

SCHEDULES

SCHEDULE 36

FOSTER CARERS

PART 1

INTRODUCTION

Meaning of “provision of foster care”

- 4 (1) In this Schedule, the “provision of foster care” means the provision of accommodation and maintenance for a child by an individual who—
- (a) is a person falling within any of sub-paragraphs (2) to (4), and
 - (b) is not a person who is excluded by sub-paragraph (5).
- (2) A person falls within this sub-paragraph if he is a person with whom the child has been placed under—
- (a) section 23(2)(a) of the Children Act 1989 (c. 41) (provision of accommodation and maintenance for children by local authorities), or
 - (b) section 59(1)(a) of that Act (provision of accommodation for children by voluntary organisations).
- (3) A person falls within this sub-paragraph if—
- (a) he is a person who is approved as a foster carer by a local authority or a voluntary organisation in accordance with regulations under section 5 of the Social Work (Scotland) Act 1968 (c. 49) (as at 9th April 2003, see regulation 7 of the Fostering of Children (Scotland) Regulations 1996 (S.I. 1996/3263)) and is providing accommodation for the child who is being “looked after” by a local authority within the meaning of section 17(6) of the Children (Scotland) Act 1995 (c. 36), or
 - (b) he is a person with whom the child has been placed—
 - (i) under regulations under section 5 of the Social Work (Scotland) Act 1968 (as at 9th April 2003, see regulations 14 and 16 of the Fostering of Children (Scotland) Regulations 1996 (S.I. 1996/3263)), or
 - (ii) pursuant to a supervision requirement under section 70 of the Children (Scotland) Act 1995.
- (4) A person falls within this sub-paragraph if he is a person with whom the child has been placed under—
- (a) Article 27(2)(a) of the Children (Northern Ireland) Order 1995 (S.I. 1995/755 (N.I. 2)) (provision of accommodation and maintenance for children by authorities), or
 - (b) Article 75(1)(a) of that Order (provision of accommodation for children by voluntary organisations).

Status: This is the original version (as it was originally enacted).

- (5) The persons who are excluded are—
- (a) a parent of the child;
 - (b) a person who is not a parent of the child but who has parental responsibility, or (in Scotland) parental responsibilities, in relation to the child;
 - (c) where the child is in care and there was a residence order in force with respect to him immediately before the care order was made, a person in whose favour the residence order was made;
 - (d) in Scotland, where the child is in care and there was a residence order or a contact order in force with respect to him immediately before he was placed in care, a person in whose favour the residence order or contact order was made.