

Changes to legislation: Children Act 1989, SCHEDULE 7 is up to date with all changes known to be in force on or before 20 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULES

SCHEDULE 7

Section 63(12).

FOSTER PARENTS: LIMITS ON NUMBER OF FOSTER CHILDREN

Interpretation

- 1 For the purposes of this Schedule, a person fosters a child if—
- (a) he is a local authority foster parent in relation to the child;
 - (b) he is a foster parent with whom the child has been placed by a voluntary organisation; or
 - (c) he fosters the child privately.

Commencement Information

I1 Sch. 7 para. 1 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828, art. 3\(2\)](#)

The usual fostering limit

- 2 Subject to what follows, a person may not foster more than three children (“the usual fostering limit”).

Commencement Information

I2 Sch. 7 para. 2 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828, art. 3\(2\)](#)

Siblings

- 3 A person may exceed the usual fostering limit if the children concerned are all siblings with respect to each other.

Commencement Information

I3 Sch. 7 para. 3 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828, art. 3\(2\)](#)

Exemption by local authority

- 4 (1) A person may exceed the usual fostering limit if he is exempted from it by the local authority within whose area he lives.
- (2) In considering whether to exempt a person, a local authority shall have regard, in particular, to—
- (a) the number of children whom the person proposes to foster;

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- (b) the arrangements which the person proposes for the care and accommodation of the fostered children;
 - (c) the intended and likely relationship between the person and the fostered children;
 - (d) the period of time for which he proposes to foster the children; and
 - (e) whether the welfare of the fostered children (and of any other children who are or will be living in the accommodation) will be safeguarded and promoted.
- (3) Where a local authority exempt a person, they shall inform him by notice in writing—
- (a) that he is so exempted;
 - (b) of the children, described by name, whom he may foster; and
 - (c) of any condition to which the exemption is subject.
- (4) A local authority may at any time by notice in writing—
- (a) vary or cancel an exemption; or
 - (b) impose, vary or cancel a condition to which the exemption is subject,
- and, in considering whether to do so, they shall have regard in particular to the considerations mentioned in sub-paragraph (2).
- (5) The Secretary of State may make regulations amplifying or modifying the provisions of this paragraph in order to provide for cases where children need to be placed with foster parents as a matter of urgency.

Commencement Information

I4 Sch. 7 para. 4 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828, art. 3\(2\)](#)

Effect of exceeding fostering limit

5 ^{F1}(A1) This paragraph applies to a person fostering in England.]

- (1) A person shall cease to be treated ^{F2}, for the purposes of this Act and the Care Standards Act 2000] as fostering and shall be treated ^{F2}, for the purposes of this Act and the Care Standards Act 2000] as carrying on a children’s home if—
- (a) he exceeds the usual fostering limit; or
 - (b) where he is exempted under paragraph 4,—
 - (i) he fosters any child not named in the exemption; and
 - (ii) in so doing, he exceeds the usual fostering limit.
- (2) Sub-paragraph (1) does not apply if the children concerned are all siblings in respect of each other.

Textual Amendments

F1 Sch. 7 para. 5(A1) inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), [regs. 2\(1\)](#), 13(a)

F2 Words in Sch. 7 para. 5(1) inserted (1.4.2002) by [2000 c. 14, s. 116, Sch. 4 para. 14\(26\)](#); [S.I. 2001/4150, art. 3\(3\)\(a\)](#) (subject to transitional provision in [art. 4](#) of the commencing [S.I.](#) and to the amendment of [art.](#)

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3 by S.I. 2002/1493, [art. 6](#); S.I. 2002/920, [art. 3\(3\)\(d\)](#) (with [art. 3\(4\)-\(10\)](#) and transitional provisions in [Schs. 1-3](#))

Commencement Information

I5 Sch. 7 para. 5 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828, art. 3\(2\)](#)

- [^{F3}5A. (1) This paragraph applies to a person (P) fostering in Wales.
- (2) Sub-paragraph (3) applies where—
- (a) P exceeds the usual fostering limit and is not exempted under paragraph 4;
 - (b) P is exempted under paragraph 4 and exceeds the usual fostering limit by fostering a child not named in the exemption.
- (3) Where this paragraph applies, P is not to be treated as fostering and is to be treated for the purposes of the Regulation and Inspection of Social Care (Wales) Act 2016 as providing a care home service.
- (4) But sub-paragraph (3) does not apply if the children fostered are all siblings in respect of each other.]

Textual Amendments

F3 Sch. 7 para. 5A inserted (2.4.2018) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018 \(S.I. 2018/195\)](#), [regs. 2\(1\)](#), 13(b)

Complaints etc.

- 6 (1) Every local authority shall establish a procedure for considering any representations (including any complaint) made to them about the discharge of their functions under paragraph 4 by a person exempted or seeking to be exempted under that paragraph.
- (2) In carrying out any consideration of representations under sub-paragraph (1), a local authority shall comply with any regulations made by the Secretary of State for the purposes of this paragraph.

Commencement Information

I6 Sch. 7 para. 6 wholly in force at 14.10.1991 see s. 108(2)(3) and [S.I. 1991/828, art. 3\(2\)](#)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 4(1A)(aa) inserted by 2009 c. 24 Sch. 6 para. 21(3)
- s. 4(1C) inserted by 2009 c. 24 Sch. 6 para. 21(4)
- s. 4ZA(2)(aa) inserted by 2009 c. 24 Sch. 6 para. 22(3)
- s. 4ZA(3A) inserted by 2009 c. 24 Sch. 6 para. 22(4)
- s. 8(4)(k) inserted by 2021 c. 17 s. 52(1)
- s. 31A(4A) inserted by 2014 c. 6 s. 15(2)(b)