
STATUTORY INSTRUMENTS

2011 No. 581

The Fostering Services (England) Regulations 2011

PART 5

Approval of Foster Parents

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 ^{M1}.

(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.

Status: This version of this provision has been superseded.

Changes to legislation: There are currently no known outstanding effects for the The Fostering Services (England) Regulations 2011, Section 27. (See end of Document for details)

(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.

(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.

Marginal Citations

M1 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.

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Changes to legislation:

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