
STATUTORY INSTRUMENTS

2011 No. 581

The Fostering Services (England) Regulations 2011

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 ^{M1} are revoked.

Marginal Citations

M1 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.

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.

Changes to legislation:

There are currently no known outstanding effects for the The Fostering Services (England) Regulations 2011, PART 7.