

FOSTERING SERVICES (ENGLAND) REGULATIONS 2011
CONDENSED

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*APPLIES TO FOSTERING AGENCY

^UNLIKELY TO APPLY TO LOCAL AUTHORITY

THE FOSTERING SERVICES (ENGLAND) REGULATIONS 2011

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1 Citation, commencement and application [of regulations]
2 Interpretation [of regulations]
3 Statement of purpose and children's guide 3(1)(a) AIMS AND OBJECTIVES 3(1)(b) SERVICES AND FACILITIES 3(3) 'CHILDREN'S GUIDE, including summaries of: (a) Statement of purpose (b) Representations and complaints procedure
4 Review of statement of purpose and children's guide TO REVIEW/REVISE STATEMENT (NOTIFY CHIEF INSPECTOR WITHIN 28 DAYS)
5 Fitness of fostering service provider <i>APPLIES TO FOSTERING AGENCY</i>
6 Appointment of manager <i>APPLIES TO FOSTERING AGENCY</i>
7 Fitness of manager FITNESS OF MANAGER FOR THE DEMANDS OF THE POST
8 Registered person – general requirements PROVIDER AND MANAGER TO UNDERTAKE/PROVIDE NECESSARY TRAINING
9 Notification of offences ... OF THE REGISTERED PERSON/RESPONSIBLE INDIVIDUAL: CHIEF INSPECTOR TO BE NOTIFIED
10 Local authority fostering service – manager L A MUST APPOINT MANAGER COMPLIANT WITH REGS 7, 8 & 9
11 Independent fostering agencies – duty to secure welfare 11(a) WELFARE OF CHILDREN TO BE SAFEGUARDED/PROMOTED 11(b) DECISIONS TO TIC CHILD'S WISHES / FEELINGS / CULTURE ETC. <i>APPLIES TO FOSTERING AGENCIES</i>
12 Arrangements for the protection of children REQUIRED: 12(1)(a) POLICY TO SAFEGUARD 12(1)(b) ALLEGATION PROCEDURE
13 Behaviour management and children missing from foster parent's home REQUIRED: 13(1) POLICY ON ACCEPTABLE MEASURES OF CONTROL / RESTRAINT / DISCIPLINE 13(3) MFH PROCEDURE
14 Duty to promote contact TO PROMOTE PRACTICABLE/BENEFICIAL CONTACT
15 Health of children placed with foster parents TO PROMOTE CHILDREN'S HEALTH/DEVELOPMENT
16 Education, employment and leisure activities 16(1) TO PROMOTE EDUCATIONAL ACHIEVEMENT 16(2) TO HAVE MONITORING PROCEDURE AND TO SUPPORT FOSTER CARERS RE CHILDREN'S EDUCATION 16(3)&(5) FOSTERING SERVICE TO ASSIST RE EDUCATION/TRAINING/WORK WHERE NECESSARY 16(4) TO PROMOTE LEISURE INTERESTS
17 Support, training and information for foster parents 17(1) TO PROVIDE FOSTER CARERS WITH TRAINING, ADVICE, INFO & SUPPORT 17(2) TO ENSURE CARERS KNOW AND COMPLY WITH: 12(1) POLICY TO SAFEGUARD AND ALLEGATION PROCEDURE 13(1) ACCEPTABLE MEASURES OF CONTROL / RESTRAINT / DISCIPLINE 3 STATEMENT OF PURPOSE & CHILDREN'S GUIDE 17(3) TO PROVIDE FOSTER CARERS WITH INFO, INCLUDING CARE PLAN
18 Independent fostering agencies – representations and complaints REQUIRED: COMPLAINTS PROCEDURE FOR CHILDREN & FOSTER CARERS <i>APPLIES TO FOSTERING AGENCIES</i>
19 Staffing of fostering service STAFFING MUST BE ADEQUATE FOR THE NEEDS OF THE SERVICE AND OF THE CHILDREN

20 Fitness of workers

20(1)(a) EMPLOYEES TO BE FIT PERSONS

20(2) PERSONS EMPLOYED *OTHER THAN BY FOSTERING SERVICE* TO BE FIT PERSONS

20(3) DEFINITION OF FITNESS

20(4) PERSONS WORKING FOR SERVICE *BUT NOT EMPLOYED BY SERVICE OR ANYONE ELSE* TO BE APPROPRIATELY SUPERVISED – **IS THIS MEANT TO INCLUDE FOSTER CARERS? THIS APPEARS TO BE THE INTERPRETATION FOR THE PURPOSES OF NATIONAL MINIMUM STANDARDS.**

21 Employment of staff

21(1) PERMANENT APPOINTMENTS TO BE SUBJECT TO PROBATIONARY PERIOD

21(2) DISCIPLINARY PROCEDURE TO BE IN PLACE

21(4) SERVICE TO PROVIDE TRAINING / SUPERVISION / APPRAISAL / ACCESS TO FURTHER QUALIFICATIONS

22 Records with respect to fostering services

REQUIRED:

22(1) RECORDS AS PER SCHEDULE 2:

[retain for 15 years]

1 REGISTER OF FOSTER PLACEMENTS

2 RECORD OF EACH PERSON WORKING FOR FOSTERING SERVICE

3 RECORD OF ALL ACCIDENTS TO FOSTER CHILDREN

23 Constitution and membership of fostering panel

REQUIRED:

23(1)-(3) CENTRAL LIST

23(4)-(5) FOSTER PANEL

23(6) PAYMENT TO MEMBERS ALLOWED

23(7) PANEL TO BE FIT FOR PURPOSE

23(8)-(9) RESIGNATION/TERMINATION OF MEMBERS

23(10) DEFINITION OF 'NOT INDEPENDENT' AND 'SOCIAL WORKER'

24 Meetings of fostering panel

24(1) QUORACY

REQUIRED:

24(2) RECORD OF PROCEEDINGS AND REASONS FOR RECOMMENDATIONS

25 Functions of fostering panel

25(1) TO DECIDE ON APPROVAL & TERMS

25(2) TO CONSIDER INFO UNDER REGS 26/27/28. IF NECESSARY, TO REQUEST MORE INFO AND TAKE ADVICE

25(3) SERVICE MUST PROVIDE INFO REQUESTED BY PANEL

25(4) MONITORING/ADVISORY ROLE

26 Assessment of prospective foster parents

26(1) SERVICE MAY CARRY OUT ASSESSMENT OF APPLICANT

26(2) SUMMARY OF INFO THAT IS TO BE OBTAINED/ACCESSED

26(3)-(4) SERVICE TO ASSESS, REPORT AND RECOMMEND

26(5)-(7) DISQUALIFYING OFFENCES

26(8) EXCEPTIONS FOR FAMILY & FRIENDS FOSTER CARERS RE CERTAIN OFFENCES COVERED BY 26(5)&(7)

26(9)(b) DEFINITION OF HOUSEHOLD MEMBER

27 Approval of foster parents

APPROVAL IS SUBJECT TO:

27(1) NO EXISTING APPROVAL BY ANOTHER FOSTERING SERVICE

27(2) ASSESSMENT BEING PUT BEFORE PANEL

27(3) AGENCY DECISION-MAKER'S AGREEMENT

27(4) NO PANEL MEMBER INVOLVED IN FOSTERING SERVICE'S DECISION ON PANEL RECOMMENDATION

27(5) WRITTEN NOTICE SENT AND FOSTER CARE AGREEMENT ENTERED INTO

NON-APPROVAL:

27(6) WRITTEN NOTICE AND APPEAL INFO

27(7) NO INDEPENDENT REVIEW WHERE DECISION MADE NOT TO MAKE EXCEPTION UNDER 26(8) FOR F & F APPLICANT

27(8) CONFIRM DECISION ON EXPIRY OF PERIOD FOR REPRESENTATIONS

If representations are made:

27(9) REFER BACK TO PANEL *or*

27(10) AWAIT AND ALSO TIC IRM RECOMMENDATION

27(11) WRITTEN NOTIFICATIONS (WITH REASONS) TO FOLLOW DECISIONS AS SOON AS PRACTICABLE

27(12) IF INVOLVED, IRM TO BE SENT COPY OF NOTIFICATION OF SUBSEQUENT DECISION

28 Reviews and termination of approval

28(1) APPROVALS MUST BE REVIEWED

28(2) REVIEWS TO BE ANNUAL (AT LEAST)

28(3)-(4) INFO FOR REVIEW REPORT

28(5) FIRST REVIEW MUST GO TO PANEL

28(6) REAPPROVAL

28(7) TERMINATION / CHANGE OF TERMS / REPRESENTATIONS

28(8) NO INDEPENDENT REVIEW WHERE DECISION MADE NOT TO MAKE EXCEPTION UNDER 26(8) FOR F & F APPLICANT

28(9) CONFIRM DECISION ON EXPIRY OF PERIOD FOR REPRESENTATIONS

If representations are made:

28(10) REFER BACK TO PANEL *or*

28(11) AWAIT AND ALSO TIC IRM RECOMMENDATION

28(12) WRITTEN NOTIFICATIONS (WITH REASONS) TO FOLLOW DECISIONS AS SOON AS PRACTICABLE

28(13) FOSTER CARER MAY GIVE NOTICE (APPROVAL TERMINATED 28 DAYS AFTER RECEIPT)

28(14) COPY NOTICE TO BE SENT TO PLACING AUTHORITY AND AREA AUTHORITY

28(15) IF INVOLVED, IRM TO BE SENT COPY OF NOTIFICATION OF SUBSEQUENT DECISION

29 Information to be sent to the independent review panel

INFO REQUIRED FOR INDEPENDENT REVIEW

30 Case records relating to foster parents and others

REQUIRED:

30(1) CASE RECORD FOR EACH FOSTER CARER *comprising:*

30(2) DOCUMENTS RE ASSESSMENT / APPROVAL / REVIEWS

30(3)(a) PLACEMENTS RECORD

30(3)(b) INFO OBTAINED RE ASSESSMENT / APPROVAL / REVIEWS

[retain for 10 years]

30(4) CASE RECORD FOR EACH REG 24 CARER (*temporary approval of relative, friend or connected person*)

[retain for 10 years]

30(5) RECORD FOR EACH PERSON NOT APPROVED OR WHO WITHDREW

[retain for 3 years]

31 Register of foster parents

SUMMARY OF INFO REQUIRED ON REGISTER

32 Retention and confidentiality of records

32(1)&(2) FOSTER CARER RECORDS AND REGISTER ENTRIES (INCLUDING REG 24) TO BE RETAINED FOR AT LEAST 10 YEARS

32(3) RECORD OF WITHDRAWAL / NON-APPROVAL TO BE RETAINED FOR AT LEAST 3 YEARS

32(4) RECORDS MAY BE KEPT IN ALTERNATIVE ACCESSIBLE FORM

32(5) SECURITY AND CONFIDENTIALITY OF RECORDS UNDER:

22(1) RECORDS AS PER SCHEDULE 2

30 CASE RECORDS

31 REGISTER OF FOSTER PARENTS

32(6) RECORDS TO BE MADE AVAILABLE IF REQUESTED BY ANOTHER FOSTERING SERVICE PROVIDER (WITH CARER'S CONSENT)

33 Fostering agency ceasing to carry out fostering functions – notifications and records

APPLIES TO FOSTERING AGENCY

34 Fostering agency ceasing to carry out fostering functions – new fostering service providers

APPLIES TO FOSTERING AGENCY

35 Review of quality of care

REQUIRED:

35(1)(a) MONITORING AS PER SCHEDULE 6

35(1)(b) SYSTEM FOR IMPROVING QUALITY

35(2) WRITTEN REPORT ON ANY REVIEW

35(3) CONSULTATION WITH FOSTER PARENTS / FOSTER CHILDREN / PLACING AUTHORITIES

36 Notifiable events

36(1) TO NOTIFY ANY EVENTS AS PER SCHEDULE 7

36(2) TO CONFIRM ORAL NOTIFICATION IN WRITING

37 Financial position [agency's solvency]

UNLIKELY TO APPLY TO LOCAL AUTHORITY

38 Notice of absence [of registered manager]

CHIEF INSPECTOR TO BE NOTIFIED OF ABSENCE OF 28 DAYS OR MORE AND OF RETURN

<p>39 Notice of changes CHIEF INSPECTOR TO BE NOTIFIED OF MANAGEMENT CHANGES</p>
<p>40 Appointment of liquidators CHIEF INSPECTOR TO BE NOTIFIED UNLIKELY TO APPLY TO LOCAL AUTHORITY</p>
<p>41 Compliance with regulations [where there is more than one registered person] ANYTHING REQUIRED UNDER THESE REGULATIONS NEED ONLY BE DONE BY ONE OF THE REGISTERED PERSONS N/A TO LOCAL AUTHORITY</p>
<p>42 Application of these Regulations with modifications to short breaks 42(1) REGULATIONS APPLY WITH MODIFICATIONS TO CHILD WHO IS: 42(2)(a) NOT IN CARE (b) PLACED IN SERIES OF 'SHORT BREAKS' WITH SAME FOSTER PARENT WHERE (i) NO STAY LONGER THAN 17 DAYS (ii) RETURNS TO PARENT / PERSON WITH PR (iii) MAX OF 75 DAYS IN 12 MONTHS 42(2)(c) DISAPPLIED: 14 DUTY TO PROMOTE CONTACT 15(2)(a) GP REGISTRATION 15(2)(d) TO PROVIDE HEALTH GUIDANCE 16 EDUCATION, EMPLOYMENT AND LEISURE ACTIVITIES</p>
<p>43 Amendment of Regulations AMENDMENTS TO CARE PLANNING REGULATIONS</p>
<p>44 Revocation of Regulations THE FOSTERING SERVICES REGULATIONS 2002 ARE REVOKED</p>
<p>45 Transitional provisions CASES REFERRED BEFORE 1ST APRIL 2011 TO BE CONCLUDED BY FOSTERING PANEL UNDER 2002 REGULATIONS</p>
<p>Schedule 1 Information required in respect of persons seeking to carry on, manage or work for the purposes of a fostering service RELATES TO: 5 FITNESS OF FOSTERING SERVICE PROVIDER [APPLIES TO FOSTERING AGENCY] 7 FITNESS OF MANAGER 20 FITNESS OF WORKERS</p>
<p>Schedule 2 Records to be kept by fostering service providers RELATES TO: 22 RECORDS WITH RESPECT TO FOSTERING SERVICES</p>
<p>Schedule 3 Information as to prospective foster parent and other members of their household and family RELATES TO: 26(2) ENQUIRIES AND INFO NEEDED <i>in</i> 26 ASSESSMENT OF PROSPECTIVE FOSTER PARENTS</p>
<p>Schedule 4 Offences specified for the purposes of regulation 26 [Assessment of prospective foster parents] RELATES TO: 26(6)(b) 'SPECIFIED OFFENCE' <i>in</i> 26 ASSESSMENT OF PROSPECTIVE FOSTER PARENTS</p>
<p>Schedule 5 Matters and obligations in Foster Care Agreements RELATES TO: 27(5)(b) FOSTER CARER AGREEMENT</p>
<p>Schedule 6 Matters to be monitored by the registered person RELATES TO: 35(1)(a) MONITORING AS PER SCHEDULE 6 35(1)(b) SYSTEM FOR IMPROVING QUALITY <i>in</i> 35 REVIEW OF QUALITY OF CARE TO MONITOR: 1 All foster children: compliance with care plans 2 All accidents, injuries and illnesses 3 Complaints re foster children and outcomes 4 Allegations/suspicions of abuse/neglect of foster children and outcomes 5 Recruitment records and checks on new workers 6 Notifications of Schedule 7 events</p>

- 7 MFH occurrences
- 8 Use of measures of control, restraint or discipline
- 9 Medication, medical treatment and first aid administered
- 10 Where applicable, standard of education provided by fostering service
- 11 Records of assessments
- 12 Records of fostering panel meetings
- 13 Records of appraisals of employees
- 14 Minutes of staff meetings

Schedule 7 Events and notifications

RELATES TO:

36(1) TO NOTIFY ANY EVENTS AS PER SCHEDULE

In 36 NOTIFIABLE EVENTS

- Death of a foster child
- Info provided to the Independent Safeguarding Authority re an individual working for the fostering service
- Serious illness/accident of a foster child
- Infectious disease in foster home considered notifiable by GP
- Allegation that foster child has committed a serious offence
- Foster child involved/suspected of involvement in prostitution
- Serious incident re foster child necessitating police attendance at foster home
- Foster child MFH
- Any serious complaint about an approved foster parent
- Instigation and outcome of any child protection enquiry re a foster child

THE FOSTERING SERVICES (ENGLAND) REGULATIONS 2011

EXPLANATORY NOTE *(This note is not part of the Regulations)*

Summary (as it applies to a local authority)

PART 1 General

- These regulations are made under the Children Act 1989 and the Care Standards Act 2000.
- They provide a regulatory framework for local authority fostering services (for which the local authority is the 'provider').

PART 2 Statement of purpose and children's guide

- The fostering service is to have, and keep under review, a statement of purpose.
- This sets out the aims, objectives, services and facilities provided by the service.
- On the same basis, a children's guide to the service has to be provided.

PART 3 Management of fostering services

- Provisions re the appointment and fitness of the manager.

PART 4 Conduct of fostering services

- To safeguard and promote the welfare of foster children.
- To implement policies for the safeguarding of children, including acceptable measures of behaviour management.
- To promote contact.
- To promote health/development and educational achievement.
- To provide support/information to foster parents.
- To have a complaints procedure for foster children and foster parents.
- To meet requirements re staffing and record keeping.

PART 5 Approval of Foster Parents

- Approval and reviews.
- Central list of fostering panel members.
- Functions of fostering panels.
- Requirements for assessment: information, checks, process and right to challenge non-approval.
- Provider to maintain case records re each foster parent.

PART 6 Fostering agencies only

- Provisions for agencies ceasing to operate, notification of changes and reassessment of existing carers by new provider.
- Registered person to maintain systems for monitoring/improving the service and managing notifiable events.
- Financial viability of the service to be ensured.
- Chief inspector to be notified of certain significant management changes.

Part 7 'Short breaks' with modifications

- Applicable to a child not subject to a Care Order, alternating between same person with PR and same carer for maximum of 17 days per stay and 75 days a year.
- Minor amendments to Care Planning, Placement and Case Review (England) Regulations 2010.