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STATUTORY INSTRUMENTS

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**2002 No. 57**

**The Fostering Services Regulations 2002**

**PART II**

**REGISTERED PERSONS AND MANAGEMENT  
OF LOCAL AUTHORITY FOSTERING SERVICE**

**Fostering agency—fitness of provider**

- 5.—**(1) A person shall not carry on a fostering agency unless he is fit to do so.
- (2) A person is not fit to carry on a fostering agency unless the person—
- (a) in the case of an independent fostering agency, is an individual who carries on the fostering agency—
    - (i) otherwise than in partnership with others and he satisfies the requirements set out in paragraph (3);
    - (ii) in partnership with others, and he and each of his partners satisfies the requirements set out in paragraph (3);
  - (b) is a partnership, and each of the partners satisfies the requirements set out in paragraph (3);
  - (c) is an organisation and—
    - (i) the organisation has given notice to the Commission of the name, address and position in the organisation of an individual (in these Regulations referred to as “the responsible individual”) who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the fostering agency; and
    - (ii) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that—
- (a) he is of integrity and good character;
  - (b) he is physically and mentally fit to carry on the fostering agency; and
  - (c) full and satisfactory information is available in relation to him—
    - (i) except where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 1;
    - (ii) where paragraph (4) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 1.
- (4) This paragraph applies where any certificate or information on any matters referred to in paragraph 2 of Schedule 1 is not available to an individual because any provision of the Police Act 1997<sup>(1)</sup> has not been brought into force.
- (5) A person shall not carry on a fostering agency if—

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<sup>(1)</sup> 1997 c. 50. See the footnotes to paragraph 2 of Schedule 1.

- (a) he has been adjudged bankrupt or sequestration of his estate has been awarded and (in either case) he has not been discharged and the bankruptcy order has not been annulled or rescinded; or
- (b) he has made a composition or arrangement with his creditors and has not been discharged in respect of it.

#### **Fostering agency—appointment of manager**

- 6.—(1) The registered provider shall appoint an individual to manage the fostering agency.
- (2) Where the registered provider is—
- (a) an organisation, it shall not appoint the person who is the responsible individual as the manager;
  - (b) a partnership, it shall not appoint any of the partners as the manager.
- (3) The registered provider shall forthwith notify the Commission of—
- (a) the name of any person appointed in accordance with this regulation; and
  - (b) the date on which the appointment is to take effect.

#### **Fostering agency—fitness of manager**

- 7.—(1) A person shall not manage a fostering agency unless he is fit to do so.
- (2) A person is not fit to manage a fostering agency unless—
- (a) he is of integrity and good character;
  - (b) having regard to the size of the fostering agency, its statement of purpose, and the numbers and needs of the children placed by it—
    - (i) he has the qualifications, skills and experience necessary for managing the fostering agency; and
    - (ii) he is physically and mentally fit to manage a fostering agency;
  - (c) full and satisfactory information is available in relation to him—
    - (i) except where paragraph (3) applies in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 1;
    - (ii) where paragraph (3) applies, in respect of each of the matters specified in paragraphs 1 and 3 to 7 of Schedule 1.
- (3) This paragraph applies where any certificate or information on any matters referred to in paragraph 2 of Schedule 1 is not available to an individual because any provision of the Police Act 1997(2) has not been brought into force.

#### **Registered person—general requirements**

- 8.—(1) The registered provider and the registered manager shall, having regard to—
- (a) the size of the fostering agency, its statement of purpose, and the numbers and needs of the children placed by it; and
  - (b) the need to safeguard and promote the welfare of the children placed by the fostering agency,
- carry on or manage the fostering agency (as the case may be) with sufficient care, competence and skill.

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(2) See footnote to regulation 6(4).

(2) If the registered provider is—

- (a) an individual, he shall undertake;
- (b) an organisation, it shall ensure that the responsible individual undertakes;
- (c) a partnership, it shall ensure that one of the partners undertakes,

from time to time such training as is appropriate to ensure that he has the experience and skills necessary for carrying on the fostering agency.

(3) The registered manager shall undertake from time to time such training as is appropriate to ensure that he has the experience and skills necessary for managing the fostering agency.

### **Notification of offences**

**9.** Where the registered person or the responsible individual is convicted of any criminal offence, whether in England and Wales or elsewhere, he shall forthwith give notice in writing to the Commission of—

- (a) the date and place of the conviction;
- (b) the offence of which he was convicted; and
- (c) the penalty imposed on him in respect of the offence.

### **Local authority fostering service—manager**

**10.**—(1) Each local authority shall appoint one of its officers to manage the local authority fostering service, and shall forthwith notify the Commission of—

- (a) the name of the person appointed; and
- (b) the date on which the appointment is to take effect.

(2) Regulations 7, 8 and 9 shall apply to the manager of a local authority fostering service, in relation to that service, as they apply to the manager of a fostering agency in relation to the fostering agency.

(3) The local authority shall forthwith notify the Commission if the person appointed under paragraph (1) ceases to manage the local authority fostering service.