the case may be),

(ii) an officer of the Chief Inspector,

(iii) an officer of the responsible authority, or the area authority (if applicable),

(iv) a police officer,

(v) an officer of the National Society for the Prevention of Cruelty to Children,

(b) in the case of an employee of an independent fostering agency, an officer of the placing authority,

(c) in the case of an employee of a fostering agency, an officer of the local authority in whose area the agency is situated.

(4) The fostering service provider must ensure that all persons employed by them—

(a) receive appropriate training, supervision and appraisal, and

(b) are enabled from to time to time to obtain further qualifications appropriate to the work they perform.

Records with respect to fostering services

22.—(1) The fostering service provider must maintain and keep up to date the records specified in Schedule 2.

(2) The records referred to in paragraph (1) must be retained for at least 15 years from the date of the last entry.

PART 5

Approval of Foster Parents

Constitution and membership of fostering panel

23.—(1) The fostering service provider must maintain a list of persons who are considered by them to be suitable to be members of a fostering panel ("the central list"), including one or more social workers who have at least three years' relevant post-qualifying experience.

(2) A person who is included in the central list may at any time ask to be removed from the central list by giving one month's notice in writing.

(3) Where the fostering service provider are of the opinion that a person included in the central list is unsuitable or unable to remain on the list, the fostering service provider may remove that person's name from the list by giving them one month's notice in writing.

(4) Subject to paragraph (5), the fostering service provider must constitute one or more fostering panels, as necessary, to perform the functions of a fostering panel under these Regulations, and must appoint panel members including—

(i) a person to chair the panel who, in the case of any appointment made after 1st October 2011, must be independent of the fostering service provider, and

(ii) one or two persons who may act as chair if the person appointed to chair the panel is absent or that office is vacant ("the vice chairs")

from the persons on the central list.

(5) A fostering panel may be constituted jointly by any two or more fostering service providers, in which case the appointment of members must be made by agreement between the fostering service providers.

(6) A local authority may pay to any member of a fostering panel constituted by them such fee as they may determine, being a fee of a reasonable amount.

(7) The fostering service provider must ensure that the fostering panel has sufficient members, and that individual members have between them the experience and expertise necessary, to effectively discharge the functions of the panel.

(8) Any fostering panel member may resign at any time by giving one month's notice in writing to the fostering service provider which appointed them.

(9) Where a fostering service provider are of the opinion that any member of the fostering panel appointed by them is unsuitable or unable to continue as a panel member, they may terminate that member's appointment at any time by giving the member notice in writing.

(10) For the purposes of this regulation and regulation 24—

(a) a person is not independent of the fostering service provider if—

(i) they are currently approved by the fostering service provider as a foster parent,

(ii) in the case of a local authority fostering service, the person is an elected member of that local authority, or is employed by that local authority for the purposes of the fostering service or for the purposes of any of that local authority's functions relating to the protection or placement of children, or

(iii) in the case of a fostering agency, the person is employed by, or is a trustee of, that fostering agency, and

(b) 'social worker' means a person who is registered as a social worker in a register maintained by the General Social Care Council or by the Care Council for Wales under section 56 of the Care Standards Act 2000(**16**), or in a corresponding register maintained under the law of Scotland or Northern Ireland.

Meetings of fostering panel

24.—(1) No business may be conducted by a fostering panel unless at least the following meet as the panel—

(i) either the person appointed to chair the panel or one of the vice chairs,

(ii) one member who is a social worker who has at least three years' relevant post-qualifying experience, and

(iii) three, or in the case of a fostering panel established under regulation 23(5) four, other members, and

where the chair is not present and the vice chair who is present is not independent of the fostering service provider, at least one of the other panel members must be independent of the fostering service provider.

(2) A fostering panel must make a written record of its proceedings and the reasons for its recommendations.

Functions of fostering panel

25.—(1) The functions of the fostering panel in respect of cases referred to it by the fostering service provider are—

(a) to consider each application for approval and to recommend whether or not a person is suitable to be a foster parent,

(**16**) Section 56 was amended by regulations 230 and 232(a) of S.I. 2007/3101.

(b) where it recommends approval of an application, to recommend any terms on which the approval is to be given,

(c) to recommend whether or not a person remains suitable to be a foster parent, and whether or not the terms of their approval (if any) remain appropriate—

(i) on the first review carried out in accordance with regulation 28(2), and

(ii) on the occasion of any other review, if requested to do so by the fostering service provider in accordance with regulation 28(5), and

(d) to consider any case referred to it under regulation 27(9) or 28(10).

(2) In considering what recommendation to make under paragraph (1), the fostering panel—

(a) must consider and take into account all of the information passed to it in accordance with regulation 26, 27 or 28 (as the case may be),

(b) may request the fostering service provider to obtain any other relevant information or to provide such other assistance as the fostering panel considers necessary, and

(c) may obtain such legal advice or medical advice as it considers necessary.

(3) The fostering service provider must obtain such information as the fostering panel considers necessary and send that information to the panel, and provide such other assistance as the fostering panel may request, so far as is reasonably practicable.

(4) The fostering panel must also—

(a) advise, where appropriate, on the procedures under which reviews in accordance with regulation 28 are carried out by the fostering service provider, and periodically monitor their effectiveness,

(b) oversee the conduct of assessments carried out by the fostering service provider, and

(c) give advice, and make recommendations, on such other matters or cases as the fostering service provider may refer to it.

(5) In this regulation "recommend" means recommend to the fostering service provider.

Assessment of prospective foster parents

26.—(1) The fostering service provider may carry out an assessment of any person who applies to become a foster parent and whom they consider may be suitable to become a foster parent ("X"), and any such assessment must be carried out in accordance with this regulation.

(2) The fostering service provider—

(a) must obtain the information specified in Schedule 3 relating to X and other members of X's household and family, and any other information they consider relevant,

(b) must interview at least two persons nominated by X to provide personal references for X, and prepare written reports of the interviews,

(c) except where the fostering service provider is a local authority and X lives in the area of that authority, must consult with, and take into account the views of, the local authority in whose area X lives,

(d) may, where X was approved as a foster parent by another fostering service provider and that approval has been terminated, and where X consents to the inspection, request inspection of the relevant records compiled by that other fostering service provider in relation to X under regulations 30 and 31.

(3) Having regard to the information obtained under paragraph (2), the fostering service provider must—

(a) consider whether X is suitable to be a foster parent and whether X's household is suitable for any child,

(b) prepare a written report on X which includes the matters set out in paragraph (4), and

(c) refer the report to the fostering panel and notify X accordingly.

(4) The report referred to in paragraph (3) must include the following matters in relation to X—

(a) the information required by Schedule 3 and any other information the fostering service provider consider relevant,

(b) the fostering service provider's assessment of X's suitability to be a foster parent, and

(c) the fostering service provider's proposals about any terms of the approval.

(5) Subject to paragraph (8), X is not suitable to be a foster parent if X, or any member of X's household aged 18 or over—

(a) has been convicted of a specified offence committed at the age of 18 or over, or

(b) has been cautioned by a constable in respect of any such offence.

(6) In paragraph (5) "specified offence" means—

(a) an offence against a child,

(b) an offence specified in Part 1 of Schedule 4,

(c) an offence contrary to section 170 of the Customs and Excise Management Act 1979(**17**) in relation to goods prohibited to be imported under section 42 of the Customs Consolidation Act 1876(**18**) (prohibitions and restrictions relating to pornography) where the prohibited goods included indecent photographs of children under the age of 16,

(d) any other offence involving bodily injury to a child, other than an offence of common assault or battery, and

the expression "offence against a child" has the meaning given to it by section 26(1) of the Criminal Justice and Court Services Act 2000(**19**) except that it does not include an offence contrary to section 9 of the Sexual Offences Act 2003(**20**) (sexual activity with a child) in a case where the offender was under the age of 20 at the time the offence was committed and the child was aged 13 or over.

(7) Subject to paragraph (8), X is not suitable to be a foster parent if X, or any member of X's household aged 18 or over—

(a) has been convicted of an offence specified in paragraph 1 of Part 2 of Schedule 4 committed at the age of 18 or over, or has been cautioned by a constable in respect of any such offence, or

(b) falls within paragraph 2 or 3 of Part 2 of Schedule 4,

notwithstanding that the statutory offences in Part 2 of Schedule 4 have been repealed.

(8) The fostering service provider may regard a person who falls within paragraph (5) or (7) as suitable to be a foster parent in relation to a particular child (or children), if the fostering service provider is satisfied that the welfare of that child (or those children) requires it, and either—

(a) the person, or a member of their household, is a relative of the child, or

(b) the person is already acting as a foster parent for the child.

(9) In—

(**17**) 1979 c. 2.
(**18**) 1876 c.36. Section 42 was amended by Part 9 of Schedule 1 to the Statute Law (Repeals) Act 1993 (c.50), and paragraph 1 of Schedule 2 to the Statute Law (Repeals) Act 2008 (c.12) and by other provisions which are not relevant to these Regulations.
(**19**) 2000 c. 43. Section 26 is repealed by Schedule 10 of the 2006 Act on a date to be appointed.
(**20**) 2003 c. 42.

(a) this regulation and Schedule 4, 'constable' has the meaning given in section 5 of the Police Act 1993(**21**), and

(b) this regulation, and regulations 27 and 28 and Schedules 3 and 5, a person who is living in X's household in parent and child arrangements, is a member of X's household.

Approval of foster parents

27.—(1) A fostering service provider must not approve a person who has been approved as a foster parent by another fostering service provider where that approval has not been terminated.

(2) A fostering service provider must not approve X as a foster parent unless—

(a) they have completed their assessment of X's suitability, and

(b) the fostering panel has considered the application.

(3) A fostering service provider must, in deciding whether to approve X as a foster parent and as to the terms of any approval, take into account the recommendation of the fostering panel.

(4) No member of the fostering panel may take part in any decision made by a fostering service provider under paragraph (3).

(5) If a fostering service provider decide to approve X as a foster parent they must—

(a) give X notice in writing specifying any terms on which the approval is given, and

(b) enter into a written agreement with X covering the matters specified in Schedule 5 (the "foster care agreement").

(6) If a fostering service provider consider that X is not suitable to be a foster parent they must, subject to paragraph (7)—

(a) give X written notice that they propose not to approve X as suitable to be a foster parent (a "qualifying determination"), together with their reasons and a copy of the fostering panel's recommendation, and

(b) advise X that, within 28 days of the date of the qualifying determination, X may—

(i) submit any written representations that X wishes to make to the fostering service provider, or

(ii) apply to the Secretary of State for a review by an independent review panel of the qualifying determination(**22**).

(7) Paragraph (6)(b)(ii) does not apply in a case where the fostering service provider consider in accordance with regulation 26(8) that X is not suitable to be a foster parent.

(8) If, within the period referred to in paragraph (6)(b)—

(a) the fostering service provider do not receive any representations, and

(b) X does not apply to the Secretary of State for a review by an independent review panel of the qualifying determination,

the fostering service provider may proceed to make their decision.

(9) If within the period referred to in paragraph (6)(b) the fostering service provider receive any written representations, they must—

(a) refer the case to the fostering panel for further consideration, and

(b) make their decision, taking into account any further recommendation made by the fostering panel.

(**21**) 1993 c. 11.

(**22**) For provisions about the review mechanism, see the Independent Review of Determinations (Adoption and Fostering) Regulations 2009 (S.I. 2009/395) as amended by S.I..2011/581.

(10) If, within the period referred to in paragraph (6)(b), X applies to the Secretary of State for a review by an independent review panel of the qualifying determination, the fostering service provider must make their decision taking into account the recommendation of the fostering panel and the recommendation of the independent review panel.

(11) As soon as practicable after making the decision referred to in paragraph (8), (9)(b) or (10) (as the case may be), the fostering service provider must notify X in writing and—

(a) if the decision is to approve X as a foster parent, comply with paragraph (5) in relation to X, or

(b) if the decision is not to approve X, provide written reasons for their decision.

(12) In a case where an independent review panel has made a recommendation, the fostering service provider must send a copy of the notification referred to in paragraph (11) to the Secretary of State.

Reviews and terminations of approval

28.—(1) The fostering service provider must review the approval of each foster parent in accordance with this regulation.

(2) A review must take place not more than a year after approval, and thereafter whenever the fostering service provider consider it necessary, but at intervals of not more than a year.

(3) When undertaking a review, the fostering service provider must—

(a) make such enquiries and obtain such information as they consider necessary in order to review whether the foster parent continues to be suitable to be a foster parent and the foster parent's household continues to be suitable, and

(b) seek and take into account the views of—

(i) the foster parent,

(ii) any child placed with the foster parent (subject to the child's age and understanding), and

(iii) any placing authority which has, within the preceding year, placed a child with the foster parent.

(4) At the conclusion of the review, the fostering service provider must prepare a written report, setting out whether—

(a) the foster parent continues to be suitable to be a foster parent and the foster parent's household continues to be suitable, and

(b) the terms of the foster parent's approval continue to be appropriate.

(5) The fostering service provider must on the occasion of the first review under this regulation, and may on any subsequent review, refer their report to the fostering panel for consideration.

(6) If the fostering service provider decide, taking into account any recommendation made by the fostering panel, that the foster parent and the foster parent's household continue to be suitable and that the terms of the foster parent's approval continue to be appropriate, they must give written notice to the foster parent of their decision.

(7) If, taking into account any recommendation made by the fostering panel, the fostering service provider are no longer satisfied that the foster parent or the foster parent's household continue to be suitable, or that the terms of the approval are appropriate, they must (subject to paragraph (8))—

(a) give written notice to the foster parent that they propose to terminate, or (as the case may be) revise the terms of, the foster parent's approval (a "qualifying determination"), together with their reasons and a copy of any recommendation made by the fostering panel, and

(b) advise the foster parent that, within 28 days of the date of the qualifying determination, the foster parent may—

(i) submit any written representations that the foster parent wishes to make to the fostering service provider, or

(ii) apply to the Secretary of State for a review by an independent review panel of the qualifying determination.

(8) Paragraph (7)(b)(ii) does not apply in a case where, in accordance with regulation 26(8), the fostering service provider are no longer satisfied that the foster parent or the foster parent's household continue to be suitable, or that the terms of the approval are appropriate.

(9) If within the period referred to in paragraph (7)(b)—

(a) the fostering service provider do not receive any representations, and

(b) the foster parent does not apply to the Secretary of State for a review by an independent review panel of the qualifying determination,

the fostering service provider may proceed to make their decision.

(10) If, within the period referred to in paragraph (7)(b), the fostering service provider receive any written representations, they must—

(a) refer the case to the fostering panel for its consideration, and

(b) make their decision, taking into account any recommendation made by the fostering panel.

(11) If, within the period referred to in paragraph (7)(b), the foster parent applies to the Secretary of State for a review by an independent review panel of the qualifying determination, the fostering service provider must make their decision taking into account any recommendation made by the fostering panel and the recommendation of the independent review panel.

(12) As soon as practicable after making the decision referred to in paragraph (9), (10)(b) or (11), the fostering service provider must give written notice to the foster parent stating (as the case may be)—

(a) that the foster parent and the foster parent's household continue to be suitable, and that the terms of the approval continue to be appropriate,

(b) that the foster parent's approval is terminated from a specified date, and the reasons for the termination, or

(c) the revised terms of the approval and the reasons for the revision.

(13) A foster parent may give notice in writing to the fostering service provider at any time that the foster parent no longer wishes to be a foster parent, in which case the foster parent's approval is terminated with effect from 28 days from the date on which the notice is received by the fostering service provider.

(14) A copy of any notice given under this regulation must be sent to the placing authority for any child placed with the foster parent (unless the placing authority is also the fostering service provider), and the area authority for any child placed with the foster parent.

(15) In a case where an independent review panel has made a recommendation, the fostering service provider must send a copy of the notification referred to in paragraph (12) to the Secretary of State.

Information to be sent to the independent review panel

29.—(1) This regulation applies where the fostering service provider receive notification from the Secretary of State that a person has applied for a review by an independent review panel of a qualifying determination under regulation 27(6)(b)(ii) or 28(7)(b)(ii).

(2) The fostering service provider must send the following documents and information to the Secretary of State within ten working days of receipt of the notification referred to in paragraph (1)—

(a) a copy of any report prepared, and of any other documents referred to the fostering panel, for the purposes of regulations 26, 27 or 28 (as the case may be),

(b) any relevant information in relation to X or the foster parent (as the case may be) which was obtained by the fostering service provider after the date on which the report was prepared or the documents referred to the fostering panel, and

(c) a copy of the notice, and of any other documents, sent in accordance with regulations 27(6)(a) or 28(7)(a).

Case records relating to foster parents and others

30.—(1) A fostering service provider must maintain a case record for each foster parent approved by them which must include copies of the documents specified in paragraph (2) and the information specified in paragraph (3).

(2) The documents referred to in paragraph (1) are—

(a) the report prepared under regulation 26(3)(b) and any other reports submitted to the fostering panel,

(b) any recommendations made by the fostering panel,

(c) the notice of approval given under regulation 27(5)(a),

(d) the foster care agreement,

(e) any report of a review of approval prepared under regulation 28(4), and

(f) any notice given under regulation 28(12).

(3) The information referred to in paragraph (1) is, as the case may be—

(a) a record of each placement with the foster parent, including the name, age and sex of each child placed, the dates on which each placement began and terminated, and the circumstances of the termination,

(b) the information obtained by the fostering service provider in relation to the assessment and approval of the foster parent, and in relation to any review or termination of the approval.

(4) A local authority must maintain a case record for each person with whom a child is placed under regulation 24 of the Care Planning Regulations (*temporary approval of relative, friend or other person connected with the child*) which must include in relation to that person—

(a) a record in relation to the placement, including the name, age and sex of each child placed, the date on which the placement began and, if the placement has been terminated, the date and circumstances of the termination, and

(b) the information obtained in relation to the enquiries carried out under regulation 24(2) of the Care Planning Regulations.

(5) The fostering service provider must compile a record for each person whom they do not approve as a foster parent, or who withdraws their application prior to approval, which must include—

(a) the information obtained in connection with the assessment,

(b) any report submitted to the fostering panel and any recommendation made by the fostering panel, and

(c) any notification given under regulation 27.

Register of foster parents

31. The fostering service provider must maintain a register (a "register of foster parents") and enter in it the following particulars in relation to each foster parent—

(a) name, address, date of birth and sex of each foster parent and, in the case of a local authority fostering service, of each person with whom it has placed a child under regulation 24 of the Care Planning Regulations,

(b) the date of approval and of each review of approval (as the case may be), and

(c) the current terms of approval (if any).

Retention and confidentiality of records

32.—(1) The records compiled in relation to a foster parent under regulation 30(1), and any entry relating to that foster parent in the register maintained under regulation 31, must be retained for at least 10 years from the date on which their approval is terminated.

(2) The records compiled by a local authority under regulation 30(4) in relation to a person with whom a child is placed under regulation 24 of the Care Planning Regulations, and any entry relating to such a person in the register maintained under regulation 31, must be retained for at least 10 years from the date on which the placement is terminated.

(3) The records compiled under regulation 30(5) must be retained for at least 3 years from the refusal or withdrawal, as the case may be, of the application to become a foster parent.

(4) The requirements in paragraphs (1) to (3), and in regulation 22, may be complied with by retaining the original written records or copies of them, or by keeping all or part of the information contained in them in some other accessible form such as a computer record.

(5) Subject to paragraph (6), any records or register maintained in accordance with regulation 22, 30 or 31 must be kept securely and may not be disclosed to any person except in accordance with—

(a) any provision of, or made under or by virtue of, a statute under which access to such records is authorised,

(b) any court order authorising access to such records.

(6) A fostering service provider must make their records compiled under regulation 30 or 31 in relation to a foster parent available for inspection by another fostering service provider within one month of a request under regulation 26(2)(d).

PART 6

Fostering Agencies—Miscellaneous

Fostering agency ceasing to carry out fostering functions – notifications and records

33.—(1) Where a fostering agency is to cease carrying out the functions of a fostering agency ("the old agency") the registered provider must without delay notify —

(a) the local authority fostering service in whose area the old agency is situated,

(b) the Chief Inspector,

(c) every foster parent currently approved by the old agency under regulation 27 and every other foster parent for whom the old agency has responsibility by virtue of paragraph (2), and

(d) the responsible authority and, where different, the placing authority for every child currently placed with a foster parent falling within sub-paragraph (c),

of the fact that it is to cease carrying out the functions of a fostering agency and, in the case of notifications under sub-paragraphs (c) and (d), of the identity of the new fostering service.

(2) The registered provider of the old agency may agree with—

(a) a local authority fostering service, or

(b) another fostering agency

that that fostering service will become the fostering service ("the new fostering service") in relation to some or all of the foster parents falling within paragraph (1)(c).

(3) In the absence of an agreement under paragraph (2) in relation to some or all of the foster parents falling within paragraph (1)(c), the local authority fostering service in whose area each foster parent lives will become the new fostering service in relation to them.

(4) The registered provider of the old agency must, before the date on which the agency ceases carrying out the functions of a fostering agency—

(a) arrange for the records of the old agency maintained by virtue of regulation 30 in relation to the foster parents falling within paragraph (1)(c) to be passed to the relevant new fostering agency, and

(b) arrange for all other records maintained by the old agency by virtue of these Regulations to be passed to the local authority in whose area the old agency is situated.

(5) A responsible authority notified under paragraph (1)(d) must inform the IRO for each child they are looking after of the fact that the old agency is to cease carrying out the functions of a fostering agency, and the identity of the new fostering service for that child's foster parent.

Fostering agency ceasing to carry out fostering functions – new fostering service providers

34.—(1) Within 16 weeks of the date on which the old agency ceases carrying out the functions of a fostering agency, the fostering service provider in relation to a new fostering service ("the new fostering service provider") must, unless it is not reasonably practicable to do so, carry out an assessment of any foster parent for whom it has assumed responsibility by virtue of regulation 33(2) or (3) (a "transferred foster parent") and decide whether to approve them as a foster parent, in accordance with the provisions of regulations 26 and 27, with the modification that regulation 27(1) does not apply.

(2) The transferred foster parent's approval by the old agency is terminated —

(a) when the new fostering service provider make their decision under regulation 27(8), (9)(b) or (10) (as the case may be), or

(b) subject to paragraph (3), if the new fostering service provider fail to carry out the assessment and make their decision within the period of 16 weeks referred to in paragraph (1).

(3) Where it is not reasonably practicable for the new fostering service provider to complete their assessment and make their decision within the period of 16 weeks referred to in paragraph (1), the transferred foster parent's approval may be extended for such period as is necessary for the fostering service provider to make their decision.

Review of quality of care

35.—(1) The registered person must maintain a system for—

(a) monitoring the matters set out in Schedule 6 at appropriate intervals, and

(b) improving the quality of foster care provided by the fostering agency.

(2) The registered person must provide the Chief Inspector with a written report in respect of any review conducted for the purposes of paragraph (1) and, on request, to any local authority.

(3) The system referred to in paragraph (1) must provide for consultation with foster parents, children placed with foster parents, and their placing authority (unless, in the case of a fostering agency which is a voluntary organisation, it is also the placing authority).

Notifiable events

36.—(1) If any of the events listed in column 1 of the table in Schedule 7 takes place in relation to a fostering agency, the registered person must without delay notify the persons or bodies indicated in respect of the event in column 2 of the table.

(2) Any notification made in accordance with this regulation which is given orally must be confirmed in writing.

Financial position

37.—(1) The registered provider must carry on the fostering agency in such manner as is likely to ensure that it will be financially viable for the purpose of achieving the aims and objectives set out in its statement of purpose.

(2) The registered provider must—

(a) ensure that adequate accounts are maintained and kept up to date in respect of the fostering agency, and

(b) supply a copy of the accounts, if requested to do so, to the Chief Inspector.

(3) The registered provider must provide the Chief Inspector with information requested for the purpose of considering the financial viability of the fostering agency, including—

(a) the annual accounts of the fostering agency, certified by an accountant,

(b) a reference from a bank expressing an opinion as to the registered provider's financial standing,

(c) information as to the financing and financial resources of the fostering agency,

(d) where the registered provider is a company, information as to any of its associated companies, and

(e) a certificate of insurance for the registered provider in respect of liability which may be incurred by him in relation to the fostering agency in respect of death, injury, public liability, damage or other loss.

(4) In this regulation one company is associated with another if one of them has control of the other, or both are under the control of the same person or company.

Notice of absence

38.—(1) Where the registered manager proposes to be absent from the fostering agency for a continuous period of 28 days or more, the registered person must give notice in writing to the Chief Inspector of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) must be given no later than one month before the proposed absence is to start, or within such shorter period as may be agreed with the Chief Inspector, and the notice must specify—

(a) the length or expected length of the proposed absence,

(b) the reason for the proposed absence,

(c) the arrangements which have been made for the running of the fostering agency during that absence,

(d) the name, address and qualifications of the person who will be responsible for the fostering agency during the absence, and

(e) the arrangements that have been made or are proposed to be made for appointing another person to manage the fostering agency during the absence, including the proposed date by which the appointment is to start.

(3) Where the absence arises as a result of an emergency, the registered person must give notice of the absence within one week of its occurrence, specifying the matters mentioned in sub-paragraphs (a) to (e) of paragraph (2).

(4) Where the registered manager has been absent from the fostering agency for a continuous period of 28 days or more, and the Chief Inspector has not been given notice of the absence, the registered person must without delay give notice in writing to the Chief Inspector specifying the matters mentioned in paragraph (2).

(5) The registered person must notify the Chief Inspector of the return to duty of the registered manager not later than 7 days after the date of return.

Notice of changes

39.—(1) The registered person must give notice in writing to the Chief Inspector without delay if any of the following events takes place or is proposed to take place—

(a) a person other than the registered person carries on or manages the fostering agency,

(b) a person ceases to carry on or manage the fostering agency,

(c) where the registered provider is an individual, they change their name,

(d) where the registered provider is a partnership, there is any change in the membership of the partnership,

(e) where the registered provider is an organisation—

(i) the name or address of the organisation is changed,

(ii) there is any change of director, manager, secretary or other similar officer of the organisation,

(iii) there is to be any change in the identity of the responsible individual,

(f) where the registered provider is an individual, a trustee in bankruptcy is appointed or he makes any composition or arrangement with his creditors, or

(g) where the registered provider is a company, or a partnership, a receiver, manager, liquidator or provisional liquidator is appointed in respect of the registered provider.

(2) The registered provider must notify the Chief Inspector in writing and without delay of the death of the registered manager.

Appointment of liquidators

40.—(1) Any person to whom paragraph (2) applies must—

(a) notify the Chief Inspector without delay of their appointment indicating the reasons for it,

(b) appoint a manager to take full-time day to day charge of the fostering agency in any case where there is no registered manager, and

(c) not more than 28 days after their appointment notify the Chief Inspector of their intentions regarding the future operation of the fostering agency.

(2) This paragraph applies to any person appointed as—

(a) the receiver or manager of the property of a company or partnership which is a registered provider of a fostering agency,

(b) a liquidator or provisional liquidator of a company which is the registered provider of a fostering agency, or

(c) the trustee in bankruptcy of a registered provider of a fostering agency.

Compliance with Regulations

41. Where there is more than one registered person in respect of a fostering agency, anything which is required under these Regulations to be done by the registered person, need only be done by one of the registered persons.

PART 7

Miscellaneous

Application of these Regulations with modifications to short breaks

42.—(1) In the circumstances set out in paragraph (2), these Regulations apply in relation to a child with the modifications set out in paragraph (3).

(2) The circumstances are that the child—

(a) is not in the care of a local authority, and

(b) is placed in a series of short-term placements with the same foster parent ("short breaks"), where—

(i) no single placement is intended to last for more than 17 days,

(ii) at the end of each such placement the child returns to the care of the child's parent or a person who is not his parent but who has parental responsibility for the child,

(iii) the short breaks do not exceed 75 days in total in any period of 12 months.

(3) The modifications are that regulations 14, 15(2)(a) and (d), and 16 do not apply in relation to the child.

Amendment of Regulations

43.—(1) The Care Planning Regulations are amended as follows.

(2) In regulation 2(1) for the definition of "the 2002 Regulations" substitute ""the Fostering Services Regulations" means the Fostering Services (England) Regulations 2011;".

(3) In the following regulations, for "the 2002 Regulations" wherever those words appear substitute "the Fostering Services Regulations"—

(i) regulation 2(1) in the definition of "fostering service provider",

(ii) regulation 6(3)(d),

(iii) regulation 21(1),

(iv) regulation 23(1),

(v) regulation 24(1)(b) and (2)(c), and

(vi) regulation 25(4)(b) and (6).

(4) In regulation 22(2)(c) for "28(5)(b) of the 2002 Regulations" substitute "27(5)(b) of the Fostering Services Regulations".

(5) For paragraph 3(4) of Schedule 2 substitute "Any circumstances in which F must obtain the prior approval of either the responsible authority or P before making decisions in relation to C or C's care.".

(6) In paragraph 3(6) of Schedule 2 for "28(5) of the 2002 Regulations" substitute "27(5)(b) of the Fostering Services Regulations".

(7) In paragraph 5 of Schedule 7 for "agreement" substitute "plan".

Revocation of Regulations

44. The Fostering Services Regulations 2002(**23**) are revoked.

Transitional provisions

45. A fostering panel established under the Fostering Services Regulations 2002, and which is carrying out the functions of a fostering panel immediately before 1st April 2011, may continue to carry out the functions of a panel under these Regulations in relation to any case referred to it before that date.

Tim Loughton
Parliamentary under Secretary of State
Department for Education

2nd March 2011

(**23**) S.I. 2002/57, amended by S.I.s 2002/865, 2002/2469, 2004/664, 2004/865, 2006/1738, 2007/603, 2008/640, 2009/394 and 2009/1895.