
STATUTORY INSTRUMENTS

2011 No. 581

The Fostering Services (England) Regulations 2011

PART 3

Management of Fostering Service

Fostering agency

Fitness of fostering service provider

- 5.—(1) A person must not carry on a fostering agency unless—
- (a) in the case of an individual carrying on an independent fostering agency otherwise than in partnership with others, that person,
 - (b) in the case of an individual carrying on an independent fostering agency in partnership with others, that person and each of the other partners,
 - (c) in the case of a partnership carrying on a fostering agency, each of the partners, and
 - (d) in the case of an organisation carrying on a fostering agency, where the organisation has given notice to the Chief Inspector of the name, address and position in the organisation of an individual (“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, the responsible individual,
- satisfies the requirements of paragraph (2) as to fitness.
- (2) The requirements are that—
- (a) the person is of integrity and good character,
 - (b) the person is physically and mentally fit to carry on the fostering agency, and
 - (c) full and satisfactory information is available in relation to the person in respect of each of the matters specified in Schedule 1.
- (3) A person may not carry on a fostering agency if that person—
- (a) has been adjudged bankrupt or sequestration of their estate has been awarded and (in either case) they have not been discharged and the bankruptcy order has not been annulled or rescinded, or a moratorium period under a debt relief order (within the meaning of section 251A of the Insolvency Act 1986⁽¹⁾) applies in relation to them, or
 - (b) has made a composition arrangement with their creditors and has not been discharged in respect of it.

(1) 1986 c.45. Section 251A was inserted by section 108(1) of, and Schedule 17 to, the Tribunals, Courts and Enforcement Act 2007 (c.15).