



FALKLAND ISLANDS

Children (Fostering) Regulations 2019

(No. 5 OF 2019)

Arrangement of Provisions

Regulation

PART 1 — Introductory

1. Title
2. Commencement
3. Interpretation

PART 2 — Conduct of fostering service

4. Fostering service – manager
5. Arrangements for the protection of children
6. Behaviour management and children missing from foster carer's home
7. Duty to promote contact
8. Health of children placed with foster carers
9. Education, employment and leisure activities of children placed with foster carers
10. Support, training and information for foster carers
11. Records with respect to fostering services

PART 3 — Approval of foster carers

12. Constitution and membership of fostering panel
13. Meetings of fostering panel
14. Functions of fostering panel
15. Assessment of prospective foster carers
16. Approval of foster carers
17. Reviews and termination of approval
18. Case records relating to foster carers and others
19. Register of foster carers

20. Retention and confidentiality of records

PART 4 — Miscellaneous

21. Application of these regulations with modifications to short breaks

SCHEDULES



FALKLAND ISLANDS

Children (Fostering) Regulations 2019

Made:7 March 2019
Published: 10 April 2019
Coming into force: on publication

IN EXERCISE of my powers under section 28(10) as read with sections 28(6), 44(1) and (2) of the Children Ordinance 2014 and paragraphs 13 to 15 of Schedule 2 to the Children Ordinance 2014 and on the advice of Executive Council I make the following regulations —

PART 1 — Introductory

1. Title

These regulations are the Children (Fostering) Regulations 2019.

2. Commencement

These regulations come into force on publication in the *Gazette*.

3. Interpretation

(1) In these regulations —

“**approval**” means approval as a foster carer in accordance with regulation 16 and references to a person being approved are to be construed accordingly;

“**care plan**” means the plan for the future care of a child prepared in accordance with Part 2 of the Children (Care Planning, Placement and Case Review) Regulations 2019;

“**central list**” means the list referred to in regulation 12(1);

“**child protection enquiries**” has the meaning given in regulation 5(4);

“**Director**” means the Director of Health and Social Services;

“**foster care agreement**” means an agreement referred to in regulation 16(4)(b);

“**foster carer**” —

- (a) means a person (including a person ordinarily known as a foster parent) who is approved as a foster carer under these regulations; and
- (b) except in regulations 14 to 18, includes a person with whom a child is placed under regulation 24 of the Children (Care Planning, Placement and Case Review) Regulations 2019 (*temporary approval of a relative, friend or other person connected with the child*);

“**fostering panel**” means a panel constituted in accordance with regulation 12;

“**fostering service**” means the fostering service provided by the Crown;

“**parent**”, in relation to a child, includes any person who has parental responsibility for the child;

“**parent and child arrangements**” means arrangements made by the Crown for a parent and their child to live with a foster carer, whether or not the parent or the child is placed with the foster carer;

“**placement**” means any placement of a child with foster carers made by the Crown under section 28 of the Ordinance which is not a placement for adoption;

“**placement plan**” means the plan for the placement of a child prepared in accordance with regulation 9 of the Children (Care Planning, Placement and Case Review) Regulations 2019;

“**placing authority**”, in relation to a child, means the Crown;

“**social worker**” means a person with a social work qualification which is recognised by the Director;

“**team leader**” means the Social Welfare Department Team Leader appointed under regulation 4 who is responsible for or in charge of leading the Social Welfare team; and

“**the Ordinance**” means the Children Ordinance 2014.

(2) In these regulations any function conferred on the Crown will be exercised by the Director or officers subordinate to the Director.

PART 2 — Conduct of fostering service

4. Fostering service – manager

The Director must appoint a team leader for the Social Welfare Department to manage the fostering service.

5. Arrangements for the protection of children

- (1) The Crown must prepare and implement a written policy which —
 - (a) is intended to safeguard children placed with foster carers from abuse or neglect; and
 - (b) sets out the procedure to be followed in the event of any allegation of abuse or neglect in respect of a child.
- (2) The written policy must include a statement of measures to be taken to safeguard any child before making parent and child arrangements with any foster carer.
- (3) The procedure under paragraph (b) of sub-regulation (1) must provide in particular for —
 - (a) liaison and co-operation with any overseas authority which is, or may be making a request that child protection enquiries be made in relation to any child placed by the Crown with that authority;
 - (b) the prompt referral to any overseas authority of any allegation of abuse or neglect affecting any child placed by the Crown with that authority;
 - (c) notification to the Director of the investigation and outcome of any child protection enquiries involving a child placed by the Crown;
 - (d) written records to be kept of any allegation of abuse or neglect in respect of a child, 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 carers following an allegation of abuse or neglect; and
 - (f) arrangements to be made for foster carers and children placed by the Crown, to have the address (including email address) and telephone number of —
 - (i) the team leader; and
 - (ii) the Director,for the purposes of referring any concern about child welfare or safety to them.
- (4) In this regulation “child protection enquiries” means any enquiries carried out by the Crown in the exercise of any of its functions conferred by or under the Ordinance relating to the protection of children.

6. Behaviour management and children missing from foster carer’s home

- (1) The Crown must prepare and implement a written policy on acceptable measures of control, restraint and discipline of children placed with foster carers.
- (2) The Crown must take all reasonable steps to ensure that —
 - (a) no form of corporal punishment is used on any child placed with a foster carer;

- (b) no child placed with a foster carer 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 substantial damage to property.

(3) The Crown must prepare and implement a written procedure to be followed if a child is missing from a foster carer's home.

7. Duty to promote contact

The Crown 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 carer and the child's parents, relatives and friends unless such contact is not reasonably practicable or consistent with the child's welfare.

8. Health of children placed with foster carers

(1) The Crown must promote the health and development of children placed with foster carers.

(2) In particular the Crown must ensure that each child —

- (a) is registered with a general medical practitioner;
- (b) has access to such medical, dental, nursing, psychological and psychiatric advice, treatment and other services as may be necessary for the child;
- (c) is provided with such individual support, aids and equipment which may be necessary for the child 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.

9. Education, employment and leisure activities of children placed with foster carers

(1) The Crown must promote the educational achievement of children placed with foster carers.

(2) In particular the Crown must —

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

(3) The Crown must ensure that any education it provides for any child placed with a foster carer 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 Crown must ensure that foster carers promote the leisure interests of children placed with them.

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

10. Support, training and information for foster carers

(1) The Crown must provide foster carers with such training, advice, information and support, including support outside office hours, as is necessary in the interests of children placed with them.

(2) The Crown must take all reasonable steps to ensure that foster carers are familiar with, and act in accordance with, the policies established in accordance with regulations 5(1) and 6(1) and (3).

(3) The Crown must ensure that, in relation to any child placed or to be placed with a foster carer, the foster carer is given information, which is kept up-to-date, to enable the foster carer to provide appropriate care for the child, and in particular that each foster carer is provided with a copy of the most recent version of the child's care plan as required under regulation 6(3) of the Children (Care Planning, Placement and Case Review) Regulations 2019.

11. Records with respect to fostering services

(1) The Crown must maintain and keep up-to-date the records specified in Schedule 1.

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

PART 3 — Approval of foster carers

12. Constitution and membership of fostering panel

(1) The Crown must maintain a list of persons who it considers suitable to be members of a fostering panel ("the central list").

(2) A person who is included in the central list may at any time ask to be removed from the central list by giving one month's notice in writing.

(3) Where the Crown is of the opinion that a person included in the central list is unsuitable or unable to remain on the central list, the Crown may remove that person's name from the central list and notify the person in writing.

(4) Subject to sub-regulation (5), the Crown must set up a fostering panel to perform the functions of a fostering panel under these regulations, and must appoint panel members from the central list including —

- (a) a person from the central list to be the chairperson of the panel, if possible who is independent of the Crown;
- (b) one or two persons from the central list who may act as chairperson if the person appointed under paragraph (a) is absent or if that office is vacant (“vice chairpersons”); and
- (c) one or more social workers who have at least three years’ relevant post-qualifying experience.

(5) The Crown must ensure that the fostering panel has sufficient members, and that individual members have between them the experience and expertise necessary, to effectively discharge the functions of the fostering panel.

(6) Any fostering panel member may resign from the fostering panel at any time by giving one month’s notice in writing to the Director.

(7) Where the Director is of the opinion that any member of the fostering panel is unsuitable or unable to continue as a panel member, the Director may terminate that member’s appointment at any time by giving the member notice in writing.

(8) For the purposes of this regulation and regulation 13 a person is not independent of the Crown if —

- (a) the person is currently approved by the Crown as a foster carer; or
- (b) the person is employed by the Crown for the purposes of any of the Crown’s functions relating to the protection or placement of children.

(9) Any notice given to a person under sub-regulations (3) and (7) is effective from the date specified in the notice

13. Meetings of fostering panel

(1) No business may be conducted by a fostering panel unless at least the following members are present —

- (a) either the person appointed as chairperson of the panel or one of the vice chairpersons;
- (b) one member who is a social worker who has at least three years’ relevant post-qualifying experience; and
- (c) one other member.

(2) A fostering panel must make a written record of all its proceedings and the reasons for its recommendations.

14. Functions of fostering panel

(1) The functions of the fostering panel in respect of cases referred to it by the Crown are —

- (a) to consider each application for approval and to recommend whether or not a person is suitable to be a foster carer;
 - (b) where it recommends approval of an application, to recommend any terms on which the approval is to be given;
 - (c) to recommend whether or not a person remains suitable to be a foster carer, and whether or not the terms of the person's approval (if any) remain appropriate —
 - (i) on the first review carried out in accordance with regulation 17(2); and
 - (ii) on the occasion of any other review, if the relevant report is referred to the fostering panel by the Director in accordance with regulation 17(5); and
 - (d) to consider any case referred to it under regulation 16(7) or 17(9).
- (2) In considering what recommendation to make under sub-regulation (1), the fostering panel—
- (a) must consider and take into account all of the information passed to it in accordance with regulation 15, 16 or 17;
 - (b) may request the Crown to obtain any other relevant information or to provide such other assistance as the fostering panel considers necessary; and
 - (c) may obtain any legal, medical or other advice as it considers necessary.
- (3) The Crown must obtain such information as the fostering panel considers necessary and send that information to the fostering panel, and provide other assistance as the fostering panel may request, so far as is reasonably practicable.
- (4) The fostering panel must also —
- (a) advise, where appropriate, on the procedures under which reviews in accordance with regulation 17 are carried out by the Crown, and periodically monitor their effectiveness;
 - (b) oversee the conduct of assessments carried out by the Crown; and
 - (c) give advice, and make recommendations, on such other matters or cases as the Crown may refer to it.
- (5) In this regulation, “recommend” means recommend to the Director.

15. Assessment of prospective foster carers

- (1) The Crown may carry out an assessment of any person who applies to become a foster carer and whom the Crown considers may be suitable to become a foster carer, and any such assessment must be carried out in accordance with this regulation.
- (2) The Crown —

- (a) must obtain the information specified in Schedule 2 relating to a prospective foster carer and any person living in or employed at the same household as the prospective foster carer (whether permanently or temporarily), including any non-resident partner of the prospective foster carer, and any other information the Crown considers relevant;
 - (b) must interview at least two persons nominated by the prospective foster carer to provide personal references for the prospective foster carer, and prepare written reports of the interviews;
 - (c) must, except where the prospective foster carer lives and has only lived within the Falkland Islands, consult with, and take into account the views of, any authority in whose area the prospective foster carer has lived if the prospective foster carer has spent periods of time abroad; or
 - (d) may, where the prospective foster carer was approved as a foster carer by another fostering service provider outside the Falkland Islands and that approval has been terminated, and where the prospective foster carer consents to the inspection, request inspection of the relevant records compiled by that other fostering service provider in relation to the prospective foster carer.
- (3) Having regard to the information obtained under sub-regulation (2), the Crown must —
- (a) consider whether the prospective foster carer is suitable to be a foster carer and whether the prospective foster carer's household is suitable for any child;
 - (b) prepare a written report on the prospective foster carer which includes the matters set out in sub-regulation (4); and
 - (c) refer the report to the fostering panel and notify the prospective foster carer accordingly.
- (4) The report referred to in sub-regulation (3) must include the following matters in relation to the prospective foster carer —
- (a) the information required by Schedule 2 and any other information the Crown considers relevant;
 - (b) the Crown's assessment of the prospective foster carer's suitability to be a foster carer;
 - (c) the Crown's assessment of the suitability of the prospective foster carer's household; and
 - (d) the Crown's proposals about any terms of the approval.
- (5) Subject to sub-regulation (7), the prospective foster carer is not suitable to be a foster carer if the prospective foster carer or any member of the prospective foster carer's household aged 18 or over has been convicted of or has a citable caution in respect of an offence which the Crown considers relevant to determine the prospective foster carer's suitability as a foster carer.
- (6) An offence considered relevant for purposes of sub-regulation (5) includes but is not limited to the following —

- (a) an offence against a child;
- (b) an offence in relation to importation of prohibited goods if these included indecent photographs of children under the age of 18;
- (c) any other offence involving bodily injury to a child, and

the expression “offence against a child” has the meaning given to it in Schedule 5.

(7) The Crown may regard a person who falls within sub-regulation (5) as suitable to be a foster carer in relation to a particular child (or children), if the Crown is satisfied that the welfare of that child (or those children) requires it, and either —

- (a) the person, or a member of the person’s household, is a relative of the child; or
- (b) the person is already acting as a foster carer for the child.

(8) For the purposes of these regulations, a person who is living in the prospective foster carer’s household in parent and child arrangements, is a member of the prospective foster carer’s household.

16. Approval of foster carers

(1) The Director must not approve a person as a foster carer unless —

- (a) the Crown has completed its assessment of the suitability of that person and the person’s household; and
- (b) the fostering panel has considered the application.

(2) The Director must, in deciding whether to approve a person as a foster carer and as to the terms of any approval, take into account the recommendation of the fostering panel.

(3) No member of the fostering panel may take part in any decision made by the Director under sub-regulation (2).

(4) If the Director decides to approve the person as a foster carer, the Director must —

- (a) give the person notice in writing specifying any terms on which the approval is given; and
- (b) require that the person enters into a written agreement covering the matters specified in Schedule 3 (the “foster care agreement”).

(5) If the Director considers that the person is not suitable to be a foster carer, the Director must, subject to sub-regulation (6) —

- (a) give the person written notice that he or she proposes not to approve the person as suitable to be a foster carer (a “qualifying determination”), together with his or her reasons and a copy of the fostering panel’s recommendation; and

(b) advise the person that, within 28 days of the date of the qualifying determination, the person may submit any written representations that the person wishes to make to the Director.

(6) If, within the period referred to in sub-regulation (5)(b), the Director does not receive any representations, the Director may proceed to make his or her decision.

(7) If within the period referred to in sub-regulation (5)(b) the Director receives any written representations, the Director must —

(a) refer the case, including such written representations, to the fostering panel for further consideration; and

(b) make a decision, taking into account any further recommendation made by the fostering panel.

(8) As soon as practicable after making the decision referred to in sub-regulation (6) or (7), the Director must notify the person in writing and —

(a) if the decision is to approve the person as a foster carer, comply with sub-regulation (4) in relation to that person; or

(b) if the decision is not to approve the person, provide written reasons for the decision.

17. Reviews and termination of approval

(1) The Director must review the approval of each foster carer in accordance with this regulation.

(2) A review must take place not more than a year after the initial approval, and after that whenever the Director considers it necessary, but at intervals of not more than a year.

(3) When undertaking a review, the Director must —

(a) make enquiries and obtain information on the matters set out under Schedule 4 and such other information as he or she considers necessary in order to review whether the foster carer continues to be suitable to be a foster carer and the foster carer's household continues to be suitable; and

(b) seek and take into account the views of —

(i) the foster carer; and

(ii) any child placed with the foster carer (subject to the child's age and understanding).

(4) At the conclusion of the review, the Director must prepare a written report, setting out whether —

(a) the foster carer continues to be suitable to be a foster carer and the foster carer's household continues to be suitable; and

- (b) the terms of the foster carer's approval continue to be appropriate.
- (5) The Director must, on the occasion of the first review under this regulation, and may, on any subsequent review, refer the report to the fostering panel for consideration.
- (6) If the Director decides, taking into account any recommendation made by the fostering panel, that the foster carer and the foster carer's household continue to be suitable and that the terms of the foster carer's approval continue to be appropriate, the Director must give written notice of his or her decision to the foster carer.
- (7) If, taking into account any recommendation made by the fostering panel, the Director is no longer satisfied that the foster carer or the foster carer's household continue to be suitable, or that the terms of the approval continue to be appropriate, the Director must —
- (a) give written notice to the foster carer that he or she proposes to terminate, or revise the terms of, the foster carer's approval, together with his or her reasons and a copy of any recommendation made by the fostering panel; and
 - (b) advise the foster carer that, within 28 days of the date of the notice referred to in subsection (7)(a), the foster carer may submit any written representations that the foster carer wishes to make to the Director.
- (8) If, within the period referred to in sub-regulation (7)(b), the Director does not receive any representations, the Director may proceed to make his or her decision.
- (9) If, within the period referred to in sub-regulation (7)(b), the Director receives any written representations, the Director must —
- (a) refer the case, including such written representations, to the fostering panel for its consideration; and
 - (b) make a decision, taking into account any recommendation made by the fostering panel.
- (10) As soon as practicable after making the decision referred to in sub-regulation (9)(b), the Director must give written notice to the foster carer stating —
- (a) that the foster carer and the foster carer's household continue to be suitable, and that the terms of the approval continue to be appropriate;
 - (b) that the foster carer's approval is terminated from a specified date, and the reasons for the termination; or
 - (c) the revised terms of the approval and the reasons for the revision.
- (11) A foster carer may give notice in writing to the team leader at any time that the foster carer no longer wishes to be a foster carer, in which case the foster carer's approval is terminated with effect from 28 days from the date on which the notice is received by the team leader.

18. Case records relating to foster carers and others

(1) The Director must maintain a case record for each approved foster carer which must include copies of the documents specified in sub-regulation (2) and the information specified in sub-regulation (3).

(2) The documents referred to in sub-regulation (1) are —

- (a) the report prepared under regulation 15(3)(b) and any other reports submitted to the fostering panel;
- (b) any recommendations made by the fostering panel;
- (c) the notice of approval given under regulation 16(4)(a);
- (d) the foster care agreement;
- (e) any report of a review of approval prepared under regulation 17(4); and
- (f) any notice given under regulation 17(10).

(3) The information referred to in sub-regulation (1) must include —

- (a) a record of each placement with the foster carer, including the name, age and sex of each child placed, the dates on which each placement began and terminated, and the circumstances of the termination; or
- (b) the information obtained in relation to the assessment and approval of the foster carer, and in relation to any review or termination of the approval.

(4) The Crown must maintain a case record for each person with whom a child is placed under a temporary approval under regulation 24(1) of the Children (Care Planning, Placement and Case Review) Regulations 2019, and the record must include in relation to that person —

- (a) a record in relation to the placement, including the name, age and sex of each child placed, the date on which the placement began and, if the placement has been terminated, the date and circumstances of the termination; and
- (b) the information obtained in relation to the assessment carried out under regulation 24(2) of the Children (Care Planning, Placement and Case Review) Regulations 2019.

(5) The Director must compile a record for each person whom it does not approve as a foster carer, or who withdraws his or her application prior to approval, which must include —

- (a) the information obtained in connection with the assessment;
- (b) any report submitted to the fostering panel and any recommendation made by the fostering panel; and
- (c) any notification given under regulation 16.

19. Register of foster carers

The Crown must maintain a register (a “register of foster carers”) and enter in it the following particulars in relation to each foster carer —

- (a) name, address, date of birth and sex of each foster carer including each person with whom it has placed a child under regulation 24 of the Children (Care Planning, Placement and Case Review) Regulations 2019;
- (b) the date of approval and of each review of approval; and
- (c) the current terms of approval.

20. Retention and confidentiality of records

(1) The case records compiled in relation to a foster carer under regulation 18(1), and any entry relating to that foster carer in the register of foster carers maintained under regulation 19, must be retained for at least 15 years from the date on which the foster carer’s approval is terminated.

(2) The records compiled by the Crown under regulation 18(4) in relation to a person with whom a child is placed under regulation 24 of the Children (Care Planning, Placement and Case Review) Regulations 2019, and any entry relating to such a person in the register of foster carers maintained under regulation 19, must be retained for at least 15 years from the date on which the placement is terminated.

(3) The records compiled under regulation 18(5) must be retained for at least 15 years from the refusal or withdrawal, as the case may be, of the application to become a foster carer.

(4) The requirements in sub-regulations (1) to (3), and in regulation 11, may be complied with by retaining the original written records or copies of the records, or by keeping all or part of the information contained in them in some other accessible form such as a computer record.

(5) Any records or register maintained in accordance with regulation 11, 18 or 19 must be kept securely and may not be disclosed to any person except in accordance with —

- (a) any provision of, or made under or by virtue of, a statute;
- (b) any court order authorising access to such records; or
- (c) any policies relating to the safeguarding of children or adults.

PART 4 — Miscellaneous

21. Application of these regulations with modifications to short breaks

(1) In the circumstances set out in sub-regulation (2), these regulations apply in relation to a child with the modifications set out in sub-regulation (3).

(2) The circumstances are that the child —

- (a) is not in the care of the Crown; and
 - (b) is placed in a series of short-term placements with the same foster carer (“short breaks”), where —
 - (i) no single placement is intended to last for more than 17 days;
 - (ii) at the end of each such placement, the child returns to the care of the child’s parent or a person who is not the child’s parent but who has parental responsibility for the child; and
 - (iii) the short breaks do not exceed 75 days in total in any period of 12 months.
- (3) The modifications are that regulations 7, 8(2)(a) and (d), and 9 do not apply in relation to the child.

SCHEDULE 1
Records to be kept by the Crown

(regulation 11(1))

1. A record in the form of a register showing in respect of each child placed with foster carers —
 - (a) the date of the commencement of the placement;
 - (b) the name and address of the foster carer;
 - (c) the date on which the child ceased to be placed there;
 - (d) the child's address prior to the placement;
 - (e) the child's address on leaving the placement; and
 - (f) the statutory provision under which the child is placed with foster carers.
2. A record of all accidents occurring to children whilst placed with foster carers.

SCHEDULE 2

Information as to prospective foster carer and members of the prospective foster carer's household and family including any person living in or employed at the same household as the prospective foster carer

(regulation 15(2)(a))

1. In relation to the prospective foster carer —
 - (a) full name, address and date of birth;
 - (b) details of health (supported by a medical report), personality, marital status and details of current and any previous marriage, civil partnership or similar relationship;
 - (c) particulars of any other adult members of the household;
 - (d) particulars of the children in the family, whether or not members of the household, and any other children in the household;
 - (e) particulars of the prospective foster carer's accommodation;
 - (f) religious persuasion, and capacity to care for a child from any particular religious persuasion;
 - (g) racial origin, cultural and linguistic background and capacity to care for a child from any particular racial origin or cultural or linguistic background;
 - (h) past and present employment or occupation, standard of living and leisure activities and interests;
 - (i) previous experience (if any) of caring for their own and other children;
 - (j) skills and competence, and potential relevance to the prospective foster carer's capacity to care effectively for a child placed with the prospective foster carer;
 - (k) the outcome of any request or application made by the prospective foster carer or any other member of the prospective foster carer's household to foster or adopt children, including particulars of any previous approval or refusal of approval relating to the prospective foster carer or to any other member of the household; and
 - (l) names and addresses of two persons who will provide personal references for the prospective foster carer.

2. An enhanced criminal record and background check as provided by the Royal Falkland Islands Police or where applicable, an equivalent criminal record and background check from any overseas authority where the person has resided outside the Falkland Islands, is required in relation to —
 - (a) the prospective foster carer;

- (b) a member of the prospective foster carer's household and family; and
- (c) a person living in or employed at the same household (whether permanently or temporarily).

SCHEDULE 3
Matters and obligations in foster care agreements

(regulation 16(4)(b))

1. Matters to be recorded —

- (a) the terms of the foster carer's approval;
- (b) the support and training to be given to the foster carer;
- (c) the procedure for the review of approval of the foster carer;
- (d) the procedure and practical arrangements in connection with the placement of children and the matters to be included in any placement plan;
- (e) the arrangements for meeting any legal liabilities of the foster carer arising by reason of a placement; and
- (f) the procedure available to foster carers for making complaints and representations.

2. Obligations on the foster carer —

- (a) to care for any child placed with the foster carer as if the child was a child of the foster carer's family and to promote that child's welfare, having regard to the long and short-term plans for the child;
- (b) to give written notice to the Director as soon as is reasonably practicable, with full particulars, of —
 - (i) any intended change of the foster carer's address;
 - (ii) any change in the composition of the foster carer's household;
 - (iii) any other change in the foster carer's personal circumstances and any other event affecting either their capacity to care for any child placed or the suitability of the household; and
 - (iv) any request or application to adopt children, or a willingness to foster with a view to possible adoption;
- (c) not to administer corporal punishment to any child placed with the foster carer;
- (d) to ensure that any information relating to a child placed with the foster carer, to the child's family or to any other person, which has been given to them in confidence in connection with a placement, is kept confidential and is not disclosed to any person without the consent of the Director;
- (e) to comply with the terms of any placement plan;

- (f) to comply with the policies and procedures of the Crown issued under regulations 5 and 6;
- (g) to allow access to the child by a social worker at the foster carer's home at any reasonable time; and
- (h) to keep the Director informed about the child's progress and to notify the Director as soon as is reasonably practicable of any significant events affecting the child.

SCHEDULE 4
Matters to be considered by the Director in reviewing foster carers

(regulation 17(3)(a))

1. In relation to each child placed with a foster carer —
 - (a) compliance with the child's care plan;
 - (b) all accidents, injuries and illnesses;
 - (c) any complaints raised by the child and their outcomes;
 - (d) any complaints, allegations or suspicions of abuse or neglect and the outcome of any investigation;
 - (e) details of any child missing from a foster carer's home;
 - (f) details of the use of any measures of control, restraint or discipline in respect of that child;
 - (g) details of medication, medical treatment or first aid treatment administered to that child; and
 - (h) where applicable, the standard of any education provided by the fostering service.

2. In relation to the foster carer —
 - (a) the foster carer's recruitment records;
 - (b) the foster carer's records of assessment;
 - (c) records of fostering panel meetings;
 - (d) records of appraisals; and
 - (e) minutes of the Social Welfare Department's meetings.

SCHEDULE 5
Offences against a child

(regulation 15(6))

For purposes of regulation 15(6) the offences described below are offences against a child.

1. An offence under any of the following provisions of the Crimes Ordinance 2014 —

- (a) section 56 (Infanticide);
- (b) section 82 (Cruelty to, or neglect of, person under 16);
- (c) section 84 (Abduction of child by parent, etc.);
- (d) sections 207 to 228 and 259 to 262 (Offences against children, prostitution and pornography);
- (e) sections 203 to 206 (Rape and related offences), if the offence was committed in relation to a person under the age of 16;
- (f) section 231 (Sexual activity with a person with a mental disorder impeding choice), if the offence was committed in relation to a person under the age of 16;
- (g) section 232 (Causing or encouraging a person with a mental disorder to engage in sexual activity), if the offence was committed in relation to a person under the age of 16;
- (h) section 235 (Inducement, etc. to procure sexual activity with a person with a mental disorder), if the offence was committed in relation to a person under the age of 16;
- (i) section 236 (Causing a person with a mental disorder to engage in or agree to engage in sexual activity by inducement, etc.), if the offence was committed in relation to a person under the age of 16;
- (j) section 239 (Care workers: Sexual activity with a person with a mental disorder), if the offence was committed in relation to a person under the age of 16;
- (k) section 240 (Care workers: Causing or encouraging sexual activity), if the offence was committed in relation to a person under the age of 16;
- (l) section 246 (Possession of indecent photograph of a youth);
- (m) section 247 (Taking and publishing indecent photographs of youths);
- (n) section 274 (Allowing persons under 16 to be in a brothel).

2. Similar offences committed under the Sexual Offences Ordinance 2005 or any of the Sexual Offences Acts as applied to the Falkland Islands, if the offence was committed in relation to a person under the age of 16.

3. An offence of attempting or conspiring to commit an offence specified above or encouraging, or aiding and abetting, the commission of an offence specified above.