

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.

The usual fostering limit

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

Siblings

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

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;
 - (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—

Status: This is the original version (as it was originally enacted).

- (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.

Effect of exceeding fostering limit

- 5 (1) A person shall cease to be treated as fostering and shall be treated 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.

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.