



Llywodraeth Cymru
Welsh Government

Statutory Guidance

Fostering Services

This statutory guidance relates to Parts 2 to 16 of The Regulated Fostering Services (Services Providers and Responsible Individuals) (Wales) Regulations 2019

April 2019

The Regulation and Inspection of Social Care (Wales) Act 2016

Contents

About this guidance	1
List of key terms	4
Useful links	6
Chapter 1: Requirements on Service Providers	
1.1 General requirements on service providers	7
1.2 Requirements on service providers as to the steps to be taken before agreeing to provide care	18
1.3 Requirements on service providers as to the information to be provided to individuals on commencement of the provision of care and support.....	21
1.4 Requirements on service providers as to the standard of care and support to be provided	23
1.5 Requirements on service providers – Safeguarding	30
1.6 Requirements on service providers to ensure access to health, education and other services	37
1.7 Requirements on service providers as to staffing	41
1.8 Requirements on service providers as to premises , facilities and equipment.....	50
1.9 Other requirements on service providers	52
1.10 Support for Foster Parents	59
Chapter 2: Requirements on Responsible Individuals	
2.1 Requirements on responsible individuals for ensuring effective management of the service	62
2.2 Requirements on responsible individuals for ensuring effective oversight of the service	69
2.3 Requirements on responsible individuals for ensuring the compliance of the service	72
2.4 Requirements responsible individuals for monitoring, reviewing and improving the quality of the regulated service	73
2.5 Other requirements on responsible individuals	75
Annex A: Parts of the Regulations not the subject of this Guidance	77
Annex B: Schedules to Regulations 30, 2 and 39, 40 and 67	83

About this guidance

Status

This is statutory guidance issued by the Welsh Ministers under section 29 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”). It applies from 29 April 2019.

The Act, The Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019 (“the Regulations”) and this statutory guidance replace requirements previously put in place under the Care Standards Act 2000, the Fostering Services (Wales) Regulations 2003 and the associated National Minimum Standards.

This guidance sets out:

- how providers of regulated fostering services may comply with the requirements imposed by regulations made under section 27 of the Act, and
- how persons designated as a responsible individual for a regulated fostering service may comply with the requirements imposed by regulations made under section 28 of the Act.

These requirements are contained within Parts 2 to 16 of the Regulations. The Regulations come into force on 29 April 2019 and this guidance will also take effect from that date.

Section 29(3) of the Act states that providers of regulated services and designated responsible individuals **must have regard to this guidance** in meeting requirements imposed by regulations under sections 27 and 28 of the Act.

This guidance is also relevant to those providers making an application for registration as a service provider under section 6 of the Act. Guidance about registration has been produced by the service regulator, Care Inspectorate Wales (‘CIW’), and is available on its website.

How to use this guidance

Prospective service providers and responsible individuals

Persons who wish to provide a regulated service must make an application for registration to CIW who carry out the Welsh Ministers’ functions as the service regulator. Prospective service providers and responsible individuals must demonstrate that they will be able to meet the requirements imposed by the Act and the Regulations and, once registered, that they will continue to meet them.

In order to grant an application to register, CIW must be satisfied that any prospective provider of regulated services can and will continue to meet the standards of service provision specified in regulations under section 27 of the Act. CIW must also be satisfied that persons designated as a responsible individual can and will comply with the duties set out in regulations under section 28 of the Act.

CIW will use this guidance to inform its decisions to grant or refuse applications for registration as a service provider.

Registered service providers and designated responsible individuals

Registered providers of regulated services and designated responsible individuals must meet the requirements of the Act and the Regulations. In doing so they **must have regard to this statutory guidance** which is intended to help them understand how they can meet the applicable requirements within the Regulations. CIW will also use this guidance to inform decisions about the extent to which registered providers and responsible individuals are meeting those requirements .

Service providers remain responsible for deciding how the requirements will be met, taking into account the needs of individuals using the service and the statement of purpose for the service.

If registered service providers and designated responsible individuals do not follow this guidance, they must provide evidence that their chosen approach enables them to meet the applicable requirements within the Regulations.

Structure of this guidance

This guidance sets out the following:

- **A summary of the intention of each Part of the Regulations**

Parts 2 to 11 of the Regulations, made under section 27 of the Act, set out the requirements on a service provider in relation to the standard of service that must be provided. They highlight the importance of the well-being of children who are receiving care and support¹. They also impose other requirements on service providers related to the operation of the regulated service.

Parts 12 to 16 of the Regulations, made under section 28 of the Act, set out the duties placed on the designated responsible individual in relation to a regulated service. These duties include a requirement to supervise the management of the service including the appointment of a suitable and fit manager. The intention is to ensure that a designated person at an appropriately senior level holds accountability for both service quality and compliance and to ensure that there is a clear chain of

¹ These standards are linked to the well-being statement for people who need care and support and carers who need support. <http://gov.wales/docs/dhss/publications/160831well-being-statementen.pdf>

accountability linking the corporate responsibility of the service provider and the responsible individual with the role of the manager of the regulated service.

- **The text of each regulation**

It is important that service providers and responsible individuals refer to the text of each regulation as the first source of information about what the requirements are and how to meet them. This guidance provides further explanation on how to meet the individual components of each regulation where further clarification and definition may be helpful. Where the text of the regulation itself is self-explanatory, no further guidance is given.

- **Guidance on the requirements of individual components of the regulation**

The guidance on individual components of each regulation should not be considered exhaustive as there may be other ways that service providers and responsible individuals can show that they meet each component of the regulation.

Annex A sets out parts of the Regulations that are not the subject of this guidance, as they are not made under section 27 or 28 of the Act. Annex B contains the Schedules to regulations 30, 39, 40 and 67. These annexes have been included for reference only.

Enforcement

Parts 2 to 16 of the Regulations set out clear requirements which registered providers and responsible individuals must adhere to. CIW, as the service regulator, can take enforcement action against any registered service provider and responsible individual that does not adhere to these legal requirements.

Any enforcement action taken by CIW will be proportionate and will look at the impact on or risk to individuals using the regulated service.

Examples of enforcement action may include:

- imposing conditions on a service provider's registration;
- cancelling a service provider's registration;
- issuing an improvement notice;
- issuing a fixed penalty notice.

Further information on the offences which service providers and responsible individuals may commit if they do not comply with the requirements of the Act and these Regulations, and the different statutory and non-statutory enforcement actions that CIW may take in response, are set out within CIW's Securing Improvement and Enforcement guidance. This is available on CIW's website.

List of key terms used within this guidance

Term	Meaning
The Act	The Regulation and Inspection of Social Care (Wales) Act 2016
The 2014 Act	The Social Services and Well-being (Wales) Act 2014
Area authority	The local authority or local authority in England for the area in which the child is placed, or is to be placed, where this is different from the placing authority
Care and support	The care and support provided to the child in a foster placement by the foster parent.
Care and support plan	A plan put in place by the local authority under section 83 of the 2014 Act in relation to looked after and accommodated children.
The child's needs	The child's care and support needs
Foster care agreement	The written agreement covering the matters specified in Schedule 3 to the Fostering Panels Regulations.
The Fostering Panels Regulations	The Fostering Panels (Establishment and Functions) (Wales) Regulations 2018
The foster parent	Foster parent means a person who has been approved as a foster parent in accordance with the Fostering Panels Regulations. These are adults who are supported by the service provider so that they can provide appropriate care and support to a child placed through the service.
Pathway plan	A plan that sets out the actions which are necessary to support a young person to make a successful transition to adulthood and greater independence, and which is drawn up when a looked after child turns 16. If the child continues to be looked after, the child's care and support plan is subsumed within their pathway plan.
Personal outcomes	<ul style="list-style-type: none"> • In relation to the child, means the outcomes that the child wishes to achieve. • In relation to the foster parent, means the outcomes that they wish to achieve in relation to the child.
Placement	The placement of a child with a foster parent under section 81 of the 2014 Act.
Placing authority	In relation to a child who is looked after by a local authority or local authority in England, that local authority.
The Regulations	The Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019
Representative	Any person having legal authority, or the consent of the child, to act on the child's behalf.

Responsible individual

(See section 21 of the Act for a full description)

Must be either:

- where the service provider is an individual, the service provider
- where the service provider is a partnership, one of the partners
- where the service provider is a body corporate, other than a local authority
 - a director or similar officer of the body
 - in the case of a public limited company, a director or company secretary
 - in the case of a body corporate whose affairs are managed by its members, a member of the body
- where the service provider is an unincorporated body, a member of the body

and whom CIW are satisfied is a fit and proper person to be a responsible individual

and is designated by a service provider in respect of a place at, from or in relation to which the provider provides a regulated service;

and is specified as such in the service provider's registration.

NB In certain circumstances (see Regulation 72, not covered in this guidance) the responsible individual may be designated by CIW (on behalf of the Welsh Ministers) and not the service provider.

SCW

Social Care Wales, the workforce regulator

The service

The regulated service which is provided by a service provider from a place specified in a condition to the service provider's registration.

The service regulator

In practice, this means Care Inspectorate Wales ('CIW') acting on behalf of the Welsh Ministers in the exercise of their regulatory functions.

Staff

- Persons employed by the service provider to work at the service as an employee or worker (within the meaning of section 230 of the Employment Rights Act 1996).
- Persons engaged by the service provider under a contract for services.
- This **does not** include the foster parents or any persons who are allowed to work as volunteers.

Statement of purpose

The statement of purpose for the place from which the fostering service is provided

Useful links

The Regulation and Inspection of Social Care (Wales) Act 2016

<http://www.legislation.gov.uk/anaw/2016/2/contents/enacted>

The Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019

<http://www.legislation.gov.uk/cy/wsi/2019/169/contents/made>

The Social Services and Well-being (Wales) Act 2014

<http://www.legislation.gov.uk/anaw/2014/4/contents>

Welsh Government: Well-being Statement for People Who Need Care and Support and Carers Who Need Support

<http://gov.wales/docs/dhss/publications/160831well-being-statementen.pdf>

Care Inspectorate Wales

<http://careinspectorate.wales/?lang=en>

Care Inspectorate Wales: Registration guidance (for new services)

<https://careinspectorate.wales/register-provide-service>

Care Inspectorate Wales: Re-registration guidance

<https://careinspectorate.wales/providing-a-care-service/already-registered-services/re-registration>

Care Inspectorate Wales: Compiling a Statement of Purpose

<https://careinspectorate.wales/providing-a-care-service/already-registered-services/re-registration>

Care Inspectorate Wales: Securing Improvement and Enforcement policy

<https://careinspectorate.wales/providing-a-care-service/how-we-enforce>

Social Care Wales

<https://www.socialcare.wales/>

Social Care Wales: Information and Learning Hub

<https://socialcare.wales/hub/home>

Chapter 1: Requirements on Service Providers (Parts 2 to 11 of the Regulations)

1.1 General requirements on service providers (Part 2)

The intent of the general requirements within Part 2 of the Regulations is to ensure that service providers put in place governance arrangements to support the smooth operation of the service, ensure that there is a sound base for providing high quality care and support for children using the service and to enable children to achieve their personal outcomes. This includes the following:

- setting clear organisational intent and direction by outlining in the statement of purpose the services provided and the actions the service provider will undertake to ensure these services are delivered to the required standards;
- putting in place the underpinning policies and procedures to support managers and staff to achieve the aims of the service and support children to achieve their personal outcomes;
- establishing sound management structures to oversee and monitor the service in order to ensure that it operates safely and effectively for the children receiving care and support;
- establishing clear arrangements for an ongoing cycle of quality assurance and review to provide assurance that the service operates in line with legal requirements and its statement of purpose and is supporting children and foster parents appropriately Information obtained through monitoring is used for continued development and improvement of the service;
- maintaining oversight of financial arrangements and investment in the business to ensure financial sustainability so that children using the service are supported to achieve their personal outcomes and are protected from the risk of unplanned removal or change in the service provided due to financial pressures; and
- promoting a culture of openness, honesty and candour at all levels.

Regulation 3	Guidance
<p>Requirements in relation to the provision of the service</p> <p>3. The service provider must ensure that the service is provided with sufficient care, competence and skill, having regard to the statement of purpose.</p>	<ul style="list-style-type: none">• Service providers have clear arrangements for the oversight and governance of the service in order to establish, develop and embed a culture which ensures that the best possible outcomes are achieved for children using the service and to meet the requirements of the Regulations. This includes but is not limited to:

	<ul style="list-style-type: none"> ○ policies and procedures to achieve the aims of the statement of purpose and to place children at the centre of the service; ○ systems for monitoring and review which support evidence-based practice and enable children to achieve their personal outcomes; ○ processes to ensure care and support is delivered consistently and reliably; ○ safe staffing arrangements, underpinned by professional development, to meet the care and support needs of children and to support foster parents; ○ quality and audit systems to review progress and inform the development of the service; ○ a proactive approach to equal opportunities and diversity; and ○ suitable and accessible premises, facilities and equipment.
--	--

Regulation 4	Guidance
<p>Requirements in relation to the statement of purpose</p> <p>4.—(1) The service provider must provide the service in accordance with the statement of purpose. (2) The service provider must— (a) keep the statement of purpose under review, and (b) where appropriate, revise the statement of purpose. (3) The service provider must give notice to the persons listed in paragraph (4) of any revision to be made to the statement of</p>	<ul style="list-style-type: none"> ● The statement of purpose is fundamental to the service. It should: <ul style="list-style-type: none"> ○ accurately describe the services provided; ○ state where and how these services will be provided; and ○ state the arrangements to support the delivery of the services.

<p>purpose at least 28 days before it is to take effect.</p> <p>(4) The persons who must be given notice of any revision to the statement of purpose in accordance with paragraph (3) are—</p> <ul style="list-style-type: none"> (a) the Welsh Ministers, (b) any child placed with a foster parent by the service provider, unless it would not be appropriate to do so having regard to the child’s age and understanding, (c) the parents of any such child, (d) foster parents and prospective foster parents, (e) persons working for the purposes of the independent fostering service, (f) the placing authority. <p>(5) The service provider must provide the up to date statement of purpose to any person on request, unless it is not appropriate to do so or would be inconsistent with the well-being of a child.</p>	<ul style="list-style-type: none"> • It must include the information set out in The Regulated Services (Registration) (Wales) Regulations 2017(2). • In preparing a statement of purpose, the service provider takes into account any statement of purpose guidance provided by the service regulator. • Service providers review and update the statement of purpose at least annually or earlier if changes are being made to the service provided. • Where there is an intention to change the service being provided, the statement of purpose is updated to reflect the change. The service provider notifies those persons set out in regulation 4(4) at least 28 days prior to the changes being made. Examples of this include changes to the normal staffing arrangements or levels as set out in the existing statement of purpose. • Where there is an intention to change the service being provided with immediate effect, i.e. within the 28 days notification period (required by regulation 4(3)), for example in response to an urgent request, the service provider: <ul style="list-style-type: none"> ○ notifies the service regulator immediately (and where practicable, prior to implementing the change); and ○ updates the statement of purpose to reflect the change without delay and provides a copy to the service regulator.
---	--

² <http://www.legislation.gov.uk/wsi/2017/1098/contents/made> Amended by The Regulated Services (Annual Returns and Registration) (Wales) (Amendment) Regulations 2019 <http://www.legislation.gov.uk/wsi/2019/233/made>

	<ul style="list-style-type: none"> • Where a change to the statement of purpose is proposed, the service provider satisfies the service regulator of their ability to deliver the proposals, for example, by providing additional information or receiving a visit from the service regulator to the service (where appropriate). • Where the statement of purpose is updated a record is kept of the new version and date of amendment. • A copy of the statement of purpose is readily available to those listed in regulation 4(4).
--	---

Regulation 5	Guidance
<p>Requirements in relation to monitoring and improvement</p> <p>5.—(1) The service provider must ensure that there are effective arrangements in place for monitoring, reviewing and improving the quality of the service.</p> <p>(2) The arrangements must include arrangements for seeking the views of—</p> <ul style="list-style-type: none"> (a) any child placed with a foster parent by the service provider, (b) the parents of any such child, unless this is inappropriate or inconsistent with the child’s well-being, (c) foster parents, (d) persons working for the purposes of the fostering service, (e) the placing authority, and (f) in the case of a child who is placed with an area 	<ul style="list-style-type: none"> • Service providers have systems and processes in place to monitor, review and improve the quality of the service. This will include identifying: <ul style="list-style-type: none"> ○ who is responsible for ensuring this is done; ○ how this will be done; ○ how often this takes place; and ○ arrangements for the responsible individual to report to the service provider. • The outcome of any review is analysed and reviewed by people with the appropriate knowledge, skills and competence to understand its significance and take action to secure improvement. Service providers seek professional/ expert advice as needed and in a timely manner to help secure improvements.

authority, that area authority on the quality of the service and how this can be improved.

(3) When making any decisions on plans for improvement of the quality of the service, a service provider must—

- (a) take into account the views of those consulted in accordance with paragraph (2), and
- (b) have regard to the report prepared by the responsible individual in accordance with regulation 63(4) (quality of care review).

- Service providers can demonstrate how they have:
 - analysed and responded to the information gathered; and
 - used the information to make improvements.
- Service providers monitor progress against plans to improve the quality and safety of services, and take appropriate action immediately where progress is not achieved as expected.
- The systems and processes are continually reviewed to make sure they enable the service provider to identify where the quality of services are being, or may be, compromised and to enable an appropriate timely response.
- As part of the quality review process, service providers:
 - encourage feedback;
 - regularly seek the views of children and other stakeholders listed in regulation 5(2) about the quality of the service; and
 - are able to demonstrate they have done this and provide an analysis of the feedback they have received.
- The methods used to engage with and gain the views of those listed in regulation 5(2) are appropriate to their age, level of understanding and take into account any specific condition and/or communication needs. Participation of children is in line with national guidance.
- Information collated through quality and audit systems is used to develop the quality of care review reports in line with regulation 63(4).

Regulation 6	Guidance
<p>Requirements in relation to the responsible individual</p> <p>6.—(1) This regulation does not apply to a service provider who is an individual.</p> <p>(2) A service provider to whom this regulation applies must ensure that the person who is designated as the responsible individual⁽³⁾ —</p> <p>(a) is supported to carry out their duties effectively, and</p> <p>(b) undertakes appropriate training.</p> <p>(3) In the event that the service provider has reason to believe that the responsible individual has not complied with a requirement imposed by the regulations in Part 12 to 16, the provider must—</p> <p>(a) take such action as is necessary to ensure that the requirement is complied with, and</p> <p>(b) inform the Welsh Ministers.</p> <p>(4) During any time when the responsible individual is unable to fulfil their duties, the service provider must ensure that there are arrangements in place for—</p> <p>(a) the effective management of the service,</p> <p>(b) the effective oversight of the service,</p> <p>(c) the compliance of the service with the requirements of these Regulations, and</p> <p>(d) monitoring, reviewing and improving the quality of the service.</p> <p>(5) If the responsible individual is unable to fulfil their duties for a period of more than 28 days, the service provider must—</p>	<ul style="list-style-type: none"> • Service providers have systems and processes in place for regular formal discussion with, and support for, the responsible individual. • Service providers support the responsible individual to undertake training which enables them to carry out their role effectively and to meet the aims of the service as outlined in the statement of purpose and in line with practice guidance recommended by SCW. Training for responsible individuals includes: <ul style="list-style-type: none"> ○ legislative framework and statutory requirements; ○ specific duties of a responsible individual; ○ service performance and quality management; and ○ shaping service culture, etc. • Where a responsible individual has failed to fulfil their role the service provider notifies the service regulator of any action taken and, where relevant, advises on the arrangements to designate a replacement. • If there is no responsible individual or the responsible individual is unable to fulfil their duties for any reason, for example they are absent from their role due to illness, the service provider ensures that the responsibility for oversight of the management of the service, as set out in Parts 12 to 16 of the Regulations, is still being met under alternative arrangements.

⁽³⁾ Section 6 of the 2016 Act required a person who wants to provide a regulated service to make an application for registration to the Welsh Ministers designating an individual as the responsible individual.

<p>(a) notify the Welsh Ministers, and (b) inform the Welsh Ministers of the interim arrangements.</p>	
---	--

Regulation 7	Guidance
<p>Requirements in relation to the responsible individual where the provider is an individual</p> <p>7.—(1) This regulation applies where the provider of a service is an individual. (2) If this regulation applies, the individual must undertake appropriate training for the proper discharge of their duties as the responsible individual. (3) During any time when the individual is absent, they must ensure that there are arrangements in place for— (a) the effective management of the service, (b) the effective oversight of the service, (c) the compliance of the service with the requirements of these Regulations, and (d) monitoring, reviewing and improving the quality of the service. (4) If the individual is unable to fulfil their duties as a responsible individual for a period of more than 28 days, they must— (a) notify the Welsh Ministers, and (b) inform the Welsh Ministers of the interim arrangements.</p>	<ul style="list-style-type: none"> • The responsible individual undertakes training which enables them to carry out their role effectively and to meet the aims of the service as outlined in the statement of purpose and in line with practice guidance recommended by SCW. Training includes that which covers: <ul style="list-style-type: none"> ○ legislative framework and requirements; ○ specific duties of a responsible individual; ○ service performance and quality management; and ○ shaping service culture, etc. • If the responsible individual is unable to fulfil their duties for any reason, for example they are absent from their role due to illness, the responsible individual ensures alternative arrangements are put in place to ensure the requirements in regulation 7(3) are met.

Regulation 8	Guidance
<p>Requirements in relation to the financial sustainability of the service</p> <p>8.—(1) The service provider must take reasonable steps to ensure that the service is financially sustainable for the purpose of achieving the aims and objectives set out in the statement of purpose.</p> <p>(2) The service provider must maintain appropriate and up to date accounts for the service.</p> <p>(3) The service provider must provide copies of the accounts to the Welsh Ministers within 28 days of being requested to do so.</p> <p>(4) The Welsh Ministers may require the accounts to be certified by an accountant.</p>	<ul style="list-style-type: none"> • Systems are in place to ensure financial planning, budget monitoring and financial control is carried out effectively. • Systems are in place to ensure financial stability in line with any national guidance and financial regulations. • Service providers have the financial resources needed to provide, and continue to provide, the services described in the statement of purpose and in order to meet the requirements of the Regulations. • Service providers have appropriate insurance and suitable indemnity arrangements in place to cover potential liabilities arising from death, injury, or other causes, loss or damage to property, and other financial risks. • Where audited accounts are not available, annual accounts are completed by a qualified accountant for the purpose of regulation and inspection. • The accounts demonstrate that the service is financially viable and likely to have sufficient funding to continue to fulfil service delivery as set out in its statement of purpose. • The service provider ensures prompt payments are made to foster parents for any allowances or expenses agreed, which cover the costs of providing care and support to a child. • The service provider ensures foster parents understand the financial or other support available to them.

Regulation 9	Guidance
<p>Requirements to provide the service in accordance with policies and procedures</p> <p>9.—(1) The service provider must ensure that the following policies and procedures are in place for the service—</p> <ul style="list-style-type: none"> (a) placement and commencement of the service (see regulation 11 (suitability of the service)), (b) safeguarding (see regulation 21), (c) appropriate use of control or restraint (see regulation 22), (d) bullying (see regulation 25) (e) absence (see regulation 26), (f) medication (see regulation 27 (access to health services)) (g) supporting and developing staff (see regulation 31) (h) staff discipline (see regulation 34), (i) complaints (see regulation 42), (j) whistleblowing (see regulation 43), (k) support for foster parents on how to help children manage their money (see regulation 48), <p>(2) The service provider must also have such other policies and procedures in place as are reasonably necessary to support the aims and objectives of the service set out in the statement of purpose.</p> <p>(3) The service provider must ensure that the content of the policies and procedures which are required to be in place by virtue of paragraphs (1) and (2) is—</p> <ul style="list-style-type: none"> (a) appropriate to the needs of children for whom care and support is provided, (b) consistent with the statement of purpose, and (c) kept up to date. 	<ul style="list-style-type: none"> • Service providers have the policies and procedures in place as required by the Regulations. • Policies and procedures are proportionate to the service being provided in accordance with the statement of purpose. Where applicable, policies and procedures take into account the needs of other members of the foster parent’s household. • Service providers ensure policies and procedures reflect arrangements for short-term breaks for children, where these are provided by the service provider. • Policies and procedures: <ul style="list-style-type: none"> ○ are aligned to current legislation and national guidance; ○ provide guidance for staff to ensure that the service is provided in line with the statement of purpose; and ○ set out requirements to inform children, foster parents and staff about how the service is provided. • Policies, procedures and practices are reviewed and updated in light of changes to practice, changing legislation and best practice recommendations. • Staff, children and foster parents using the service have the opportunity to be involved in developing policies and procedures. • Where changes are made to the statement of purpose the

<p>(4) The service provider must put arrangements in place to ensure that the service is provided in accordance with those policies and procedures.</p> <p>(5) The service provider must ensure that the content of the policies and procedures which are required to be in place under paragraph (1)(a), (b), (c), (d) and (i), takes into account the needs of any other children who may be affected by the placement being made.</p>	<p>policies and procedures are reviewed and updated to reflect the changes.</p> <ul style="list-style-type: none"> • Service providers ensure staff have access to, and knowledge and understanding of, the policies and procedures which support them in their role in achieving the best possible outcomes for children. • All policies and procedures are available to the child, their representatives, the foster parents and, where appropriate, the relevant area authority. • Policies and procedures are in a format accessible to the child and support is provided to assist the child's understanding of these. • Systems for monitoring and improvement include those which ensure the service is being run in accordance with the policies and procedures.
--	--

Regulation 10	Guidance
<p>Duty of candour</p> <p>10. The service provider must act in an open and transparent way with—</p> <ul style="list-style-type: none"> (a) any child placed by the service provider, (b) the parents of any such child, (c) foster parents and prospective foster parents, (d) the placing authority, 	<ul style="list-style-type: none"> • Service providers have policies and procedures in place to support a culture of openness and transparency, and ensure that all staff are aware of and follow them. These policies and procedures are in line with, and take account of, SCW guidance on the professional duty of candour for social care professionals registered with SCW. • Service providers promote a culture of candour that includes:

(e) in the case of a child who is placed with an area authority, that area authority.

- being open and honest when engaging with those listed in regulation 10 (a)–(e);
- providing information about incidents which happen and the outcome of any investigations that have taken place; and
- offering an apology for what has happened, where it is appropriate to do so.

- Service providers take action to prevent and appropriately address bullying, victimisation and/or harassment in relation to the duty of candour, and investigate any instances where a board member, responsible individual, or member of staff may have obstructed another in exercising their duty of candour.
- Service providers have a system in place to identify and deal with possible breaches of the duty of candour by staff who are professionally registered (as applicable), including the obstruction of another in their duty of candour. Action taken to address such breaches includes, where appropriate, a referral to the professional regulator or other relevant body.

1.2 Requirements on service providers as to the steps to be taken before agreeing to provide care and support (Part 3)

The intent of the requirements within Part 3 of the Regulations is to provide children and foster parents with assurance that before a service provider agrees to place a child they have considered a wide range of information to confirm the service is able to identify a suitable placement which can meet the child's needs for care and support and achieve their personal outcomes. This includes the child's wishes and preferences and consultation with relevant persons and professionals.

Regulation 11	Guidance
<p>Suitability of the service</p> <p>11.—(1) The service provider must not agree to place a child with a foster parent unless the provider has determined that there is a suitable placement which can meet the child's needs for care and support and enable the child to achieve their personal outcomes.</p> <p>(2) The service provider must have in place a policy and procedures on placements and commencement of the service.</p> <p>(3) The determination under paragraph (1) must take into account—</p> <ul style="list-style-type: none"> (a) the child's care and support plan, (b) any health or other relevant assessments, (c) the child's views, wishes and feelings, (d) any risks to the child's well-being, (e) any risks to the well-being of any other child who may be affected by the placement to be made, (f) the child's religious persuasion, racial origin, cultural and linguistic background, sexual orientation and gender identity, (g) any reasonable adjustments which the service provider 	<ul style="list-style-type: none"> • Service providers have in place a policy and procedures on placements and commencement of the service. This includes but is not limited to: <ul style="list-style-type: none"> ○ arrangements for confirming that the service can or cannot support the child to achieve their personal outcomes; ○ who will be consulted as part of the process; ○ the information to be considered; ○ the circumstances where a service will not be provided; ○ opportunities to visit the service and the foster parent's home; and ○ the arrangements for commencing the service. • A summary of the placement procedure is included in the statement of purpose and the service provider's written guide to the service (see regulation 12). • Before agreeing to provide a service, the service provider makes an informed decision as to whether or not they can meet a child's care and support needs. In making this

<p>could make to enable the child's care and support needs to be met,</p> <p>(h) the service provider's policy and procedures on placements and commencement of the service.</p> <p>(4) In making the determination in paragraph (1), the service provider must involve—</p> <p>(a) the child, where practicable,</p> <p>(b) the child's parents, unless this is inappropriate or inconsistent with the child's well-being,</p> <p>(c) the placing authority.</p>	<p>decision the service provider:</p> <ul style="list-style-type: none"> ○ takes into account the requirements set out within regulation 11(3); ○ consults with the child, the child's parents (if applicable) and the placing authority to determine what their views are; ○ obtains a copy of and considers the child's care and support plan / pathway plan, and works with the placing authority in planning the child's placement; ○ in the case of a looked after child aged 16 or over, obtains a copy of and considers the young person's pathway plan; ○ considers any risks to the child, the foster parents, members of the foster parent's household and staff; and ○ obtains information relating to the child's specialist needs and requirements in order to confirm these can be met in line with the statement of purpose. <ul style="list-style-type: none"> ● Information obtained is sufficient to enable a smooth transition for the child into the foster placement. ● Proper care is taken to ensure the child is matched with a suitable foster parent, and consideration is given to the potential impact of the placement on the child, the foster parents and members of the foster parent's household. ● People making these decisions on behalf of the service provider have sufficient responsibility and authority within the organisation to be able to decide whether the service can meet the child's care and support needs.
---	--

	<ul style="list-style-type: none">• Where a placement is made on an emergency basis, every effort should be made to secure as much information as possible (including relevant assessments) prior to placement to ensure that the service can meet the child's needs.
--	---

1.3 Requirements on service providers as to the information to be provided to individuals on commencement of the provision of care and support (Part 4)

The intent of Part 4 of the Regulations is to ensure that children, foster parents and prospective foster parents are provided with information about the service to enable them to have:

- a clear understanding of the priorities of the service;
- an outline of the services they can expect to receive; and
- an understanding of the manner in which services will be provided.

This should enable children, foster parents, prospective foster parents and placing authorities to have a good understanding of how the service operates in providing care and support. The written guide also contains the information they need to raise concerns and make complaints to service providers when they are dissatisfied with the service and informs them of how to escalate concerns if they are not satisfied with the response.

Regulation 12	Guidance
<p>Information about the service</p> <p>12.—(1) The service provider must prepare a written guide to the service.</p> <p>(2) The guide must be—</p> <p>(a) dated, reviewed at least annually and updated as necessary,</p> <p>(b) in a language, style, presentation and format which is appropriate for both children (of all ages and understanding) and adults,</p> <p>(c) given to—</p> <p>(i) any child placed by the service provider,</p> <p>(ii) any foster parents and prospective foster parents,</p> <p>(iii) the placing authority, and</p> <p>(d) made available to others on request, unless this is not</p>	<ul style="list-style-type: none"> • A written guide is available to those listed in regulation 12(2)(c), which provides information about the service. • The guide is in plain language and in a format that reflects the needs, age and level of understanding of those for whom the service is intended. The guide is made available in formats and media accessible and appropriate to the audience. For example, preferred and appropriate language, large print, audio, computerised, visual aids. When required it is explained in the child or foster parent’s preferred method of communication. • Where required, children and foster parents are supported to understand the contents of the guide and what it means for them. • The guide sets out the areas required by regulation 12(3)

appropriate or would be inconsistent with the well-being of the child.

(3) The guide must contain the following—

(a) a summary of the policies and procedures which the service provider must put in place under regulation 9(1)(a), (b), (c), (d), (e), (f), (i) and (k).

(b) information about how to make a complaint,

(c) information about the availability of advocacy services for children who are looked after by a local authority,

(d) information about the role and contact details for the Children's Commissioner for Wales.

(4) The service provider must ensure that children receive such support as is necessary to enable them to understand the information contained in the guide.

and in addition includes the following:

- arrangements for introducing the child to the foster parents and the foster parent's household;
- the ethos, culture and priorities of the service - including a summary of the statement of purpose;
- the foster parents' role in the inspection process by the service regulator;
- how to access the most recent inspection report completed by the service regulator;
- key staff who will be supporting the child and foster parent;
- how to contact the responsible individual;
- the complaints procedure and how to make a complaint;
- contact details and role of the Public Service Ombudsman for Wales, service regulator and Children's Commissioner for Wales;
- support for the child to access relevant advocacy services and other agencies or services, such as primary healthcare services (GP; Dentist; Optometrist, Pharmacist, Chiropodist, Hospital visits); transport;
- information about the entitlement for looked after children to access independent advocacy services and the support available to children to help them to access such services;
- information about the support available to foster parents from the service provider;
- arrangements for children and foster parents to contribute their views on the running of the service; and
- how children can access their own records.

1.4 Requirements on service providers as to the standard of care and support to be provided (Part 5)

The intent of Part 5 of the Regulations is to ensure that children in foster placements are provided with the quality care and support they need in order to achieve their best possible well-being outcomes. The service is designed in consultation with children and foster parents and considers the child’s personal wishes, aspirations and outcomes along with any risks and specialist needs that inform their needs for care and support.

This includes:

- ensuring care and support enables a child to meet their personal outcomes;
- provision of staff with the knowledge, skills and competency to meet a child’s wellbeing needs;
- ensuring staff have the appropriate language and communication skills;
- planning and deploying staff to provide continuity of care; and
- consultation with and seeking support from relevant agencies and specialists where required.

Regulation 13	Guidance
<p>Standards of care and support to children – overarching requirements</p> <p>13.—The service provider must ensure that foster parents give care and support to a child placed with them—</p> <p>(a) in accordance with the child’s care and support plan,</p> <p>(b) in a way which maintains, protects and promotes the safety and well-being of the child.</p>	<ul style="list-style-type: none"> • The service providers’ expectations as to the standards of care and support a foster parent must provide to children placed with them are clearly set out in the statement of purpose. • Achievement of a child’s personal outcomes is supported by policies and procedures. • Service providers ensure the service is responsive and proactive in identifying and mitigating risks. • Foster parents are provided with information on the needs of the child in accordance with the child’s care and support plan / pathway plan.

	<ul style="list-style-type: none">• Foster parents are supported to seek medical advice and other professional help for a child (where appropriate) or make a referral to the placing authority where necessary in a timely manner. • Foster parents are supported, through supervision and training, to ensure they provide high quality care and support to meet the child's care and support needs and to enable them to achieve their personal outcomes. This includes, but is not limited to:<ul style="list-style-type: none">○ providing appropriate care to any child who has been abused;○ safe caring skills;○ recognising signs of abuse;○ boosting and maintaining a child's self esteem;○ positive behavioural support;○ basic first aid; and○ health promotion. • Service providers ensure that the support they provide enables the foster parents to provide good quality care and support for the children they foster. This includes care and support in relation to the child's:<ul style="list-style-type: none">○ physical, mental and emotional well being;○ cultural, religious, social or spiritual needs;○ educational, training and recreational needs;○ family and personal relationships;○ ability to control their everyday life;○ intellectual, emotional and behavioural development;○ rights and entitlements, in particular with regard to the
--	---

	<p>United Nations Convention on the Rights of the Child; and</p> <ul style="list-style-type: none"> ○ protection from abuse and neglect. <ul style="list-style-type: none"> ● Foster parents are supported to enable the child to be as independent as practicable. ● Children and foster parents are supported when the placement ends, both when this is planned or in an emergency. ● Service providers ensure children are supported into adulthood and when leaving care in line with national guidance.
--	---

Regulation 14	Guidance
<p>Continuing suitability of the placement</p> <p>14.—If, as a result of a change in the child’s assessed needs, the placement made by the service provider is no longer suitable to meet the child’s needs for care and support, even after any reasonable adjustments have been made, the service provider must immediately give written notice of this to the placing authority.</p>	<ul style="list-style-type: none"> ● Services providers have systems and processes in place to monitor whether a child’s assessed needs change (as set out in the child’s care and support plan / pathway plan) and whether the foster parent can continue to meet the child’s care and support needs. ● Service providers provide early notification, where possible, to the placing authority of a potential breakdown in a placement. ● Where a foster parent is no longer able to meet a child’s care and support needs, the service provider must inform the placing authority immediately.

	<ul style="list-style-type: none"> • Service providers have processes in place to minimise disruption for both the child and the foster parents where a placement is proposed to end due to a change in the child's assessed needs.
--	--

Regulation 15	Guidance
<p>Information for children</p> <p>15.—(1) The service provider must put arrangements in place to ensure that children have the information they need to make and participate in day to day decisions about the way care and support is provided to them and how they are supported to achieve their personal outcomes.</p> <p>(2) Information provided must be available in an appropriate language, style, presentation and format for children of all ages.</p> <p>(3) The service provider must put arrangements in place to ensure that children receive such support as is necessary to enable them to understand the information provided.</p>	<ul style="list-style-type: none"> • Service providers support foster parents to ensure children can participate in care planning and review during their foster placement and make decisions about the way care and support is provided to them. • Service providers ensure foster parents receive the information they need to provide care and support for the child on a day to day basis in accordance with the child's care and support plan / pathway plan and personal outcomes. • Service providers have arrangements in place to enable children to understand the information provided to them. • Service providers put in place arrangements to enable children to access relevant advocacy services or self advocacy groups (if they wish) and support their communication needs to enable them to make decisions about their lives.

Regulation 16	Guidance
<p>Language and communication</p> <p>16.—(1) The service provider must take reasonable steps to meet the language needs of children. (2) The service provider must ensure that children are provided with access to such aids and equipment as may be necessary to facilitate their communication with others.</p>	<ul style="list-style-type: none"> • Service providers have arrangements in place to support foster parents with a child’s language needs in line with the statement of purpose. Where necessary this will include putting measures in place to ensure that the child can communicate meaningfully with their foster parents. This includes: <ul style="list-style-type: none"> ○ communicating with the child in their language of need and/or choice; and ○ access, where appropriate, to additional means of communication such as Picture Exchange Communication System (PECS), Treatment and Education of Autistic and related Communication Handicapped Children (TEACCH), Makaton, British Sign Language. • Service providers identify a child’s communication needs as part of their determination as to whether the service can meet their needs. • Children can understand staff when they communicate with them. • Service providers put in place arrangements to ensure that aids and equipment required to support a child’s communication needs are in place, accessible, well-maintained and that foster parents know how to use them. • Service providers deliver or work towards actively offering their services in the Welsh language to children or foster parents whose first language is Welsh.

Regulation 17	Guidance
<p>Respect and sensitivity</p> <p>17.—(1) The service provider must put arrangements in place to ensure that children placed by the provider are treated with respect and sensitivity.</p> <p>(2) This includes, but is not limited to—</p> <ul style="list-style-type: none"> (a) respecting the child’s privacy and dignity, (b) respecting the child’s rights to confidentiality, (c) promoting the child’s autonomy and independence, and (d) having regard to any relevant protected characteristics (as defined in section 4 of the Equality Act 2010) of the child. 	<ul style="list-style-type: none"> • Service providers ensure children and their foster parents are aware of their rights and entitlements under the law, and under equality and diversity policies held by the service provider. • Service providers support foster parents to ensure that a child is: <ul style="list-style-type: none"> ○ listened to, and communicated with, in a courteous and respectful manner, with their care and support needs being prioritised by foster parent; and ○ treated with respect and feels valued. • Children and foster parents are encouraged to contribute their views, if they choose to, on the way in which the service is run.
Regulation 18	Guidance
<p>Compliance with foster care agreement</p> <p>18.—The service provider must monitor the foster parents’ compliance with the requirements of the foster care agreement.</p>	<ul style="list-style-type: none"> • Service providers have foster care agreements in place with approved foster parents in line with Schedule 3 of the Fostering Panels Regulations. • Service providers have effective arrangements in place to monitor and review the obligations placed upon foster parents as set out in the foster care agreement. • Service providers have arrangements in place to ensure

	<p>foster parents are supported to understand and deliver the requirements placed upon them through the foster care agreement.</p> <ul style="list-style-type: none"> • Service providers have effective arrangements in place to ensure foster parents take action to achieve compliance with the foster care agreement wherever it is identified that they are not doing so.
--	---

Regulation 19	Guidance
<p>Duty to promote contact</p> <p>19. The service provider must ensure foster parents promote contact between a child placed with them and the child’s parents, relatives and friends, in accordance with the child’s care and support plan and any court order relating to contact.</p>	<ul style="list-style-type: none"> • Foster parents are supported to enable the child to maintain and develop family contacts and friendships in line with the child’s care and support plan / pathway plan. • Where necessary, foster parents are supported to deal with any difficult contact issues that may arise or any travel requirements that are needed. • Foster parents are supported to understand any restrictions on contact to protect the child from any risk to their safety or welfare.

1.5 Requirements on service providers – safeguarding (Part 6)

The intent of Part 6 of the Regulations is to ensure that service providers have in place the mechanisms to safeguard vulnerable children to whom care and support is provided.

This includes arrangements that:

- support vulnerable children using the service;
- support and underpin staff and foster parent’s knowledge, understanding and skill in identifying risks and action to take where abuse, neglect or improper treatment is suspected or identified; and
- ensure providers work collaboratively with relevant partners to prevent and take action where abuse, neglect or improper treatment is suspected or identified.

Regulation 20	Guidance
<p>Safeguarding – Overarching requirements</p> <p>20. The service provider must put arrangements in place to ensure that children placed by it are safe and are protected from abuse, neglect and improper treatment.</p>	<ul style="list-style-type: none"> • When a placement begins, the child is given information about safeguarding, how to raise a concern and what support is available to enable them to do so. • Staff and foster parents can access up to date safeguarding policies and procedures. • Staff and foster parents receive training relevant to their role to enable them to understand their responsibility to safeguard and protect vulnerable children. This includes both internal and local safeguarding arrangements including how to raise a concern (whistleblowing). • Staff training is ongoing at regular intervals in line with local safeguarding recommendations.

	<ul style="list-style-type: none">• Staff are aware of their individual responsibilities for raising concerns to ensure the safety and well-being of children.• Service providers make provision to support staff raising safeguarding concerns (whistleblowing).• Service providers work in partnership with other relevant professionals and agencies to assess and manage risks to children using the service and to participate in the safeguarding process.• Records of safeguarding referrals and outcomes are maintained to enable oversight and scrutiny of safeguarding within the service. Protection of vulnerable children must be overseen by the service manager and responsible individual and within the governance structure, with arrangements made for oversight at board level.• Service providers ensure outcomes arising from any safeguarding referral are communicated to the child in a method appropriate to their age and level of understanding, taking into account any specific condition and/or communication needs. This is also communicated to any representatives (if appropriate).
--	--

Regulation 21	Guidance
<p>Safeguarding policies and procedures</p> <p>21.—(1) The service provider must have policies and procedures in place—</p> <p style="padding-left: 20px;">(a) for the prevention of abuse, neglect and improper treatment, and</p> <p style="padding-left: 20px;">(b) for responding to any allegation or evidence of abuse, neglect or improper treatment.</p> <p>(2) In this regulation, such policies and procedures are referred to as safeguarding policies and procedures.</p> <p>(3) The service provider must ensure that its safeguarding policies and procedures are operated effectively.</p> <p>(4) In particular, where there is an allegation or evidence of abuse, neglect or improper treatment, the service provider must—</p> <p style="padding-left: 20px;">(a) act in accordance with their safeguarding policies and procedures,</p> <p style="padding-left: 20px;">(b) take immediate action to ensure the safety of all children for whom care and support is provided,</p> <p style="padding-left: 20px;">(c) make appropriate referrals to other agencies, and</p> <p style="padding-left: 20px;">(d) keep a record of any evidence or the substance of any allegation, any action taken and any referrals made.</p>	<ul style="list-style-type: none"> • There is an up to date safeguarding policy and procedures in place. • Safeguarding policies and procedures are aligned to current legislation, national guidance and local children’s safeguarding procedures. • The safeguarding policy and procedures include the individual roles and responsibilities of staff and others working at the service, in identifying, receiving and reporting allegations of abuse, neglect or improper treatment or suspected abuse, neglect or improper treatment. This will include instruction for staff on actions to be taken and mechanisms for referral to the placing authority and other relevant partners and agencies. • The safeguarding policy and procedures include the role and responsibilities of foster parents in relation to allegations or disclosures, by any child in the foster parent’s household, of abuse or improper treatment or suspected abuse or improper treatment of any child in the foster parent’s household. This will include how to report such allegations or disclosures to the service provider. • Service providers ensure children are informed of their right to access independent professional advocacy services.

Regulation 22	Guidance
<p>The appropriate use of control and restraint</p> <p>22.—(1) The service provider must have a policy and procedures in place on the use of control or restraint. (2) The policy and procedures must prohibit care and support being provided in a way which includes acts intended to control or restrain a child unless those acts— (a) are necessary to prevent a risk of harm posed to the child or other persons or likely serious damage to property, and (b) are a proportionate response to such a risk. (3) The policy and procedures must require foster parents to be trained in any methods of control or restraint to be used. (4) The policy and procedures must require foster parents to (a) make a record of any incident in which control or restraint is used, and (b) notify the service provider of any such incident within 24hrs. (5) The service provider must ensure that any control or restraint used by foster parents is carried out in accordance with these policies and procedures. (6) For the purposes of this regulation, a person controls or restrains a child if that person— (a) uses, or threatens to use, force to secure the doing of an act which the child resists, or (b) restricts the child’s liberty of movement, whether or not the child resists, including by the use of physical, mechanical or chemical means. (7) For the purposes of this regulation, “harm” has the same meaning as in section 22(10) of the 2016 Act.</p>	<ul style="list-style-type: none"> • There is a policy and procedures in place on the appropriate use of control and restraint. This sets out: <ul style="list-style-type: none"> ○ the requirement on foster parents for any use of control or restraint to adhere to current national guidance and legislation; and ○ the requirement for training in any methods of control or restraint to be undertaken prior to the use of any such control or restraint. • Service providers ensure a positive and constructive approach is adopted by foster parents to support a child’s behaviour. Any approach to support the child’s behaviour is consistent with: <ul style="list-style-type: none"> ○ meeting the child’s needs for care and support; and ○ the wellbeing of other members of the foster parent’s household who may be affected by the placement made. • Staff and foster parents are aware of, understand and follow the policy and procedures on the appropriate use of control and restraint. • Foster parents receive behavioural support training that is relevant to their role to make sure any control or restraint practices are only used proactively and when absolutely necessary, in line with current national guidance. • Staff and foster parents are kept up to date on the policy and procedures in line with any changes to guidance and

legislation.

- Service providers ensure arrangements are in place so that whenever foster parents are using forms of control or restraint, providers are able to check that it:
 - is used as part of a pro-active approach to behavioural support;
 - is proportionate to the risk of harm and the seriousness of that harm to the child receiving care and support or another person;
 - takes account of the assessment of the child's needs; and
 - follows current legislation and guidance.
- Service providers regularly monitor and review the approach to, and use of control or restraint used by foster parents, and report on this within their governance framework. This includes:
 - the details of the incident and actions taken in response; and
 - sufficient detail to enable analysis and review of the child's care and support needs as well as to inform wider review of service provision.
- Service providers have arrangements in place to ensure incidents of control and restraint are recorded and reported to them by foster parents within 24 hours.
- Records of the use of control and restraint are reviewed and reported upon within the quality of care review.

Regulation 23
<p>Prohibition on the use of corporal punishment</p> <p>23. The service provider must ensure that foster parents do not use any form of corporal punishment at any time against any child.</p>

Regulation 24	Guidance
<p>Deprivation of liberty</p> <p>24. A child must not be deprived of their liberty for the purpose of receiving care and support without lawful authority.</p>	<ul style="list-style-type: none"> • Service providers have arrangements in place to ensure foster parents are aware that they must act at all times in accordance with current legislation and applicable guidance on the deprivation of liberty safeguards. • Staff and, where relevant, foster parents, are trained at appropriate intervals and in line with any changes to legislation and guidance on the deprivation of liberty safeguards.

Regulation 25	Guidance
<p>Policy and procedures on bullying</p> <p>25. The service provider must have in place a policy on the prevention of bullying and procedures for dealing with an allegation of bullying.</p>	<ul style="list-style-type: none"> • There is a policy in place on the prevention of bullying. • The policy is aligned to current legislation and national guidance. • The policy includes the individual roles and responsibilities of staff and others working at the service, and foster parents, in identifying, receiving and reporting allegations of bullying.

	<p>This will include instructions for staff on actions to be taken and mechanisms for referral to relevant partners and agencies.</p>
--	---

Regulation 26	Guidance
<p>Procedure when child is absent without permission</p> <p>26. The service provider must ensure that there is a procedure to be followed when any child who has been placed with foster parents by the provider is absent without permission.</p>	<ul style="list-style-type: none"> • There is a procedure in place for when a child is absent without permission. • The procedure is aligned to current legislation and national guidance. • The procedure includes the individual roles and responsibilities of staff and others working for the service, and of foster parents, in reporting when a child is absent without permission. This will include instruction for staff on actions to be taken and mechanisms for referral to relevant partners and agencies.

1.6 Requirements on service providers to ensure access to health, education and other services (Part 7)

The intent of Part 7 of the Regulations is to ensure that where a child is placed with foster parents, the child is supported to access healthcare and other services to maintain their ongoing good health, development and well-being.

Regulation 27	Guidance
<p>Access to health services</p> <p>27.—(1) The service provider must ensure that foster parents promote the physical, mental and emotional health and development of children placed with them.</p> <p>(2) In particular, the service provider must put arrangements in place to ensure that foster parents—</p> <ul style="list-style-type: none"> (a) register each child with a general practitioner, (b) provide each child with access to such medical, dental, optical, nursing, psychological and psychiatric advice, treatment and services as the child may require, (c) support each child to obtain such individual support, aids and equipment which the child may require as a result of any particular health needs or disability they may have, and (d) provide each child with guidance, support and advice on health, personal care and health promotion issues appropriate to the child’s needs and wishes. <p>(3) The service provider must have a policy and procedures in place in relation to the administration of medicines by foster parents.</p>	<ul style="list-style-type: none"> • Service providers have arrangements in place to ensure the health and well-being of children placed with foster parents is promoted. This includes, but is not limited to: <ul style="list-style-type: none"> ○ supporting foster parents to ensure a child is healthy and active; ○ supporting foster parents to ensure a child is registered with a general practitioner; ○ providing foster parents with up to date medical information and supporting them to ensure a child gains access to other primary care services or other specialist services, as required, in a timely manner; ○ where appropriate, supporting foster parents to ensure a child receives relevant sensory checks and is provided with support to access ongoing reviews; ○ supporting foster parents to ensure that any aids, hearing aids, glasses, etc. required by a child are obtained and appropriately maintained so they may be used effectively; ○ supporting foster parents to ensure children participate in activities related to health promotion, where appropriate; and ○ supporting foster parents to recognise and respond positively to children’s emotional and mental well-being

	<p>needs especially when they are experiencing difficulty, for example when a child is lonely, distressed, experiencing transition or loss, or experiencing anxiety, depression or other forms of mental illness.</p> <ul style="list-style-type: none"> • Service providers ensure foster parents keep records relating to professional consultations (including, where possible, any resulting actions) and, where available, relevant correspondence is maintained to provide an up to date, comprehensive health record for the child. • There is a policy and procedures in place on the administration of medicines by foster parents which is aligned to any current legislation and national guidance. This includes the role and responsibilities of the foster parent, service provider and (where appropriate) the area authority in supporting the child to access and take medication. • Service providers ensure foster parents are aware of and understand the policy and procedures on the administration of medicines.
--	--

Regulation 28	Guidance
<p>Education, employment and leisure activities</p> <p>28.—(1) The service provider must ensure that the educational attainment of children placed with foster parents is promoted. (2) In particular the service provider must— (a) establish a procedure for monitoring the educational</p>	<ul style="list-style-type: none"> • Service providers have arrangements in place to ensure the educational attainment and leisure activity of children placed with foster parents is promoted, in line with the child’s care and support plan / pathway plan, including the Personal Education Plan. This includes, but is not limited to:

<p>attainment, progress and school attendance of children placed with foster parents,</p> <p>(b) in relation to school aged children placed with foster parents, ensure foster parents promote the children's regular attendance at school and participation in school activities, and</p> <p>(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.</p> <p>(3) The service provider must ensure that foster parents promote the leisure interests of children placed with them and support them to engage in play and recreational activities appropriate to their age and to participate freely in cultural life and the arts (4).</p> <p>(4) Where any child placed with foster parents has attained the age where they are no longer required to receive compulsory full-time education, the service provider must assist with the making of, and give effect to, arrangements made for the child in respect of their education, training and employment.</p>	<ul style="list-style-type: none"> ○ supporting foster parents to be involved in the assessment, planning and review of a child's educational needs, including any additional learning needs, contributing as necessary to any personal education plan; ○ supporting the foster parent to understand their role in engaging with the child's school (or other educational setting); ○ supporting foster parents to ensure a child participates fully in education; and ○ supporting foster parents to fulfil a child's potential and do things that matter to the child and which makes them happy. This can include being supported to participate in leisure activities, developing and maintaining hobbies, joining community activities and volunteering. <ul style="list-style-type: none"> ● Fostering services providers have arrangements in place to monitor the educational attainment, progress and school attendance (where applicable) of a child placed with a foster parent. ● Service providers ensure that arrangements are in place to support preparation for adulthood and independence. This includes but is not limited to: <ul style="list-style-type: none"> ○ supporting foster parents to help children to develop the skills, competence and knowledge necessary for adult living; ○ providing foster parents with training and support to enable them to provide effective support and guidance to a young person preparing to move into independent
--	---

	<ul style="list-style-type: none">○ or semi-independent living; and○ ensuring each young person who is preparing to move to independent or semi-independent living is encouraged to be actively involved in the development and implementation of their Pathway Plan.
--	--

(4) Section 1 of the Rights of Children and Young Persons (Wales) Measure 2011 (nawm 2) requires the Welsh Ministers, when exercising any of their functions, to have due regard to the requirements of Part 1 of the United Nations Convention on the Rights of the Child adopted and opened for signature, ratification and accession by General Assembly resolution 44/25 of 20 November 1989 (“the Convention”). Article 31 of Part 1 of the Convention recognises a child’s right to play.

1.7 Requirements on service providers as to staffing (Part 8)

The intent of Part 8 of the Regulations is to ensure that children and foster parents are supported by staff who have the required knowledge, competence, skills and qualifications to provide the service in a way which achieves the child’s personal outcomes.

Service providers have in place:

- policies and procedures for recruitment;
- rigorous practices for recruiting and vetting staff;
- a structure of management and staffing that supports the statement of purpose, which is relevant to the needs of children and which enables foster parents to provide care and support for children; and
- a management structure, systems and processes for induction, ongoing supervision, training and development of staff.

Regulation 29	Guidance
<p>Staffing - overarching requirements</p> <p>29.—The service provider must ensure that at all times a sufficient number of suitably qualified, trained, skilled, competent and experienced staff are deployed to work at the service, having regard to—</p> <ul style="list-style-type: none"> (a) the statement of purpose for the service, (b) the care and support needs of children, (c) the need to support children to achieve their personal outcomes, (d) the need to safeguard and promote the health and welfare of children, and (e) the requirements of these Regulations. 	<ul style="list-style-type: none"> • Service providers have a demonstrable, measurable and systematic approach to determining the number of staff and range of skills/qualifications required to support the needs of children and to support foster parents and prospective foster parents. This considers, but is not limited to: <ul style="list-style-type: none"> ○ the statement of purpose; ○ the care and support needs of the child; and ○ supporting and supervising foster parents in providing care and support to a child. • Staffing levels and skill mix are reviewed continuously and adapted to respond to the changing needs of the service. • Arrangements are in place to cover staff sickness or absence to ensure children and foster parents are supported appropriately.

	<ul style="list-style-type: none"> • There are procedures to follow in the case of an emergency that make sure sufficient and suitable staff are deployed to cover both the emergency and the routine work of the service.
--	---

Regulation 30	Guidance
<p>Fitness of staff</p> <p>30.—(1) The service provider must not—</p> <ul style="list-style-type: none"> (a) employ a person under a contract of employment to work at the service unless that person is fit do so, (b) allow a volunteer to work at the service unless that person is fit to do so, or (c) allow any other person to work at the service in a position in which they may in the course of their duties have regular contact with children who are receiving care and support unless that person is fit to do so. <p>(2) For the purposes of paragraph (1), a person is not fit to work at the service unless—</p> <ul style="list-style-type: none"> (a) the person is of suitable integrity and good character, (b) the person has the qualifications, skills, competence and experience necessary for the work they are to perform, (c) the person is able by reason of their health, after reasonable adjustments are made, of properly performing the tasks which are intrinsic to their role, (d) the person has provided full and satisfactory information or documentation, as the case may be, in 	<ul style="list-style-type: none"> • Service providers have rigorous selection and vetting systems in place to enable them to make an appropriate decision on the appointment or rejection of all staff and volunteer applicants. This includes the information set out in Schedule 1 of the Regulations. This also includes checking the veracity of references and past employment records. • Where agency staff are deployed, service providers ensure that they are subject to the same checks as permanently employed staff and have evidence to demonstrate that the checks have been undertaken. This may include confirmation and checklists supplied by any agency, where sufficiently reliable and robust. • Service providers have a process in place to check that staff have appropriate and current registration with a professional regulator where required or, where applicable, an accredited voluntary register. • Having considered all the information available, service providers will determine whether the person has the necessary skills, qualifications and good character to undertake the role for which they are employed/deployed.

<p>respect of each of the matters required under paragraphs 1 to 9 of Schedule 1, and this information or documentation is available at the service for inspection by the Welsh Ministers, and</p> <p>(e) where the person is employed by the service provider to manage the service, from 1 April 2022, the person is registered as a social care manager (5) with SCW.</p> <p>(3) An appropriate DBS certificate must be applied for by, or on behalf of, the service provider, for the purpose of assessing the suitability of a person for the post referred to in paragraph (1). But this requirement does not apply if the person working at the service is registered with the Disclosure and Barring Service update service (referred to in this regulation as the DBS update service).</p> <p>(4) Where a person being considered for a post referred to in paragraph (1) is registered with the DBS update service, the service provider must check the person's DBS certificate status for the purpose of assessing the suitability of that person for that post.</p> <p>(5) Where a person appointed to a post referred to in paragraph (1) is registered with the DBS update service, the service provider must check the person's DBS certificate status at least annually.</p> <p>(6) Where a person appointed to a post referred to in paragraph (1) is not registered with the DBS update service, the service provider must apply for a new DBS certificate in respect of that person within three years of the issue of the certificate applied for in accordance with paragraph (3) and thereafter further such applications must be made at least every three years.</p> <p>(7) If any person working at the fostering service is no longer fit to work at the service as a result of one or more of the</p>	<ul style="list-style-type: none"> • Where staff (including volunteers) no longer meet the required fitness criteria set out in regulation 30(2), service providers take appropriate and timely action to ensure that individuals are not placed at risk. For example this may include: <ul style="list-style-type: none"> ○ coaching and mentoring; ○ providing additional training and supervision; and ○ the use of disciplinary procedures. • Service providers ensure staff comply with the requirements of their professional codes of practise and, where appropriate, providers make referrals to the relevant professional bodies for staff whose fitness to practise is brought into question. • Where there are concerns that a member of staff has abused a child or placed a child at risk of abuse, the Disclosure and Barring Service and any relevant professional registration body are notified without delay.
--	---

(5) See section 79(1)(b) of the 2016 Act for the definition of a “social care manager”.

<p>requirements in paragraph (2) not being met, the service provider must—</p> <ul style="list-style-type: none"> (a) take necessary and proportionate action to safeguard children, and (b) where appropriate, inform— <ul style="list-style-type: none"> (i) SCW, (ii) the Disclosure and Barring Service. 	
---	--

Regulation 31	Guidance
<p>Supporting and developing staff</p> <p>31.—(1) The service provider must have a policy in place for the support and development of staff.</p> <p>(2) The service provider must ensure that any person working at the service (including a person allowed to work as a volunteer)—</p> <ul style="list-style-type: none"> (a) receives an induction appropriate to their role, (b) is made aware of their own responsibilities and those of other staff, (c) receives appropriate supervision and appraisal, (d) receives core training appropriate to the work to be performed by them, (e) receives specialist training as appropriate, and (f) receives support and assistance to obtain such further training as is appropriate to the work they perform. <p>(3) The service provider must ensure that any person employed to work at the service as a manager is supported to maintain any registration with SCW.</p>	<ul style="list-style-type: none"> • Service providers ensure they have an induction programme that equips all new staff (including volunteers) to be confident in their roles and practice and enables them to make a positive contribution to the wellbeing of children using the service. • Social care workers complete the relevant induction programme required by SCW within the defined timescales alongside any service-specific induction programmes. • Staff have access to copies of any relevant codes of professional practice and practice guidance, including any issued by SCW. The standards specified in these codes and practice guidance are actively promoted. • Where agency staff are deployed, an introduction to the service is provided which includes, but is not limited to: <ul style="list-style-type: none"> ○ the statement of purpose; ○ core policies and procedures; and ○ management and supervision arrangements.

- Staff receive supervision in their role to help them reflect on their practice and to make sure their professional competence is maintained. This includes feedback about their performance from children using the service and foster parents.
- Staff meet for one to one supervision with their line manager or equivalent officer, or a more senior member of staff, no less than quarterly.
- All staff have an annual appraisal which provides feedback on their performance and identifies areas for training and development in order to support them in their role.
- Additional training, learning and development needs of individual staff members are identified within the first month of employment and reviewed through the supervision and appraisal process.
- Staff are supported to undertake training, learning and development to enable them to fulfil the requirements of their role and meet the needs of children using the service and foster parents.
- Service providers undertake an annual (or more frequently if required) training needs analysis to ensure that staff have the relevant skills and competence to meet the needs of children and foster parents in accordance with the statement of purpose for the service.
- Service providers maintain a written record of all training and supervision undertaken or to be undertaken by staff.

	<ul style="list-style-type: none"> • Service providers support all staff to complete, where appropriate: <ul style="list-style-type: none"> ○ core training; ○ necessary qualifications that would enable them to continue to perform their role; ○ training and activities required for continuing professional development; ○ other training deemed appropriate by the service provider; and ○ core and specialist training identified for their role by SCW.
--	--

Regulation 32	Guidance
<p>Compliance with employer’s code of practice</p> <p>32. The service provider must adhere to the code of practice on the standards of conduct and practice expected of persons employing or seeking to employ social care workers, which is required to be published by SCW under section 112(1)(b) of the 2016 Act.</p>	<ul style="list-style-type: none"> • Service providers have a clear understanding of their role and responsibilities in relation to the Code of Practice for Employers of Social Care Staff (SCW publication) and/or other codes of practice applicable to employers which may be issued by SCW from time to time.

Regulation 33	Guidance
<p>Information for staff</p> <p>33.—(1) The service provider must ensure that all persons working at the service (including any person allowed to work as</p>	<ul style="list-style-type: none"> • Service providers compile and make available information for staff in line with the statement of purpose. This includes information about the following matters: <ul style="list-style-type: none"> ○ the ethos and culture of the service;

<p>a volunteer) are provided with information about the service and the way it is provided.</p> <p>(2) The service provider must ensure that there are suitable arrangements in place to make staff aware of any codes of practice about the standards of conduct expected of social care workers, which are required to be published by SCW under section 112(1)(a) of the 2016 Act.</p>	<ul style="list-style-type: none">○ the conduct expected of staff and others working at the service;○ the roles and responsibilities of staff and others working at the service;○ policies and procedures of the service;○ record keeping requirements;○ confidentiality and data protection requirements;○ disciplinary procedures;○ arrangements for reporting concerns; and○ arrangements for lone working. <ul style="list-style-type: none">● Service providers ensure staff have access to and understand up to date copies of all relevant policies, procedures and codes of practice. Service providers ensure staff have read these during the induction period and test staff members' ongoing understanding through supervision and performance reviews.● Service providers ensure staff undertake their duties in line with the requirements of the policies and procedures.● All staff are provided with a written job description which states clearly their responsibilities, the duties currently expected of them and their line of accountability.● Regular staff meetings take place (a minimum of six meetings per year), the issues discussed are recorded and appropriate actions are taken as a result.
---	--

Regulation 34	Guidance
<p>Disciplinary procedures</p> <p>34.—(1) The service provider must put in place and operate a disciplinary procedure.</p> <p>(2) The disciplinary procedure must include—</p> <p>(a) provision for the suspension, and the taking of action short of suspension, of employees in the interests of the safety or well-being of children using the service, and</p> <p>(b) provision that a failure on the part of an employee to report an incident of abuse, or suspected abuse, to an appropriate person, is grounds on which disciplinary proceedings may be instituted.</p> <p>(3) For the purpose of paragraph (2)(b), an appropriate person is—</p> <p>(a) an officer of the Welsh Ministers,</p> <p>(b) the service provider,</p> <p>(c) the responsible individual,</p> <p>(d) an officer of the local authority,</p> <p>(e) in the case of an incident of abuse or suspected abuse of a child, an officer of the National Society for the Prevention of Cruelty to Children, or</p> <p>(f) a police officer,</p> <p>as the case may be.</p>	<ul style="list-style-type: none"> • Service providers have a disciplinary procedure, in line with current employment laws, to deal with employee performance and conduct. This includes: <ul style="list-style-type: none"> ○ information about what is acceptable and unacceptable behaviour and what action will be taken if there are concerns about staff behaviour; and ○ the arrangements for a member of staff to be suspended (or transferred to other duties) pending the investigation of any allegations of serious misconduct, including allegations of abuse or serious concerns relating to the safety or well-being of children. • Where the provider is undertaking disciplinary action against any employee and the employee leaves prior to the completion of the disciplinary process, consideration is given to whether a referral to the police, Disclosure and Barring Service, SCW or any other professional body is appropriate. • Where a volunteer’s fitness to practise is in question, due to any alleged misconduct/lack of capability of a concerning nature, the service provider takes appropriate and timely action. For example this may include: <ul style="list-style-type: none"> ○ providing additional training and supervision; ○ termination of the volunteer arrangements; and ○ referral to the Disclosure and Barring Service or police, where appropriate. • Service providers ensure staff are aware of and understand the relevant disciplinary procedures and grievance

	<p>procedures.</p> <ul style="list-style-type: none">• A written report of any disciplinary investigations and action taken is kept on the employee's file in line with employment and data protection legislation.
--	---

Regulation 35
<p>Restrictions on employment</p> <p>35.—(1) The service provider must not employ to work for the purposes of the fostering service in a position to which paragraph (2) applies, a person who is—</p> <ul style="list-style-type: none">(a) a foster parent approved by the fostering service, or(b) a member of the household of such a foster parent. <p>(2) This paragraph applies to any management, social work or other professional position, unless in the case of a position which is not a management or a social work position, the work is undertaken on an occasional basis, as a volunteer, or for no more than 5 hours in any week.</p>

1.8 Requirements on service providers as to premises, facilities and equipment (Part 9)

The intent of Part 9 of the Regulations is to set out the requirements for service providers to ensure that a child’s care and support is provided in a location and environment with facilities and, where relevant, equipment that promotes achievement of their personal outcomes.

This includes:

- ensuring that systems and processes are in place which promote a safe and high quality environment in which the service is provided; and
- arrangements to ensure that the premises and where relevant any facilities and equipment, used by foster parents are safe and suitable to meet the care and support needs of the child.

Regulation 36	Guidance
<p>Premises, facilities and equipment - service providers</p> <p>36. The service provider must ensure that the premises, facilities and equipment used for the operation of the service are suitable, having regard to the statement of purpose for the service.</p>	<ul style="list-style-type: none"> • The location, design and size of the premises, and any facilities and equipment used, are suitable for the service as described in the statement of purpose.

Regulation 37	Guidance
<p>Adequacy of premises</p> <p>37. The service provider must ensure that the premises used for the operation of the service have adequate facilities for—</p> <ol style="list-style-type: none"> (a) the supervision of staff, and (b) the secure storage of records. 	<ul style="list-style-type: none"> • Service providers have a suitable space within the premises, such as a shared meeting room, to provide privacy for the supervision of staff. • Records are stored securely in line with legislative requirements.

Regulation 38	Guidance
<p>Premises, facilities and equipment - foster parents</p> <p>38.—(1) The service provider must have arrangements in place to ensure that the premises, facilities and equipment used by foster parents for the provision of care and support to children are—</p> <ul style="list-style-type: none"> (a) suitable and safe for the purpose for which they are intended to be used, (b) used in a safe way, (c) properly maintained, and (d) kept clean to a standard which is appropriate for the purpose for which they are being used. <p>(2) The service provider must ensure that foster parents are properly trained on how to operate any equipment that they may use when providing care and support to a child.</p>	<ul style="list-style-type: none"> • Service providers have arrangements in place to monitor the premises, facilities and equipment used by foster parents in providing care and support to a child placed with them.

1.9 Other requirements on service providers (Part 10)

The intent of Part 10 of the Regulations is to ensure that children are protected by a service that works proactively to support and safeguard their rights and well-being by:

- maintaining accurate records which are available to them and their representatives;
- promoting an open and transparent service by publishing an accessible complaints policy and procedures;
- supporting staff to raise concerns about the service through whistleblowing procedures; and
- demonstrating learning from concerns and complaints to improve the service.

Regulation 39	Guidance
<p>Records with respect to fostering services</p> <p>39.—(1) The service provider must maintain the records specified in Schedule 2 for 15 years.</p> <p>(2) The service provider must—</p> <ul style="list-style-type: none"> (a) ensure that the records specified in Schedule 2 are accurate and up to date, (b) keep the records securely, (c) ensure the records are delivered to the placing authority when the service ceases to be provided in respect of the child to whom the records relate, (d) make suitable arrangements for the records to continue to be kept securely in the event the service closes, (e) make the records available to the Welsh Ministers on request, (f) ensure that children who use the service— <ul style="list-style-type: none"> (i) are made aware of their right to access their records, and 	<ul style="list-style-type: none"> • There is a policy and procedures for the recording and management of records. This includes: <ul style="list-style-type: none"> ○ the records to be maintained by the service provider on the children and foster parents using the service; ○ the daily records to be maintained by the foster parents for any child placed with them; and ○ the timescales that records need to be maintained by the service provider and foster parents. • Staff are aware of the policy and have a clear understanding of the procedures for recording and managing records. This includes training in information security and action to be taken where personal information is compromised. • Foster parents are made aware of the policy and procedures for the recording and management of records and are supported to record the significant life events for the child. Foster parents understand what information they need to pass to the service provider about the child.

<p>(ii) have such access to their records as is permitted by law.</p>	<ul style="list-style-type: none"> • Service providers maintain all the records required for the protection of children and the effective running of the service as specified by Schedule 2 of the Regulations. • All records are secure, up to date and in good order. They are prepared, maintained and used in accordance with data protection legislation and other statutory requirements and are kept for the required length of time as set out in regulation 39(1). • Records are stored securely including electronic records which are password protected. • Children, foster parents and staff are given access to any records and information about them held by the service provider in accordance with current legal requirements.
---	--

Regulation 40	Guidance
<p>Notifications</p> <p>40.—(1) The service provider must notify the Welsh Ministers of the events specified in Part 1 of Schedule 3. (2) The service provider must notify the placing authority of the events specified in Part 2 of Schedule 3. (3) The service provider must notify the area authority of the events specified in Part 3 of Schedule 3. (4) The service provider must notify the Local Health Board in whose area the child is placed of the events specified in Part 4 of Schedule 3.</p>	<ul style="list-style-type: none"> • Service providers have appropriate arrangements in place for the notification of the events listed in Schedule 3 of the Regulations to be made to the relevant authority. • Notifications are made without delay, usually within 24 hours of the event occurring. • The following applies in relation to Schedule 3 (Part 1, 21)(Part 2, 32)(Part 3, 35)(Part 5, 41). Fostering services providers notify the relevant authorities of any incident of child exploitation or suspected child exploitation. This

<p>(5) The service provider must notify the police of the events specified in Part 5 of Schedule 3.</p> <p>(6) The notifications required by paragraph (1) must include details of the event.</p> <p>(7) Notifications must be made in such manner and in such form as may be required by the Welsh Ministers.</p> <p>(8) Unless otherwise stated, notifications must be made without delay and in writing.</p>	<p>includes but is not limited to:</p> <ul style="list-style-type: none"> ○ where a child reports an incident that indicates they may be a victim of child exploitation or; and ○ where there is reason to believe a child may be subject to child exploitation.
---	--

Regulation 41	Guidance
<p>Conflicts of interest</p> <p>41. The service provider must have effective arrangements in place to identify, record and manage potential conflicts of interest.</p>	<ul style="list-style-type: none"> ● Services providers maintain appropriate systems and take all reasonable steps to make sure actual or perceived conflicts of interest are identified, addressed and recorded in an open way.

Regulation 42	Guidance
<p>Complaints policy and procedures</p> <p>42.—(1) The service provider must have a complaints policy in place and ensure that the service is operated in accordance with that policy.</p> <p>(2) The complaints policy must include procedures for considering complaints made to the service provider by or on behalf of children placed by the provider about—</p> <p>(a) the provider,</p>	<ul style="list-style-type: none"> ● There is a complaints policy in place. This includes the details of procedures as set out in regulation 42. ● Service providers have an accessible complaints policy which includes, where appropriate, the use of an informal resolution stage, and explains: <ul style="list-style-type: none"> ○ Who can make a complaint and in relation to what; ○ who to approach to discuss a concern/complaint; ○ how children, foster parents and birth parents can be

<p>(b) foster parents, and (c) any other matter considered by the provider to be relevant</p> <p>(3) The complaints policy must include procedures for considering complaints made to the service provider by or on behalf of any other children who may be affected by the placement made about—</p> <p>(a) the provider, and (b) any other matter considered by the provider to be relevant.</p> <p>(4) The complaints policy must include procedures for considering complaints made to the service provider by foster parents about—</p> <p>(a) the provider, and (b) any other matter considered by the provider to be relevant.</p> <p>(5) The complaints policy must include procedures for considering complaints made to the service provider by the parents of any child placed by the provider about—</p> <p>(a) the provider, and (b) any other matter considered by the provider to be relevant.</p> <p>(6) The service provider must have effective arrangements in place for dealing with complaints including arrangements for—</p> <p>(a) identifying and investigating complaints, (b) giving an appropriate response to a person who makes a complaint, if it is reasonably practicable to contact that person, (c) ensuring that appropriate action is taken following an investigation, and (d) keeping records relating to the matters in sub-paragraphs (a) to (c).</p>	<p>supported to make a complaint;</p> <ul style="list-style-type: none"> ○ information about accessing independent advocacy, where available; ○ how complaints will be dealt with; and ○ the stages and timescales for the process. <ul style="list-style-type: none"> ● The policy is in an easy to read format, well publicised, readily available and accessible to children and foster parents, their families, staff and others working at the service. ● Information about other avenues for complaint is included to support complainants if they are not satisfied with the service provider’s action. For example, information about the complaints procedure of the placing authority, the Public Services Ombudsman for Wales and the Children’s Commissioner for Wales. ● Children or foster parents are able to make their complaint in writing or verbally to staff and these should be acknowledged unless complaints are made anonymously. ● Staff are aware of the complaints policy and understand how to respond appropriately to complaints. ● Fostering services providers ensure any complaint is acknowledged, addressed promptly and the complainant is kept informed of progress. ● A written report is provided to the complainant setting out the outcome of the complaint and any action to be taken.
---	--

<p>(7) The service provider must provide a summary of complaints, responses and any subsequent action taken to the Welsh Ministers within 28 days of being requested to do so.</p> <p>(8) The service provider must—</p> <ul style="list-style-type: none"> (a) analyse information relating to complaints and concerns; and (b) having regard to that analysis, identify any areas for improvement. 	<ul style="list-style-type: none"> • Wherever practicable consent should be gained to the disclosure of the details of a complaint, where necessary, to enable an effective investigation to take place. • Confidentiality is maintained during the complaints process unless there are professional or statutory obligations which would not make this possible, such as those in relation to safeguarding. • Children, the parents of any such children and foster parents do not suffer victimisation or any other disadvantage as a result of making representations or complaints. • Systems are in place to make sure that all complaints are investigated in accordance with the timescales set out in the service provider’s complaints policy. This includes: <ul style="list-style-type: none"> ○ undertaking a review to establish the level of investigation and immediate action required, including whether there is a requirement for a referral to appropriate authorities for investigation (this may include the service regulator or local authority safeguarding teams); and ○ where areas for improvement or service failures are identified, acting upon these immediately. • Staff and others involved in the investigation of complaints have the right level of knowledge and skill to do this. They understand the service provider's complaints process and are knowledgeable about any current related guidance. • Records of complaints are maintained and monitored to
--	---

	<p>identify trends and areas of risk which may require pre-emptive action.</p> <ul style="list-style-type: none"> • Actions taken in response to complaints are reported on as part of the governance arrangements for the fostering service.
--	--

Regulation 43	Guidance
<p>Whistleblowing</p> <p>43.—(1) The service provider must put arrangements in place to ensure that all persons working at the service (including any person allowed to work as a volunteer), are able to raise concerns about the service.</p> <p>(2) These arrangements must include—</p> <ul style="list-style-type: none"> (a) having a whistleblowing policy in place and acting in accordance with that policy, and (b) establishing arrangements to enable and support people working at the service to raise such concerns, <p>(3) The service provider must ensure that the arrangements required under this regulation are operated effectively.</p> <p>(4) When a concern is raised, the service provider must ensure that—</p> <ul style="list-style-type: none"> (a) the concern is investigated, (b) appropriate steps are taken following an investigation, and (c) a record is kept relating to the matters in subparagraphs (a) and (b). 	<ul style="list-style-type: none"> • There is an accessible whistleblowing policy in place. This includes: <ul style="list-style-type: none"> ○ the procedure for raising a concern the safeguards in place for staff who raise a concern; and ○ how concerns will be investigated. • Staff are aware of, and have had training in, how to raise concerns and there are mechanisms and support available to enable them to do this. • Wherever practicable consent should be gained to the disclosure of the details of a concern, where necessary, to enable an effective investigation to take place. • Confidentiality is maintained during the investigation process unless there are professional or statutory obligations which would not make this possible, such as those in relation to safeguarding. • Individuals do not suffer victimisation or any other disadvantage as a result of making their concerns known.

	<ul style="list-style-type: none">• All allegations and incidents of abuse are followed up promptly in line with the service provider’s safeguarding policy and procedures and local safeguarding arrangements.• Systems are in place to make sure that all concerns are considered without delay in line with the service provider’s safeguarding policy and procedures. This includes:<ul style="list-style-type: none">○ undertaking a review to establish the level of investigation and immediate action required, including referral to appropriate authorities for investigation (this may include seeking advice from the service regulator or local authority safeguarding staff);○ where areas for improvement or service failures are identified, acting upon these without delay; and○ ensuring staff and others involved in the investigation understand the processes relating to safeguarding and responding to concerns.• Records of concerns are maintained and monitored to identify trends and areas of risk which may require pre-emptive action. Actions taken as a response to whistleblowing are subject to reporting within governance arrangements.
--	--

1.10 Support for foster parents (Part 11)

The intent of Part 11 of the Regulations is to ensure that foster parents receive the information, training, advice and support, and are appropriately supervised, in order to meet the care and support needs of children placed with them.

Regulation 44	Guidance
<p>Support, training and information for foster parents</p> <p>44.—(1) The service provider must ensure that foster parents have the information they need to provide care and support to a child placed with them in accordance with the child’s care and support plan.</p> <p>(2) The service provider must ensure foster parents receive such training, advice and support, including support outside office hours, as appears necessary in the interests of children placed with the foster parents and to enable them to provide care and support to children in accordance with each child’s care and support plan.</p> <p>(3) The service provider must ensure prospective foster parents receive such training, information and advice as is considered necessary.</p> <p>(4) The service provider must monitor and review the information, training, advice and support provided to foster parents and prospective foster parents and make any improvements which may be necessary.</p>	<ul style="list-style-type: none"> • Service providers ensure foster parents receive the support, training and information necessary to enable them to provide care and support to a child they foster in accordance with the child’s care and support plan / pathway plan. • Service providers ensure any training provided (induction, ongoing or otherwise), to foster parents is in line with national guidance. • Service providers ensure foster parents are aware of the support available to them during any allegations / complaints made against them, such as Fosterline Cymru. • Service providers have arrangements in place to support foster parents outside of standard office hours, and foster parents are familiar with these arrangements. • Service providers provide or arrange the provision of training, information and advice as needed for prospective foster parents. • Service providers have arrangements in place to monitor and review the support or advice, training and information provided to foster parents and prospective foster parents. This feeds into the quality of care review.

Regulation 45	Guidance
<p>Policies and procedures by foster parents</p> <p>45. The service provider must ensure that foster parents are familiar with, and act in accordance with, the policies and procedures established in accordance under regulations 11, 21, 22, 25, 26, 27, 42 and 48.</p>	<ul style="list-style-type: none"> • Service providers have arrangements in place to ensure foster parents are familiar with and adhere to the policies and procedures set out in the Regulations.
Regulation 46	Guidance
<p>Supervision</p> <p>46. The service provider must ensure that foster parents are appropriately supervised.</p>	<ul style="list-style-type: none"> • Service providers have arrangements in place to supervise foster parents and provide advice and support where necessary. • Service providers ensure there is a clear purpose to any supervisory meetings with foster parents and records are maintained.
Regulation 47	Guidance
<p>Effective working relationships</p> <p>47. The service provider must—</p> <ol style="list-style-type: none"> (a) maintain good professional relationships with foster parents; and (b) encourage and assist foster parents to maintain good personal relationships with children placed with them. 	<ul style="list-style-type: none"> • Service providers support foster parents to develop and maintain a positive relationship with the child placed with them.

Regulation 48	Guidance
<p>Supporting children to manage their money</p> <p>48.—(1) The service provider must have a policy and procedures in place to enable foster parents to provide support and assistance to children on how to manage their money. (2) The policy and procedures which are required by this regulation to be in place must set out the steps which are to be taken by foster parents to enable and support children to manage their own money and to protect children from financial abuse. (3) The policy and procedures must ensure that there is adequate oversight and monitoring by the service provider of savings which are made by foster parents on behalf of children. (4) Where a child's money is held by the foster parents for any purpose, the policy and procedures required by this regulation must provide that the money is held in an account in the child's name or in an account which enables clear demarcation of the child's money. (5) The policy and procedures must ensure that foster parents pass on all records of savings (including expenditure from savings) to the service provider when the placement of the child to whom the records relate comes to an end.</p>	<ul style="list-style-type: none"> • Policy and procedures are in place which set out arrangements for supporting foster parents to assist children to manage their money. This includes: <ul style="list-style-type: none"> ○ how children are encouraged and supported to handle their own money; ○ how children will be supported, including opening and managing individual bank accounts, budgeting and making spending decisions; ○ how children are supported to understand and manage any associated risks; ○ how children will be supported to understand and access any financial allowances they may be entitled to, where applicable; and ○ how records and receipts of expenditure related to a child's savings will be dealt with when a placement ends. • Where children are not able to manage their own money, the service provider has arrangements in place to ensure the foster parents are maintaining records and receipts of any financial transactions undertaken on their behalf. • Service providers ensure arrangements are in place to oversee and monitor the savings of a child.

Chapter 2: Requirements on Responsible Individuals (Part 12 to 16 of the Regulations)

The intent of Parts 12 to 16 of the Regulations is to ensure that a designated person at an appropriately senior level holds accountability, for both service quality and compliance. The Regulations place specific requirements upon the responsible individual and will enable the service regulator to take action not only against the service provider but also against the RI in the event that regulatory requirements are breached. The regulations in these Parts are made under section 28 of the Act.

The responsible individual is responsible for **overseeing** the management of the service and for providing assurance that the service is safe, well run and complies with the Regulations. The responsible individual is responsible for ensuring the service has a manager, sufficient resources and support. The responsible individual is not responsible for the day to day management of the service (unless they are also the manager); this rests with the manager.

2.1 Requirements on responsible individuals for ensuring effective management of the service (Part 12)

Regulation 49	Guidance
<p>Supervision of management of the service</p> <p>49. The responsible individual must supervise the management of the service.</p>	<ul style="list-style-type: none">• The responsible individual follows the service provider’s prescribed systems and processes to enable proper oversight of the management, quality, safety and effectiveness of the service. This includes, but is not limited to, ensuring the service:<ul style="list-style-type: none">○ focuses on the needs of the child and supports foster parents;○ listens to children and foster parents;○ responds positively to any concerns or complaints;○ does not place children, foster parents or the foster parents’ household at unnecessary risk;○ achieves best possible outcomes for children;

	<ul style="list-style-type: none">○ fulfils the statement of purpose;○ has sufficient numbers of staff who are trained, competent and skilled to undertake their role; and○ has sufficient resources, facilities and equipment. <ul style="list-style-type: none">● The responsible individual has systems in place to review and assess the way in which the manager implements actions from the findings of internal quality assurance and external inspection reports, within required timescales.● There are clear lines of accountability, delegation and responsibility set out in writing between the responsible individual and the manager (unless the manager is also the responsible individual).● Arrangements are in place for the manager to have direct access to the responsible individual in addition to the opportunity to meet formally as part of the responsible individual's quality reviews (unless the manager is also the responsible individual).● Arrangements are in place to ensure that the manager is supported by supervision and training, and has opportunities to gain skills for professional development that will support them in their role.
--	---

Regulation 50	Guidance
<p>Duty to appoint a manager</p> <p>50.—(1) The responsible individual must appoint a person to manage the service. But this requirement does not apply if the conditions in paragraph (2) or (3) apply.</p> <p>(2) Where the service provider is an individual, the conditions are—</p> <ul style="list-style-type: none"> (a) the service provider proposes to manage the service, (b) the service provider is fit to manage the service, (c) subject to paragraph (6), the service provider is registered as a manager with SCW, and (d) the Welsh Ministers agree to the service provider managing the service. <p>(3) Where the service provider is a partnership, body corporate or unincorporated body, the conditions are—</p> <ul style="list-style-type: none"> (a) the service provider proposes that the individual designated as the responsible individual for the service is to be appointed to manage the service, (b) that individual is fit to manage the service, (c) subject to paragraph (6), that individual is registered as a manager with SCW, and (d) the Welsh Ministers agree to that individual managing the service. <p>(4) For the purposes of paragraph (2)(b), the service provider is not fit to manage the service unless the requirements of regulation 30(2) (fitness of staff) are met in respect of the service provider.</p> <p>(5) The duty in paragraph (1) is not discharged if the person appointed to manage the service is absent for a period of more</p>	<ul style="list-style-type: none"> • The responsible individual ensures a manager who is registered with SCW (subject to regulation 50(6)) is appointed and in place to manage the delivery of the service on a day to day basis for each place at, from, or in relation to which services are provided. • The responsible individual takes responsibility and accountability for the appointment of the manager regardless of whether they are directly involved in the recruitment process. • The responsible individual is assured that the person appointed as the manager for the service has the appropriate knowledge, skills and competence to manage the service safely and in accordance with the requirements of the Regulations. • The responsible individual demonstrates that the appointment of the manager has been undertaken with due diligence and in line with the requirements of regulation 30 (fitness of staff). • Where a manager is absent for a period of more than three months, the service provider ensures there is an appropriately qualified, experienced and competent manager, registered with SCW (subject to regulation 50(6)), in place to manage the service.

<p>than three months. (6) The condition in paragraphs (2)(c) and (3)(c) applies only from 1 April 2022.</p>	
--	--

Regulation 51	Guidance
<p>Fitness requirements for appointment of manager</p> <p>51.—(1) The responsible individual must not appoint a person to manage the service unless that person is fit to do so. (2) For the purposes of paragraph (1), a person is not fit to manage the service unless the requirements of regulation 30(2) (fitness of staff) are met in respect of that person.</p>	<ul style="list-style-type: none"> • The responsible individual has suitable arrangements in place to ensure the manager is fit and is capable of running the service in line with its statement of purpose. This includes ensuring: <ul style="list-style-type: none"> ○ the manager is appropriately qualified; ○ the manager is registered with SCW (subject to regulation 50(6)); ○ the manager is experienced in managing a children’s care service; and ○ the vetting of prospective managers includes the relevant checks required by legislation to assure the responsible individual that the person is fit and able to work with children.

Regulation 52	Guidance
<p>Restrictions on appointing a manager for more than one service</p> <p>52.—(1) The responsible individual must not appoint a person to manage more than one service, unless paragraph (2) applies. (2) This paragraph applies if—</p>	<ul style="list-style-type: none"> • Where a manager is appointed to manage more than one service, this is agreed in advance with the service regulator.

<p>(a) the service provider has applied to the Welsh Ministers for permission to appoint a manager for more than one service, and</p> <p>(b) the Welsh Ministers are satisfied that the proposed management arrangements—</p> <p>(i) will not have an adverse impact on the care and support provided to children, and</p> <p>(ii) will provide reliable and effective oversight of each service.</p>	
---	--

Regulation 53	Guidance
<p>Duty to report the appointment of manager to service provider</p> <p>53.—(1) On the appointment of a manager in accordance with regulation 50(1), the responsible individual must give notice to the service provider of—</p> <p>(a) the name of the person appointed, and</p> <p>(b) the date on which the appointment is to take effect.</p>	<ul style="list-style-type: none"> • The responsible individual has suitable arrangements in place to: <ul style="list-style-type: none"> ○ inform the service provider of the details of the appointment of the manager; ○ provide the information specified by the Regulations concerning the individual; and ○ notify the service regulator and SCW when a new manager is appointed.

Regulation 54
<p>Duty to report the appointment of manager to SCW and the Welsh Ministers</p> <p>54.—(1) On the appointment of a manager in accordance with regulation 50(1) the responsible individual must give notice to SCW and the Welsh Ministers of—</p> <p>(a) the name, date of birth and SCW registration number of the person appointed, and</p>

- (b) the date on which the appointment is to take effect.
- (2) Where a service provider who is an individual is to manage the service, that individual must give notice to SCW of—
- (a) their name, date of birth and SCW registration number, and
 - (b) the date from which they will manage the service.

Regulation 55	Guidance
<p>Arrangements when manager is absent</p> <p>55.—(1) The responsible individual must put suitable arrangements in place to ensure that the service is managed effectively at any time when there is no manager or when the manager is absent from the service.</p> <p>(2) If there is no manager or the manager is absent for a period of more than 28 days, the responsible individual must—</p> <ul style="list-style-type: none"> (a) notify the service provider and the Welsh Ministers, and (b) inform them of the arrangements which have been put in place for the effective management of the service. 	<ul style="list-style-type: none"> • The responsible individual has structures in place which ensure that where the manager is not available or is absent for any reason there is an effective and competent deputising system to provide leadership on a day-to-day basis which: <ul style="list-style-type: none"> ○ continues to provide support to the foster parents and/or the child placed with the foster parent; ○ maintains the safety, quality and effectiveness of the service; ○ ensures minimal disruption to the child using the fostering service or foster parents; ○ ensures compliance with the Regulations; and ○ maintains staff professional development. • Where the manager, registered with SCW (subject to regulation 50(6)), is unavailable or absent for any reason for more than 28 days, the responsible individual will inform the service regulator in writing and without delay of the reason for the absence and the arrangements for cover.

Regulation 56	Guidance
<p>Visits</p> <p>56.—(1) The responsible individual must—</p> <ul style="list-style-type: none"> (a) visit the premises from which the service is provided, (b) meet with members of staff who are employed by the service provider from each place in respect of which the responsible individual is designated, and (c) meet with children who have been placed by the service provider and their foster parents. <p>(2) The frequency of such visits and meetings is to be determined by the responsible individual, having regard to the statement of purpose, but these must take place at least every three months.</p>	<ul style="list-style-type: none"> • The responsible individual visits the service in person to monitor the performance of the service in relation to its statement of purpose and to inform the quality of care review. The visit includes the following: <ul style="list-style-type: none"> ○ talking to, with consent and in private, a sample of children using the service, foster parents, any representatives (if applicable) and staff; and ○ inspecting the premises of the service provider, a selection of records of events and any complaints records. • The responsible individual ensures systems are in place to provide evidence that visits are logged and documented.

2.2 Requirements on responsible individuals for ensuring effective oversight of the service (Part 13)

Regulation 57	Guidance
<p>Oversight of adequacy of resources</p> <p>57.—(1) The responsible individual must report to the service provider on the adequacy of the resources available to provide the service in accordance with the requirements of these Regulations.</p> <p>(2) Such reports must be made on a quarterly basis.</p> <p>(3) The requirement in paragraph (1) does not apply where the service provider is an individual.</p>	<ul style="list-style-type: none"> • The responsible individual ensures that systems and processes are in place which enable them to collate information about the service and any areas that may need closer observation/consideration and/or improvement. This includes, but is not limited to: <ul style="list-style-type: none"> ○ staff turnover; ○ staff sickness levels; ○ complaints; ○ safeguarding issues; ○ inspection reports by the service regulator; and ○ inspection outcomes and/or reports from other relevant agencies i.e. Health and Safety Executive (HSE) and fire service. • The responsible individual has suitable arrangements in place to alert the service provider immediately where the service is: <ul style="list-style-type: none"> ○ not complying with policies and procedures; ○ failing or unable to meet or address issues raised in inspection reports; and ○ being provided in a way which is contrary to the statement of purpose.

Regulation 58	Guidance
<p>Other reports to the service provider</p> <p>58.—(1) The responsible individual must, without delay, report to the service provider—</p> <ul style="list-style-type: none"> (a) any concerns about the management or provision of the service, (b) any significant changes to the way in which the service is managed or provided, and (c) any concerns that the service is not being provided in accordance with the statement of purpose for the service. <p>(2) The requirement in paragraph (1) does not apply where the service provider is an individual.</p>	<ul style="list-style-type: none"> • The responsible individual ensures suitable arrangements are in place to report to the service provider in line with the requirements of regulations 58 and 63. • The responsible individual has a system in place to submit reports to the service provider that accurately reflect overall service quality and performance. This includes arrangements for the responsible individual to feed back and communicate any urgent matters requiring immediate action. This includes, but is not limited to: <ul style="list-style-type: none"> ○ sudden or unexplained death of children using the service or foster; parents; ○ natural disaster; ○ financial irregularities; ○ significant outbreak of infection; ○ significant concerns raised by the service regulator; area authority or placing authority; and ○ any event, which affects staff availability.

Regulation 59	Guidance
<p>Engagement with children and others</p> <p>59.—(1) The responsible individual must put suitable arrangements in place for obtaining the views of—</p> <ul style="list-style-type: none"> (a) any child placed by the service provider, (b) the parents of any such child, unless this is inappropriate or inconsistent with the child’s well-being, (c) foster parents, (d) the placing authority, and (e) staff employed at the service <p>on the quality of care and support provided to children and how this can be improved.</p> <p>(2) The responsible individual must report the views obtained to the service provider so that these views can be taken into account by the provider when making any decisions on plans for improving the quality of care and support provided by the service.</p>	<ul style="list-style-type: none"> • The responsible individual has suitable arrangements in place to enable feedback on all aspects of service provision and ensure that these arrangements are accessible to, and take into account the views of, all those listed under regulation 59(1). • The responsible individual ensures the methods used to engage with and gain the views of children using the service are appropriate to their age, level of understanding and take into account any specific condition and/or communication needs. • The responsible individual has positive relationships with, and is accessible to, people outside the service. This includes but is not limited to: <ul style="list-style-type: none"> ○ any parent of a child placed with the service provider; ○ foster parents; ○ placing authorities; ○ area authorities (where appropriate); ○ regulators; and ○ professional bodies.

2.3 Requirements on responsible individuals for ensuring the compliance of the service (Part 14)

Regulation 60	Guidance
<p>Duty to ensure there are systems in place to record incidents and complaints</p> <p>60. The responsible individual must ensure that there are effective systems in place to record incidents, complaints and matters on which notifications must be made under regulations 40 and 67.</p>	<ul style="list-style-type: none"> • The responsible individual ensures there are suitable arrangements in place for the recording of the matters set out in regulations 40 and 67. • The responsible individual has systems and processes in place to ensure that any records made are legible, accurate and kept securely.
Regulation 61	Guidance
<p>Duty to ensure there are systems in place for keeping of records</p> <p>61. The responsible individual must ensure that there are effective systems in place in relation to the keeping of records, which include systems for ensuring the accuracy and completeness of records which must be kept under regulation 39.</p>	<ul style="list-style-type: none"> • Where records are stored electronically, they are secure and staff have individual access codes which provide a clear audit trail which shows who has made any entries and amendments.

Regulation 62	Guidance
<p>Duty to ensure policies and procedures are up to date</p> <p>62. The responsible individual must put suitable arrangements in place to ensure that the service provider’s policies and procedures are kept up to date, having regard to the statement of purpose.</p>	<ul style="list-style-type: none"> • The responsible individual ensures suitable arrangements are in place to review policies and procedures, set out in regulation 9, in line with these Regulations. • The responsible individual ensures suitable arrangements are in place to ensure staff and foster parents have access to, and knowledge and understanding of, the policies and procedures which support them in their role in achieving the best possible outcomes for children using the service.

2.4 Requirements responsible individuals for monitoring, reviewing and improving the quality of the regulated service (Part 15)

Regulation 63	Guidance
<p>Quality of care review</p> <p>63.—(1) The responsible individual must put suitable arrangements in place to establish and maintain a system for monitoring, reviewing and improving the quality of the service. (2) The system established under paragraph (1) must make provision for the quality of the service to be reviewed as often as required but at least every six months. (3) As part of any review undertaken, the responsible individual must make arrangements for— (a) considering the outcome of the engagement with children and others, as required by regulation 59</p>	<ul style="list-style-type: none"> • The responsible individual has suitable arrangements in place to assess, monitor and improve the quality and safety of the service. This includes, but is not limited to: <ul style="list-style-type: none"> ○ the collation and analysis of feedback from those listed under regulation 59(1); ○ issues and lessons learned in the analysis of complaints and safeguarding matters; ○ patterns and trends identified through the analysis of notifications, safeguarding matters, whistleblowing concerns and complaints; ○ the outcome of any inspection reports from the service regulator;

<p>(engagement with children and others),</p> <p>(b) analysing aggregated data on notifications, safeguarding matters, whistleblowing concerns and complaints,</p> <p>(c) reviewing any action taken in relation to complaints, and</p> <p>(d) considering the outcome of any audit of the accuracy and completeness of records.</p> <p>(4) On completion of a review of the quality of the service in accordance with this regulation, the responsible individual must prepare a report to the service provider which must include—</p> <p>(a) an assessment of the standard of care and support provided, and</p> <p>(b) recommendations for the improvement of the service.</p> <p>(5) The requirement in paragraph (4) does not apply where the service provider is an individual.</p>	<ul style="list-style-type: none"> ○ the outcome of visits to monitor the service by the responsible individual; and ○ audits of records. <ul style="list-style-type: none"> • The responsible individual ensures that the audit systems and processes for monitoring the service give assurance that a high quality service is provided, which achieves the best possible outcomes for children. • The responsible individual has suitable arrangements in place to ensure systems and processes are continually reviewed to enable the responsible individual to identify where the quality and/or safety of services is being, or may be, compromised, and to respond appropriately without delay. • The responsible individual has suitable arrangements in place to ensure all feedback is acknowledged, recorded and responded to as appropriate. • The responsible individual has suitable arrangements in place to ensure areas of learning from complaints, safeguarding and whistleblowing are shared with staff to improve the service and encourage safe, compassionate care practices. • The responsible individual ensures areas of learning are analysed and that recommendations are made to the service provider as to how and where the quality and safety of the service can be improved. The report, which includes the information that has informed it (relating to those areas set out above), will inform or form part of the statement of compliance to be included in the service provider’s annual return.
--	--

Regulation 64	Guidance
<p>Statement of compliance with the requirements as to standards of care and support</p> <p>64.—(1) The responsible individual must prepare the statement required to be included in the annual return under section 10(2)(b) of the 2016 Act. (2) When preparing the statement, the responsible individual must have regard to the assessment of the standard of care and support which is included in the report prepared in accordance with regulation 63(4).</p>	<ul style="list-style-type: none"> • The responsible individual has prepared and is accountable for the quality and accuracy of the information provided in the statement of compliance and the service provider’s annual return.

2.5 Other requirements on responsible individuals (Part 16)

Regulation 65	Guidance
<p>Support for staff raising concerns</p> <p>65. The responsible individual must ensure that the provider’s whistleblowing policy is being complied with and that the arrangements to enable and support people working at the service to raise such concerns are being operated effectively.</p>	<ul style="list-style-type: none"> • The responsible individual ensures suitable arrangements are in place for: <ul style="list-style-type: none"> ○ staff to be aware of and understand the whistleblowing policy; ○ staff to understand there is zero tolerance for poor care or for a failure to safeguard the well-being of children; ○ ensuring staff are encouraged and supported to report issues; and ○ ensuring staff, foster parents and children understand that concerns are welcomed and sought out, not ignored

Regulation 66	Guidance
<p>Duty of candour</p> <p>66. The responsible individual must act in an open and transparent way with—</p> <ul style="list-style-type: none"> (a) any child who is placed by the service provider, (b) the parents of any such child, (c) foster parents and prospective foster parents, (d) the placing authority. 	<ul style="list-style-type: none"> • The responsible individual acts in an open and transparent way, also ensuring suitable arrangements are in place to ensure compliance with the requirements of regulation 66.

Regulation 67	Guidance
<p>Notifications</p> <p>67.—(1) The responsible individual must notify the Welsh Ministers of the events specified in Schedule 4.</p> <p>(2) The notifications required by paragraph (1) must include details of the event.</p> <p>(3) Notifications must be made in such manner and in such form as may be required by the Welsh Ministers.</p> <p>(4) Unless otherwise stated, notifications must be made without delay and in writing.</p>	<ul style="list-style-type: none"> • The responsible individual has suitable arrangements in place to notify the service regulator of events specified in Schedule 4 to the Regulations.

PART 1

General

Title and commencement

1.—(1) The title of these Regulations is the Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019.

(2) These Regulations come into force on 29 April 2019.

Interpretation

2. In these Regulations—

“the 2016 Act” (“*Deddf 2016*”) means the Regulation and Inspection of Social Care (Wales) Act 2016;

“the 2015 Regulations” (“*Rheoliadau 2015*”) means the Care Planning, Placement and Case Review (Wales) Regulations 2015(6);

“the 2017 Registration Regulations” (“*Rheoliadau Cofrestru 2017*”) means the Regulated Services (Registration) (Wales) Regulations 2017(7);

“the 2018 Regulations” (“*Rheoliadau 2018*”) means the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018(8);

“abuse” (“*camdriniaeth*”, “*cam-drin*”) means physical, sexual, psychological, emotional or financial abuse, and “financial abuse” (“*camdriniaeth ariannol*”) includes—

- (a) having money or other property stolen,
- (b) being defrauded,
- (c) being put under pressure in relation to money or other property, or
- (d) having money or other property misused;

“area authority” (“*awdurdod ardal*”) means the local authority or local authority in England for the area in which the child is placed, or is to be placed, where this is different from the placing authority;

“care and support plan” (“*cynllun gofal a chymorth*”) means a plan for the child made under section 83 of the 2014 Act(9);

“child who is looked after by a local authority” (“*plentyn sy’n derbyn gofal gan awdurdod lleol*”) has the same meaning as in section 74 of the 2014 Act;

“DBS certificate” (“*tystysgrif GDG*”) means a certificate of a type referred to in paragraph 2 or 3 of Schedule 1;

(6) S.I. 2015/1818 (W. 261).

(7) S.I. 2017/1098 (W. 278).

(8) S.I. 2018/1333 (W. 260). These Regulations are made under section 93 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) and make provision for securing that a child is not placed with a local authority foster parent unless that person is approved as a local authority foster parent by such local authority or a regulated service provider.

(9) “The 2014 Act” is defined in section 189 of the 2016 Act as the Social Services and Well-being (Wales) Act 2014.

“the Disclosure and Barring Service” (“*y Gwasanaeth Datgelu a Gwahardd*”) and “DBS” (“*GDG*”) mean the body formed by section 87(1) of the Protection of Freedoms Act 2012(10);

“employee” (“*cyflogai*”) has the same meaning as in section 230(1) of the Employment Rights Act 1996(11);

“foster care agreement” (“*cytundeb gofal maeth*”) means the written agreement covering the matters specified in Schedule 3 to the 2018 Regulations;

“foster parent” (“*rhiant maeth*”) means a person who has been approved as a foster parent in accordance with the 2018 Regulations, and includes a person with whom a child is placed under regulation 26 of the 2015 Regulations (temporary approval of a relative, friend or other person connected with a child) or regulation 28 of those Regulations (temporary approval of a particular prospective adopter as a foster parent);

“general practitioner” (“*ymarferydd cyffredinol*”) means a registered medical practitioner(12) who—

- (a) provides primary medical services under Part 4 of the National Health Service (Wales) Act 2006(13), or
- (b) provides services which correspond to services provided under Part 4 of the National Health Service (Wales) Act 2006, otherwise than in pursuance of that Act;

“improper treatment” (“*triniaeth amhriodol*”) means discrimination or unlawful restraint, including inappropriate deprivation of liberty under the terms of the Mental Capacity Act 2005(14);

“local authority in England” (“*awdurdod lleol yn Lloegr*”) means—

- (a) a county council in England,
- (b) a district council for an area in England for which there is no county council,
- (c) a London borough council, or
- (d) the Common Council of the City of London;

“neglect” (“*esgeulustod*”) has the same meaning as in section 197(1) of the 2014 Act;

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

“personal outcomes” (“*canlyniadau personol*”) means—

- (a) the outcomes that the child wishes to achieve, or
- (b) the outcomes that any persons with parental responsibility wish to achieve in relation to the child;

“placement” (“*lleoliad*”) means the placement of a child with a foster parent under section 81(5), (6)(a) and (b) of the 2014 Act;

“placing authority” (“*awdurdod lleoli*”) means, in relation to a child who is looked after by a local authority or local authority in England, that local authority;

(10) 2012 c. 9.

(11) 1996 c. 18.

(12) The definition of a “registered medical practitioner” in Schedule 1 to the Interpretation Act 1978 (c. 30) was substituted by S.I. 2002/3135, Schedule 1, paragraph 10 with effect from 16 November 2009.

(13) 2006 c. 42.

(14) 2005 c. 9.

“reasonable adjustments” (“*addasiadau rhesymol*”) means such reasonable adjustments as would be required under the Equality Act 2010⁽¹⁵⁾;

“responsible individual” (“*unigolyn cyfrifol*”) means an individual designated by a service provider when making an application to register under section 6 of the 2016 Act;

“social worker” (“*gweithiwr cymdeithasol*”) means a person who is registered as a social worker in the register maintained by SCW⁽¹⁶⁾ under section 80 of the 2016 Act, in Part 16 of the register maintained by the Health and Care Professions Council under article 5 of the Health and Social Work Professions Order 2001⁽¹⁷⁾ or in a corresponding register maintained under the law of Scotland or Northern Ireland;

“staff” (“*staff*”) includes—

(a) persons employed by the service provider to work at the service as an employee or a worker, and

(b) persons engaged by the service provider under a contract for services,

but does not include persons who are allowed to work as volunteers;

“statement of purpose” (“*datganiad o ddiben*”) means the document containing the information which must be provided in accordance with regulation 3(c) of and Schedule 2 to the 2017 Registration Regulations for the place in relation to which the service is provided⁽¹⁸⁾;

“worker” (“*gweithiwr*”) has the same meaning as in section 230(3) of the Employment Rights Act 1996.

(15) 2010 c. 15, section 20.

(16) See section 67(3) of the 2016 Act for the definition of Social Care Wales as “SCW”.

(17) S.I. 2002/254.

(18) Regulation 3(c) of the 2017 Registration Regulations requires a person who wants to provide a fostering service to provide a statement of purpose for each place in relation to which the service is to be provided.

PART 17
Offences

Offences - service providers

68.—(1) It is an offence for a service provider to fail to comply with a requirement of any of the provisions specified in paragraph (2)(**19**).

(2) The provisions specified for the purposes of paragraph (1) are the provisions of regulations—

- (a) 4(3) (requirements in relation to the statement of purpose),
- (b) 4(4) (requirements in relation to the statement of purpose),
- (c) 8(3) (requirements in relation to financial sustainability of the service),
- (d) 9(1) (requirement to provide the service in accordance with policies and procedures),
- (e) 12(1) (information about the service),
- (f) 12(2) (information about the service),
- (g) 12(3) (information about the service),
- (h) 25 (policy and procedures on bullying),
- (i) 26 (procedure when child is absent without permission),
- (j) 30(1) (fitness of staff),
- (k) 33(1) (information for staff),
- (l) 39(1) (records with respect to fostering services),
- (m) 39(2) (records with respect to fostering services),
- (n) 40(1) (notifications),
- (o) 40(2) (notifications),
- (p) 40(3) (notifications),
- (q) 40(4) (notifications),
- (r) 40(5) (notifications),
- (s) 40(8) (notifications).

(3) A service provider commits an offence if the provider fails to comply with a requirement of any of the provisions specified in paragraph (4) and such failure results in—

- (a) avoidable harm (whether of a physical or psychological nature) to a child,
- (b) a child being exposed to a significant risk of such harm occurring, or
- (c) in a case of theft, misuse or misappropriation of money or property, any loss by a child of the money or property concerned.

(4) The provisions specified for the purposes of paragraph (3) are the provisions of regulations—

- (a) 3 (requirements in relation to the provision of the service),
- (b) 4(1) (requirements in relation to the statement of purpose),
- (c) 9(5) (requirement to provide the service in accordance with policies and procedures),

19 For penalties upon conviction for an offence under this regulation, see section 51(1) of the 2016 Act.

- (d) 11(1) (suitability of the service),
- (e) 11(3) (suitability of the service),
- (f) 13 (standards of care and support – overarching requirements),
- (g) 20 (safeguarding),
- (h) 27(3) (access to health services),
- (i) 29 (staffing – overarching requirements).

Offences – responsible individuals

69.—(1) It is an offence for the responsible individual to fail to comply with a requirement of any of the provisions specified in paragraph (2)(**20**).

(2) The provisions specified for the purposes of paragraph (1) are the provisions of regulations—

- (a) 50(1) (duty to appoint a manager),
- (b) 51(1) (fitness requirements for appointment of manager),
- (c) 54(1) (duty to report the appointment of manager to SCW and the Welsh Ministers),
- (d) 54(2) (duty to report the appointment of manager to SCW and the Welsh Ministers),
- (e) 56(1) (visits),
- (f) 56(2) (visits),
- (g) 57(1) (oversight of adequacy of resources),
- (h) 57(2) (oversight of adequacy of resources),
- (i) 58(1) (other reports to the service provider),
- (j) 63(4) (quality of care review),
- (k) 64(1) (statement of compliance with the requirements as to standards of care and support),
- (l) 67(1) (notifications), and
- (m) 67(4) (notifications).

PART 18

Service providers who are liquidated etc. or have died

Appointment of liquidators etc.

70. An appointed person(**21**) must—

- (a) without delay, give written notice to the Welsh Ministers of their appointment and the reasons for their appointment;
- (b) within 28 days of their appointment, inform the Welsh Ministers of their intentions regarding the future operation of the service.

20 For penalties upon conviction for an offence under this regulation, see section 51(1) of the 2016 Act.

21 “Appointed person” has the same meaning as in section 30 of the 2016 Act.

Death of service provider

- 71.**—(1) Where a service provider who is an individual has died, the personal representatives of the individual must—
- (a) without delay, give written notice of the death to the Welsh Ministers, and
 - (b) within 28 days of the death, notify the Welsh Ministers of their intentions regarding the future operation of the service.
- (2) The personal representatives of the individual may act in the capacity of the service provider for a period not exceeding 28 days or for such longer period (not exceeding one year) as the Welsh Ministers may agree.
- (3) Where the personal representatives are acting in the capacity of the service provider in accordance with paragraph (2), Part 1 of the 2016 Act applies with the following modifications—
- (a) section 5 (requirement to register) does not apply;
 - (b) section 21(2) (responsible individuals) is to be read as if after paragraph (a), there is inserted—
 - “(aa) where the personal representatives of a service provider who has died are acting in the capacity of the service provider, be one of the personal representatives;”.
- (4) In this regulation, “the service” means the fostering service which the individual provider who has died was registered to provide at the time of their death.

PART 19

Regulations under section 21(5) of the 2016 Act

Designation of responsible individual by Welsh Ministers

- 72.** The Welsh Ministers (instead of a service provider) may designate an individual to be a responsible individual, despite the requirements of section 21(2) of the 2016 Act not being met in respect of the individual, in the following circumstances—
- (a) the service provider is an individual who has died and the personal representatives of the provider have informed the Welsh Ministers that they do not intend to make an application under section 11(1)(c) of the 2016 Act;
 - (b) the service provider is an individual and they have informed the Welsh Ministers—
 - (i) that they are no longer able to comply with their duties as a responsible individual, and
 - (ii) the reasons for this being the case;
 - (c) the service provider is a corporate body or partnership and they have informed the Welsh Ministers—
 - (i) that the individual designated by the service provider as the responsible individual is no longer able to comply with their duties as a responsible individual,
 - (ii) the reasons for this being the case, and
 - (iii) that there is no other individual who is eligible to be a responsible individual and who is able to comply with the duties of a responsible individual.

SCHEDULE 1 Regulation 30(2) and (3)

PART 1

Information and documentation to be available in respect of persons working in fostering services

1. Proof of identity including a recent photograph.
2. Where required for the purposes of an exempted question in accordance with section 113A(2)(b) of the Police Act 1997⁽²²⁾, a copy of a valid criminal record certificate issued under section 113A of that Act together with, after the appointed day and where applicable, the information mentioned in section 30A(3) of the Safeguarding Vulnerable Groups Act 2006⁽²³⁾ (provision of barring information on request).
3. Where required for the purposes of an exempted question asked for a prescribed purpose under section 113B(2)(b) of the Police Act 1997, a copy of a valid enhanced criminal record certificate issued under section 113B of that Act together with, where applicable, suitability information relating to children (within the meaning of section 113BA(2) of that Act) or suitability information relating to vulnerable adults (within the meaning of section 113BB(2) of that Act).
4. Two written references, including a reference from the last employer, if any.
5. Where a person has previously worked in a position whose duties involved work with children or vulnerable adults, so far as reasonably practicable verification of the reason why the employment or position ended.
6. Documentary evidence of any relevant qualification.
7. Where relevant, documentary evidence of registration with SCW.
8. A full employment history, together with a satisfactory written explanation of any gaps in employment.
9. Details of registration with or membership of any professional body.

PART 2

Interpretation of Part 1

10. For the purposes of paragraphs 2 and 3 of Part 1 of this Schedule—
 - (a) if the person to whom the certificate relates is not registered with the DBS update service, a certificate is only valid if—
 - (i) it has been issued in response to an application by the service provider in accordance with regulation 30(3) or (6), and
 - (ii) no more than three years have elapsed since the certificate was issued;
 - (b) if the person to whom the certificate relates is registered with the DBS update service, the certificate is valid regardless of when it was issued.

⁽²²⁾ 1997 c. 50.

⁽²³⁾ 2006 c. 47. Sections 30 to 32 of the Safeguarding Vulnerable Groups Act 2006 as originally enacted are to be replaced by new sections 30A and 30B as a result of substitutions made by section 72(1) of the Protection of Freedoms Act 2012. Section 72(1) is to be commenced on a day to be appointed.

SCHEDULE 2 Regulations 2 and 39

Records to be kept by service providers

- 1.** A record showing in respect of each child placed with foster parents—
 - (a) the date of the child's placement;
 - (b) the child's care and support plan;
 - (c) the foster care agreement in respect of the child;
 - (d) the name and address of the foster parents;
 - (e) the date on which the child ceased to be placed there;
 - (f) the child's address prior to placement;
 - (g) the child's address on leaving the placement;
 - (h) the child's local authority;
 - (i) the statutory provision under which the child is or was provided with foster care.
- 2.** A record of all persons working for the service provider, which must include in respect of a person falling within regulation 30(1) the following matters—
 - (a) full name and home address;
 - (b) date of birth;
 - (c) sex;
 - (d) qualifications relevant to, and experience of, work involving children;
 - (e) copy of birth certificate and passport (if any) in respect of the person;
 - (f) copy of each reference obtained in respect of the person;
 - (g) whether the person is employed by the service provider under a contract of service, a contract for services, or otherwise than under a contract, or is employed by someone other than the service provider;
 - (h) whether the person works full-time or part-time, and, if part-time, the average number of hours worked per week;
 - (i) the dates on which the person commences and ceases to be so employed;
 - (j) the position the person holds in the service;
 - (k) records of disciplinary action and any other records in relation to the person's employment; and
 - (l) a record of the date of the person's latest DBS certificate and whether there was any action taken as a result of the content of the certificate.
- 3.** A record of all serious accidents and injuries occurring to children whilst placed with foster parents.
- 4.** A record of all complaints made under the complaints policy put in place by the service provider, and the action taken by the service provider in respect of any such complaints.
- 5.** Date and circumstances of any safeguarding referrals, and the outcome.
- 6.** Date and circumstances of any incident of control or restraint used by foster parents on a child.

SCHEDULE 3 Regulation 40

Notifications by the service provider

PART 1

Notifications to the Welsh Ministers

- 1.** Any revision to the statement of purpose, 28 days prior to the revised statement of purpose coming into effect.
- 2.** Service provider (individual or organisation) changes their name.
- 3.** Where the service provider is a company, any change in the directors of the company.
- 4.** Where the service provider is an individual, the appointment of a trustee in bankruptcy in relation to that individual.
- 5.** Where the service provider is a body corporate or partnership, the appointment of a receiver, receiver manager, liquidator or provisional liquidator in relation to that company or partnership.
- 6.** Where the service provider is a partnership, death of one of the partners.
- 7.** Where the service provider is a partnership, any change in the partners.
- 8.** Expected absence of the responsible individual for 28 days or more, 7 days prior to the commencement of the absence.
- 9.** Unexpected absence of the responsible individual, no later than 7 days after the commencement of the absence.
- 10.** Unexpected absence of the responsible individual for 28 days or more, where no prior notification has been given, immediately on the expiry of 28 days following the commencement of the absence.
- 11.** Return from absence of the responsible individual.
- 12.** The responsible individual ceases, or proposes to cease, being the responsible individual for the service.
- 13.** Any abuse or allegation of abuse in relation to a child that involves the service provider, a member of staff, a volunteer and/or a foster parent.
- 14.** Service provider, responsible individual or appointed manager convicted of criminal offence.
- 15.** Any allegation of misconduct by a member of staff.
- 16.** Serious accident or injury of a child placed with foster parents.
- 17.** Any incident which is reported to the police relating to a child placed with foster parents.
- 18.** Death of a child placed with foster parents.
- 19.** Any referral to the Disclosure and Barring Service pursuant to the Safeguarding Vulnerable Groups Act 2006.
- 20.** Instigation and outcome of any child protection enquiry involving a child placed with foster parents.
- 21.** Any incident of child sexual or criminal exploitation or any suspected child sexual or criminal exploitation.
- 22.** Any proposed change to the address of the principal office, 28 days prior to the change taking place.

PART 2

Notifications to the placing authority

23. Death of a child placed with foster parents.
24. Any referral to the Disclosure and Barring Service pursuant to the Safeguarding Vulnerable Groups Act 2006.
25. Serious accident or injury of a child placed with foster parents.
26. Outbreak at the home of foster parents of any infectious disease which in the opinion of a general practitioner attending the home is sufficiently serious to be so notified.
27. Allegation that a child placed with foster parents has committed a serious offence.
28. Any incident which is reported to the police relating to a child placed with foster parents.
29. Any incident of a child placed with foster parents being absent without permission.
30. Any serious complaint or allegation about any foster parents approved by the service provider.
31. Instigation and outcome of any child protection enquiry involving a child placed with foster parents.
32. Any incident of child sexual or criminal exploitation or any suspected child sexual or criminal exploitation

PART 2

Notifications to the area authority in whose area the foster home is situated

33. Death of a child placed with foster parents.
34. Outbreak at the home of foster parents of any infectious disease which in the opinion of a general practitioner attending the home is sufficiently serious to be so notified.
35. Any incident of child sexual or criminal exploitation or any suspected child sexual or criminal exploitation.
36. Instigation and outcome of any child protection enquiry involving a child placed with foster parents.
37. Any incident which is reported to the police relating to a child placed with foster parents.

PART 3

Notifications to the Local Health Board in whose area the child is placed

38. The death of a child placed with foster parents.
39. Outbreak at the home of foster parents of any infectious disease which in the opinion of a general practitioner attending the home is sufficiently serious to be so notified.

PART 4

Notifications to the police

40. Allegation that a child placed with foster parents has committed a serious offence.
41. Any incident of child sexual or criminal exploitation or any suspected child sexual or criminal exploitation.

SCHEDULE 4 Regulation 67(1)
Notifications by the responsible individual

1. The appointment of a manager (see regulation 50(1)).
2. The expected absence of the appointed manager for 28 days or more, 7 days prior to the commencement of the absence.
3. The unexpected absence of the appointed manager, no later than 7 days after the commencement of the absence.
4. The unexpected absence of appointed manager for 28 days or more where no prior notification has been given, immediately on the expiry of 28 days following the commencement of the absence.
5. Return from absence of appointed manager.
6. Interim arrangements where the manager is absent for longer than 28 days.
7. Someone other than the appointed manager is proposing to manage or is managing the service.
8. The appointed manager ceases, or proposes to cease, managing the service.