
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;

[^{F1}“adoption agency” has the meaning given in section 2(1) of the Adoption and Children Act 2002;]

“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 ^{M1} 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 ^{M2};

“Chief Inspector” means Her Majesty's Chief Inspector of Education, Children's Services and Skills ^{M3};

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

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

^{F2} ...

“early years provider” has the meaning given in section 96 of the Childcare Act 2006 ^{M4};

“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
- (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) [^{F3}or regulation 25A of those Regulations (temporary approval of prospective adopter as foster parent)];

“fostering agency” has the meaning given in section 4(4) of the 2000 Act ^{M5};

“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 ^{M6};

[^{F4}“integrated care board” means an integrated care board established under Chapter A3 of Part 2 of the National Health Service Act 2006;]

“IRO” means the independent reviewing officer appointed for a child under section 25A(1) of the 1989 Act ^{M7};

[^{F5}“Disclosure and Barring Service” means the body established by section 87(1) of the Protection of Freedoms Act 2012];

“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 ^{M8};

“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;

“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;

^{F6} ...

“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^{M9};

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

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

[^{F1}“working day” means any day other than—

- (a) a Saturday or a Sunday,
- (b) Christmas day or Good Friday, or
- (c) a bank holiday in England and Wales under the Banking and Financial Dealings Act 1971;]

“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.

- F1** Words in reg. 2(1) inserted (1.7.2013) by [The Care Planning, Placement and Case Review and Fostering Services \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/984\)](#), regs. 1, **6(a)**
- F2** Words in reg. 2(1) omitted (1.7.2022) by virtue of [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), regs. 1(2), **50(2)(a)**
- F3** Words in reg. 2(1) inserted (1.7.2013) by [The Care Planning, Placement and Case Review and Fostering Services \(Miscellaneous Amendments\) Regulations 2013 \(S.I. 2013/984\)](#), regs. 1, **6(b)**
- F4** Words in reg. 2(1) inserted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), regs. 1(2), **50(2)(b)**
- F5** Words in reg. 2(1) substituted (1.12.2012) by [The Protection of Freedoms Act 2012 \(Disclosure and Barring Service Transfer of Functions\) Order 2012 \(S.I. 2012/3006\)](#), arts. 1(1), **32** (with Pt. 4)
- F6** Words in reg. 2(1) omitted (1.4.2013) by virtue of [The National Treatment Agency \(Abolition\) and the Health and Social Care Act 2012 \(Consequential, Transitional and Saving Provisions\) Order 2013 \(S.I. 2013/235\)](#), art. 1(2), **Sch. 2 para. 160(2)(b)**

Marginal Citations

- M1** “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.
- M2** [S.I. 2010/959](#).
- M3** Her Majesty’s Chief Inspector of Education, Children’s Services and Skills is appointed under section 113 of the [Education and Inspections Act 2006 \(c. 40\)](#).
- M4** [2006 c.21](#).
- M5** 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’.
- M6** That is, an undertaking which consists of or includes discharging functions of local authorities in connection with the placing of children with foster parents.

- M7** Section 25A was inserted by section 10(1) of the 2008 Act.
- M8** 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.
- M9** 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.

Changes to legislation:

There are currently no known outstanding effects for the The Fostering Services (England) Regulations 2011, PART 1.