
STATUTORY INSTRUMENTS

2013 No. 984

The Care Planning, Placement and Case Review and Fostering Services (Miscellaneous Amendments) Regulations 2013

Amendment of the Fostering Services (England) Regulations 2011

7. For paragraphs (1) to (4) of regulation 26 substitute—

“(1) Where a person (“X”) applies to become a foster parent and the fostering service provider decide to assess X’s suitability to become a foster parent, any such assessment must be carried out in accordance with this regulation.

(1A) Subject to paragraph (1B), the fostering service provider—

- (a) must, as soon as reasonably practicable, obtain the information specified in Part 1 of Schedule 3 relating to X and other members of X’s household and family,
- (b) where X has been a foster parent within the preceding 12 months and was approved as such by another fostering service provider, must request a written reference from that other fostering service provider,
- (c) except in a case where (b) applies and the other fostering service provider provides the reference requested, must interview at least two persons nominated by X to provide personal references for X, and prepare written reports of the interviews,
- (d) except where the fostering service provider is a local authority and X lives in the area of that authority, must consult, and take into account the views of, the local authority in whose area X lives,
- (e) may, where X was approved as a foster parent by another fostering service provider and consents, request access to the relevant records compiled by that other fostering service provider in relation to X, and
- (f) may, where X has been approved as a prospective adopter by an adoption agency and consents, request access to the relevant records compiled by that adoption agency in relation to X.

(1B) Where—

- (a) having regard to any information obtained under paragraph (1A), the fostering service provider decide that X is not suitable to become a foster parent, or
- (b) X is not suitable to become a foster parent by virtue of paragraphs (5) to (7), and paragraph (8) does not apply,

the fostering service provider must notify X in writing that X is not suitable to be a foster parent giving their reasons for that decision.

(1C) The notification in paragraph (1B)—

- (a) may be given notwithstanding that the fostering service provider has not obtained all the information set out in paragraph (1A), and
- (b) may not be given more than 10 working days after the fostering service provider has obtained all the information set out in paragraph (1A).

(2) Where the fostering service provider have obtained all the information set out in paragraph (1A) and have not given the notification in paragraph (1B) within 10 working days of doing so, the fostering service provider must, subject to paragraph (3)—

- (a) obtain the information specified in Part 2 of Schedule 3 relating to X and other members of X's household and any other information they consider relevant,
- (b) consider whether X is suitable to be a foster parent and whether X's household is suitable for any child,
- (c) prepare a written report on X which includes the following matters—
 - (i) the information required by Schedule 3 and any other information the fostering service provider consider relevant,
 - (ii) the fostering service provider's assessment of X's suitability to be a foster parent, and
 - (iii) the fostering service provider's proposals about any terms of approval, and
- (d) notify X that the case is to be referred to the fostering panel, and give X a copy of the report prepared under subparagraph (c) inviting X to send any observations in writing to the fostering service provider within 10 working days beginning with the date on which the notification is sent.

(3) Where, having regard to any information obtained under paragraph 2(a), the fostering service provider decide that X is unlikely to be considered suitable to become a foster parent, it may prepare a written report under paragraph (2)(c) notwithstanding that the fostering service provider may not have obtained all the information about X which is required by paragraph (2)(c).

(4) At the end of the 10 working days referred to in paragraph (2)(d) (or when X's observations are received, whichever is sooner), the fostering service provider must send—

- (a) the report prepared under paragraph (2)(c),
- (b) X's observations on that report, if any, and
- (c) any other relevant information obtained by the fostering services provider,

to the fostering panel.”.