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STATUTORY INSTRUMENTS

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**2011 No. 581**

**The Fostering Services (England) Regulations 2011**

**PART 5**

**Approval of Foster Parents**

**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.