

## BACKGROUND PAPER

### Department for Education Fostering Regulations, guidance and national minimum standards -

Updated: 26 April 2012

Following extensive public consultation the Department has revised and modernised the statutory framework for fostering. This includes the fostering services regulations and related statutory guidance and national minimum standards.

These form the legal framework for the running of fostering services and are relevant to every local authority or independent fostering agency, and to the local authority as a commissioner of a placement from an independent agency.

The revised framework came into force on April 2011. A summary of the key changes made to the regulatory framework can be found in the [Government's response to the consultation](#) on the fostering services regulations and statutory guidance. We have also included in the associated resources section of this page some [frequently asked questions about changing a foster carer's terms of approval](#) and a [note on foster children sharing a bedroom](#) in the foster home in response to issues raised with the Department in relation to the revised fostering framework.

Further information about the revised statutory framework for placements can be found on the placements page of the children in care section.

#### [The Fostering Services \(England\) Regulations 2011](#)

These Regulations revoke and replace the Fostering Services Regulations 2002. They make provision about the way in which fostering agencies (independent fostering agencies and voluntary organisations) and local authority fostering services are managed and run, and in particular about the process for approving foster carers and safeguarding children placed with them.

#### [Volume 4: Fostering Services 2011 Statutory Guidance](#)

This guidance is issued under section 7 of the Local Authority Social Services Act 1970 and is addressed to local authorities. The guidance is also relevant to providers of independent fostering agencies and voluntary organisations.

The guidance sets out the functions and responsibilities of local authorities and their partner agencies in relation to fostering services. The coverage includes the responsibilities of local authorities and foster carers, how to help ensure the best for children in foster care, the management of the fostering service and approving and supporting foster carers.

The guidance has been updated in line with the changes to the regulations and supersedes Volume 3 Family Placements issued in 1991.

#### [National Minimum Standards for Fostering Services](#)

These national minimum standards (NMS) apply to local authority fostering services, independent fostering agencies and voluntary organisations.

The NMS are issued for use by Ofsted who take them into account in the inspection of fostering services. The NMS, together with regulations relevant to the placement of children in foster care, such as the Fostering Services (England) Regulations 2011, form the basis of the regulatory framework under the Care Standards Act 2000 (CSA) for the conduct of fostering services.