

---

STATUTORY INSTRUMENTS

---

**2011 No. 581**

**The Fostering Services (England) Regulations 2011**

**PART 4**

**Conduct of Fostering Services**

**Independent fostering agencies—duty to secure welfare**

- 11.** The registered person in respect of an independent fostering agency must ensure that—
- (a) the welfare of children placed or to be placed with foster parents is safeguarded and promoted at all times, and
  - (b) before making any decision affecting a child placed or to be placed with a foster parent due consideration is given to the child's—
    - (i) wishes and feelings (having regard to the child's age and understanding), and
    - (ii) religious persuasion, racial origin and cultural and linguistic background.

**Arrangements for the protection of children**

- 12.—**(1) The fostering service provider must prepare and implement a written policy which—
- (a) is intended to safeguard children placed with foster parents from abuse or neglect, and
  - (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect.
- (2) The written policy must include a statement of measures to be taken to safeguard any child before making parent and child arrangements with that foster parent.
- (3) The procedure under paragraph (1)(b) must, subject to paragraph (4), provide in particular for—
- (a) liaison and co-operation with any local authority which is, or may be, making child protection enquiries in relation to any child placed by the fostering service provider,
  - (b) the prompt referral to the area authority of any allegation of abuse or neglect affecting any child placed by the fostering service provider,
  - (c) notification of the instigation and outcome of any child protection enquiries involving a child placed by the fostering service provider, to the Chief Inspector,
  - (d) written records to be kept of any allegation of abuse or neglect, and of the action taken in response,
  - (e) consideration to be given to the measures which may be necessary to protect children placed with foster parents following an allegation of abuse or neglect, and
  - (f) arrangements to be made for persons working for the purposes of the fostering service, foster parents and children placed by the fostering service, to have the address (including email address), and telephone number of—
    - (i) the area authority, and

(ii) the Chief Inspector,

for the purposes of referring any concern about child welfare or safety to them.

(4) Sub-paragraphs (a) and (c) of paragraph (3) do not apply to a local authority fostering service.

(5) In this regulation “child protection enquiries” means any enquiries carried out by a local authority in the exercise of any of its functions conferred by or under the 1989 Act relating to the protection of children.

### **Behaviour management and children missing from foster parent’s home**

**13.**—(1) The fostering service provider must prepare and implement a written policy on acceptable measures of control, restraint and discipline of children placed with foster parents.

(2) The fostering service provider must take all reasonable steps to ensure that—

- (a) no form of corporal punishment is used on any child placed with a foster parent,
- (b) no child placed with a foster parent is subject to any measure of control, restraint or discipline which is excessive or unreasonable, and
- (c) restraint is used on a child only where it is necessary to prevent injury to the child or other persons, or serious damage to property.

(3) The fostering service provider must prepare and implement a written procedure to be followed if a child is missing from a foster parent’s home without permission.

### **Duty to promote contact**

**14.** The fostering service provider must, subject to the provisions of the care plan and any court order relating to contact, promote contact between a child placed with a foster parent and the child’s parents, relatives and friends unless such contact is not reasonably practicable or consistent with the child’s welfare.

### **Health of children placed with foster parents**

**15.**—(1) The fostering service provider must promote the health and development of children placed with foster parents.

(2) In particular the fostering service provider must ensure that each child—

- (a) is a registered patient with a general medical practitioner who provides primary medical services under Part 4 of the National Health Service Act 2006,
- (b) has access to such medical, dental, nursing, psychological and psychiatric advice, treatment and other services as the child may require,
- (c) is provided with such individual support, aids and equipment which the child may require as a result of any particular health needs or disability the child may have, and
- (d) is provided with guidance, support and advice on health, personal care and health promotion issues appropriate to the child’s needs and wishes.

(3) In this regulation “general medical practitioner” means a medical practitioner whose name is included in the General Practitioner Register kept by the General Medical Council under section 34C of the Medical Act 1983(1).

---

(1) 1983 c. 54. Section 34C was inserted by paragraph 10 of Schedule 1 to [S.I. 2010/234](#).

### **Education, employment and leisure activities**

16.—(1) The fostering service provider must promote the educational achievement of children placed with foster parents.

(2) In particular the fostering service provider must—

- (a) implement a procedure for monitoring the educational achievement, progress and school attendance of children placed with foster parents,
- (b) promote the regular school attendance and participation in school activities of children of compulsory school age placed with foster parents, and
- (c) provide foster parents with such information and assistance, including equipment, as may be necessary to meet the educational needs of children placed with them.

(3) The fostering service provider must ensure that any education they provide for any child placed with a foster parent who is of compulsory school age, but who is not attending school, is efficient and suitable to the child's age, ability, aptitude, and any special educational needs the child may have.

(4) The fostering service provider must ensure that foster parents promote the leisure interests of children placed with them.

(5) Where any child placed with a foster parent is above compulsory school age, the fostering service provider must assist with the making of, and give effect to, the arrangements made for the child's education, training and employment.

### **Support, training and information for foster parents**

17.—(1) The fostering service provider must provide foster parents with such training, advice, information and support, including support outside office hours, as appears necessary in the interests of children placed with them.

(2) The fostering service provider must take all reasonable steps to ensure that foster parents are familiar with, and act in accordance with the policies established in accordance with regulations 12(1) and 13(1) and (3).

(3) The fostering service provider must ensure that, in relation to any child placed or to be placed with a foster parent, the foster parent is given such information, which is kept up to date, as to enable him to provide appropriate care for the child, and in particular that each foster parent is provided with a copy of the most recent version of the child's care plan provided to the fostering service provider under regulation 6(3)(d) of the Care Planning Regulations.

### **Independent fostering agencies – representations and complaints**

18.—(1) Subject to paragraph (7), the registered person in respect of an independent fostering agency must establish a written procedure for considering complaints made by or on behalf of children placed by the agency, and by foster parents approved by the agency.

(2) The procedure must, in particular, provide—

- (a) for an opportunity for informal resolution of the complaint at an early stage,
- (b) that no person who is the subject of a complaint takes part in its consideration other than, if the registered person considers it appropriate, at the informal resolution stage only,
- (c) for dealing with complaints about the registered person,
- (d) for complaints to be made by a person acting on behalf of a child,
- (e) for the procedure to be made known to—
  - (i) children placed by the agency (subject to their age and understanding),

- (ii) the parents of those children,
  - (iii) persons working for the purposes of the independent fostering agency,
- and for a copy of the procedure to be supplied to any of those persons on request.
- (3) The copy of the procedure supplied under paragraph (2)(e) must include—
- (a) the name, address (including email address), and telephone number of the Chief Inspector, and
  - (b) details of the procedure (if any) which has been notified to the registered person by the Chief Inspector for the making of complaints to the Chief Inspector relating to independent fostering agencies.
- (4) The registered person must ensure that a written record is made of any complaint or representation, the action taken in response to it, and the outcome of the investigation.
- (5) The registered person must ensure that—
- (a) children are enabled to make a complaint or representation, and
  - (b) no child is subject to any reprisal for making a complaint or representation.
- (6) The registered person must, on request, supply the Chief Inspector with a statement containing a summary of any complaints made during the preceding 12 months and the action taken in response.
- (7) This regulation (apart from paragraph (4)) does not apply in relation to any matter to which the Children Act 1989 Representations Procedure (England) Regulations 2006 applies<sup>(2)</sup>.

### **Staffing of fostering service**

- 19.** The fostering service provider must ensure that there is a sufficient number of suitably qualified, competent and experienced persons working for the purposes of the fostering service, having regard to—
- (a) the size of the fostering service, its statement of purpose, and the numbers and needs of the children placed by it, and
  - (b) the need to safeguard and promote the health and welfare of children placed with foster parents.

### **Fitness of workers**

- 20.**—(1) The fostering service provider must not—
- (a) employ a person to work for the purposes of the fostering service unless that person is fit to do so, or
  - (b) allow a person to whom paragraph (2) applies, to work for the purposes of the fostering service unless that person is fit to do so.
- (2) This paragraph applies to any person who is employed, other than by the fostering service provider, in a position in which that person may in the course of their duties have regular contact with children placed by the fostering service.
- (3) For the purposes of paragraph (1), a person is not fit to work for the purposes of a fostering service unless that person—
- (a) is of integrity and good character,
  - (b) has the qualifications, skills and experience necessary for the work they are to perform,
  - (c) is physically and mentally fit for the work they are to perform,

---

(2) [S.I. 2006/1738](#).

and full and satisfactory information is available in relation to that person in respect of each of the matters specified in Schedule 1.

(4) The fostering service provider must take reasonable steps to ensure that any person working for a fostering service who is not employed by the fostering service, and to whom paragraph (2) does not apply, is appropriately supervised while carrying out their duties.

### **Employment of staff**

**21.**—(1) The fostering service provider must—

- (a) ensure that all permanent appointments are subject to the satisfactory completion of a period of probation, and
- (b) provide all employees with a job description outlining their responsibilities.

(2) The fostering service provider must operate a disciplinary procedure which, in particular—

- (a) provides for the suspension of an employee where necessary in the interests of the safety or welfare of children placed with foster parents,
- (b) provides that the failure on the part of an employee to report an incident of abuse or neglect, or suspected abuse or neglect, of a child placed with foster parents to an appropriate person is a ground on which disciplinary proceedings may be instituted.

(3) For the purposes of paragraph (2)(b), an appropriate person is—

- (a) in any case—
  - (i) the registered person, or the manager of the local authority fostering service (as the case may be),
  - (ii) an officer of the Chief Inspector,
  - (iii) an officer of the responsible authority, or the area authority (if applicable),
  - (iv) a police officer,
  - (v) an officer of the National Society for the Prevention of Cruelty to Children,
- (b) in the case of an employee of an independent fostering agency, an officer of the placing authority,
- (c) in the case of an employee of a fostering agency, an officer of the local authority in whose area the agency is situated.

(4) The fostering service provider must ensure that all persons employed by them—

- (a) receive appropriate training, supervision and appraisal, and
- (b) are enabled from time to time to obtain further qualifications appropriate to the work they perform.

### **Records with respect to fostering services**

**22.**—(1) The fostering service provider must maintain and keep up to date the records specified in Schedule 2.

(2) The records referred to in paragraph (1) must be retained for at least 15 years from the date of the last entry.