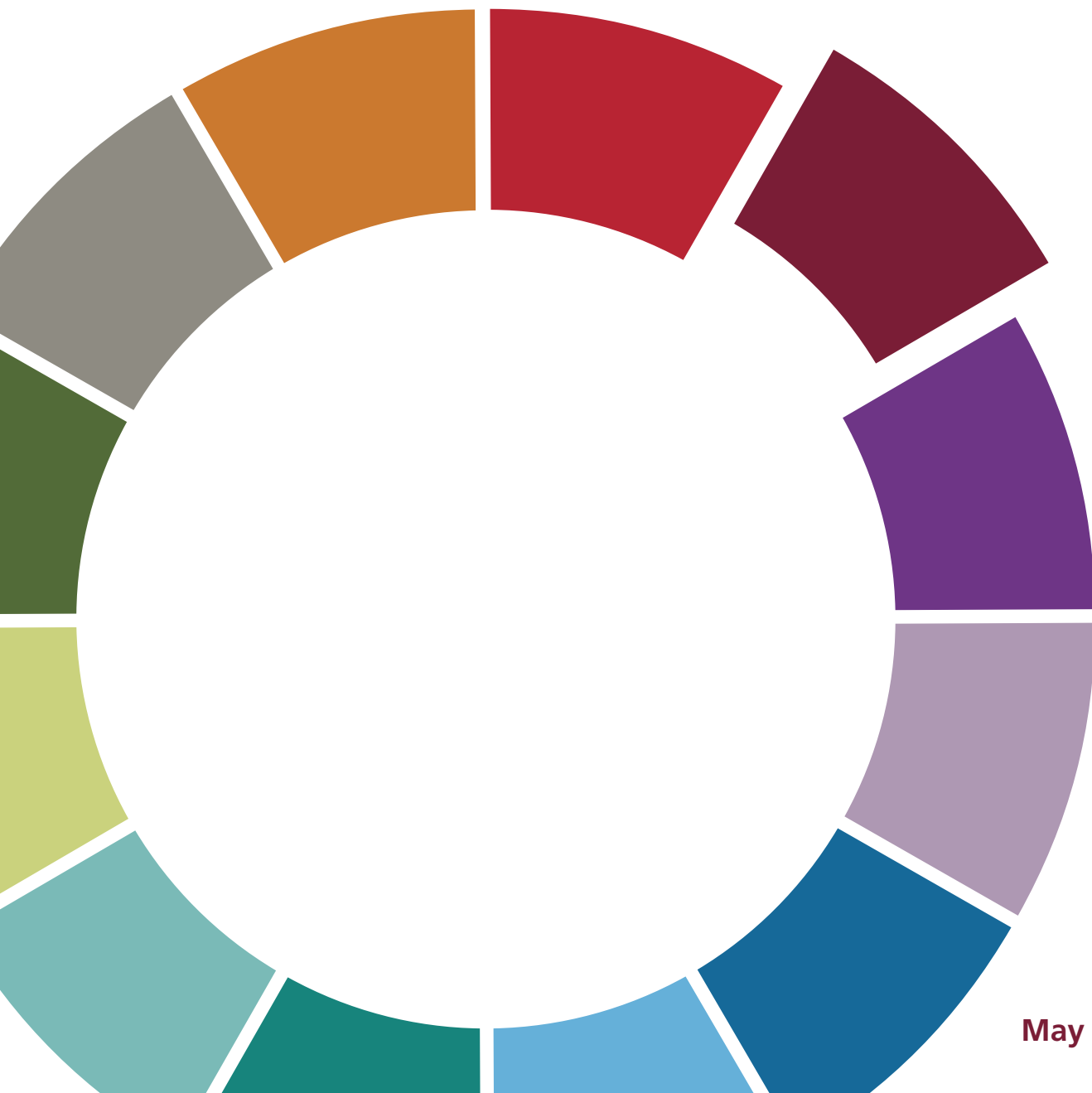




Llywodraeth Cymru
Welsh Government

Local Authority Fostering Services

This code of practice relates to The Local Authority Fostering Services (Wales) Regulations 2018 as amended



May 2019

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
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Local Authority Fostering Services

Code of Practice relating to The Local Authority Fostering Services (Wales) Regulations 2018, as amended

Issued under section 145 of the Social Services and Well-being (Wales) Act 2014

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Preamble

- 1.1. The Local Authority Fostering Services (Wales) Regulations 2018¹ (“the Regulations”) and this code of practice replace requirements previously imposed on local authority fostering services providers under the Fostering Services (Wales) Regulations 2003 and the associated National Minimum Standards.
- 1.2. This code of practice is issued under section 145 of the Social Services and Well-being (Wales) Act 2014 (“the Act”), which gives the Welsh Ministers the power to issue codes on the exercise of social services functions. Local authorities, when exercising their social services functions in respect of fostering services, must act in accordance with the requirements within the Regulations and **have regard** to any guidance set out in this code.
- 1.3. Section 147 of the Act (departure from requirements in codes) does not apply to any requirements contained in this code, therefore these must be followed in full.
- 1.4. The guidance in this code sets out how local authority fostering services providers and local authority managers may comply with the requirements imposed by the Regulations. These requirements are contained within Parts 2 to 11 of the Regulations. However, local authority fostering services providers will be responsible for deciding how the requirements will be met, taking into account the needs of children using the service and the statement of purpose for the service. Care Inspectorate Wales will use this code of practice to inform decisions about the extent to which local authority fostering services providers are meeting the requirements set out in the Regulations, and as a basis for their inspections of local authority fostering services.
- 1.5. The Regulations complement a local authority’s duties in relation to placement of looked after children under The Care Planning, Placement and Case Review (Wales) Regulations 2015 and the Part 6 Code of Practice (Looked After and Accommodated Children).
- 1.6. The Regulations come into force on 29 April 2019 and this code of practice will come into effect in May 2019.

Structure of the code of practice

- 1.1. This code of practice sets out the following:

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

Parts 2 to 10 of the Regulations, made under sections 94A and 87 of the Act, set out the requirements on a local authority fostering services provider in relation to the standard of service that must be provided. They highlight the importance of the wellbeing of children who are receiving care and support. They also impose other requirements on local authority fostering services providers related to the operation of the service. Part 11 sets out the duties placed on the local authority fostering services manager.

- **The text of each regulation**

It is important that local authority fostering services providers refer to the text of each regulation as the first source of information about what the requirements are and how to meet them. This code of practice provides further explanation on how to meet the individual components of each regulation where further clarification and definition may be helpful, but it is not a substitute for the text of the legislation itself. Where the text of the regulation itself is self-explanatory, no further guidance is given.

The text of regulations within this code incorporate the amendments made by The Local Authority Fostering Services (Wales) (Amendment) Regulations 2019. These include amendments to regulations 7(1), 26(1) and 29(2)(e).

- **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 local authority fostering services providers and managers may be able to show that they meet each requirement of the regulation.

Advocacy

- 1.2. A child must feel that their voice is heard throughout the fostering process. It is open to any child to invite someone of their choice to support them to participate fully and express their views, wishes and feelings, whether a friend, family member or someone from their wider support network.
- 1.3. The dedicated Code of Practice on advocacy under Part 10 of the Act sets out the right of a looked after child to access regulated advocacy services. The code also sets out the functions when a local authority, in partnership with the child, must reach a judgement on how advocacy could support the determination and delivery of a child's personal outcomes; together with the circumstances when a local authority must arrange an independent professional advocate. Professionals must ensure that judgements about the needs for advocacy are integral to the relevant duties under this code.

List of key terms used within this code of practice

Term	Meaning
The 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 plan	The care and support provided to the child in a foster placement
Care and support plan	A plan put in place by the local authority under section 83 of the Act in relation to looked after and accommodated children.
Care Inspectorate Wales	Care Inspectorate Wales (CIW), acting on behalf of the Welsh Ministers in the exercise of their regulatory functions.
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
Local authority fostering services provider	The local authority providing the fostering service. Referred to within this code as 'local authority provider(s)' or 'provider(s)'.
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 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 Local Authority Fostering Services (Wales) Regulations 2018, as amended by The Local Authority Fostering Services (Wales) (Amendment) Regulations 2019.
Representative	Any person having legal authority to act on the child's behalf.
The service	The local authority fostering service.
Staff	<ul style="list-style-type: none"> • Persons employed by the local authority to work at the service as an employee (within the meaning of section 230(1) of the Employment Rights Act 1996) • Persons working for the local authority fostering service (within the meaning of section 230(3) of the Employment Rights Act 1996)

	<ul style="list-style-type: none"> • Persons engaged by the local authority fostering service under a contract for services. 5 • Persons volunteering for the local authority fostering service. • This does not include the foster parents.
Statement of purpose	The statement of purpose for the place from which the fostering service is provided.

Useful links

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

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

The Local Authority Fostering Services (Wales) Regulations 2018

http://www.legislation.gov.uk/wsi/2018/1339/pdfs/wsi_20181339_mi.pdf

The Local Authority Fostering Services (Wales) (Amendment) Regulations 2019

https://www.legislation.gov.uk/wsi/2019/545/pdfs/wsi_20190545_mi.pdf

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: Compiling a Statement of Purpose

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

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 10 of the Regulations)

1.1 General requirements for local authority providers (Part 2 of the Regulations)

The intent of the general requirements within Part 2 of the Regulations is to ensure that providers put in place governance arrangements to support the smooth operation of the service and to 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 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); and
- Promoting a culture of openness, honesty and candour at all levels.

Regulation 3	Code
<p>Requirements in relation to the provision of the local authority fostering service</p> <p>3. The local authority 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">• 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;

	<ul style="list-style-type: none"> ○ 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.
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Regulation 4	Code
<p>Content of statement of purpose</p> <p>4. The local authority provider must prepare a statement of purpose which contains the information listed in Schedule 1.</p>	<ul style="list-style-type: none"> ● The statement of purpose is fundamental to the service. It must: <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. ● It must include the information set out in Schedule 1 to the Regulations. ● In preparing a statement of purpose, the provider takes account of any statement of purpose guidance provided CIW.

Regulation 5	Code
<p>Requirements in relation to statement of purpose</p> <p>5.—(1) The local authority provider must provide the service in accordance with the statement of purpose.</p> <p>(2) The local authority provider must—</p> <p>(a) keep the statement of purpose under review, and</p> <p>(b) where appropriate, revise the statement of purpose.</p> <p>(3) The local authority provider must give notice to the persons listed in paragraph (4) of any revision to be made to the statement of 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> <p>(a) the Welsh Ministers,</p> <p>(b) any child placed by the local authority provider, unless it would not be appropriate to do so having regard to the child’s age and understanding,</p> <p>(c) the parents of any such child,</p> <p>(d) foster parents and prospective foster parents,</p> <p>(e) persons working for the purposes of the local authority fostering service.</p> <p>(5) The local authority 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"> • Providers review and update the statement of purpose at least annually or earlier if changes are being made to the services provided. • Where there is an intention to change the services being provided, the statement of purpose is updated to reflect the change. The provider notifies those persons set out in regulation 5(4) 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 a change to the statement of purpose is proposed, the provider provides CIW with any additional information it may need to satisfy itself that the local authority can provide the services proposed. • 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 5(4) and (5).

Regulation 6	Code
<p>Requirements in relation to monitoring and improvement</p> <p>6.—(1) the local authority provider must ensure that there are effective arrangements in place for monitoring, reviewing and improving the quality of the service.</p> <p>(2) Those arrangements must include arrangements for seeking the views of—</p>	<ul style="list-style-type: none"> • 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 ○ how the results will be fed back to and considered by local authority senior officers and elected members.

(a) any child placed by the local authority provider,
(b) the parents of any such child, unless this is inappropriate or inconsistent with the child's wellbeing,
(c) foster parents,
(d) persons working for the purposes of the local authority fostering service, and
(e) any area authority,
on the quality of the service.
(3) When making any decisions on plans for improvement of the quality of the service, the local authority provider must take into account the views of those persons consulted in accordance with paragraph (2).

- 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. Providers seek professional/expert advice as needed and in a timely manner to help secure improvements.
- Providers can demonstrate how they have:
 - analysed and responded to the information gathered; and
 - used the information to make improvements.
- 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 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, providers:
 - encourage feedback;
 - regularly seek the views of the relevant children and other stakeholders 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 6(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.

Regulation 7	Code
<p>Requirement to appoint a local authority manager</p> <p>7.—(1) The local authority provider must appoint an officer to be responsible for the management of the service.</p> <p>(2) The local authority provider must immediately give notice in writing to the Welsh Ministers—</p> <p>(a) of the name of the person appointed as manager,</p> <p>(b) of the date on which the appointment is to take effect,</p> <p>(c) if the person appointed as manager ceases to manage the local authority fostering service.</p>	<ul style="list-style-type: none"> • Service providers appoint an officer to manage the fostering service. • Where appropriate, service providers may appoint the same manager to manage more than one service (for example, on a regional basis). • Providers give written notification to CIW without delay, as required by the Regulation.

Regulation 8	Code
<p>Fitness requirements for appointment of manager</p> <p>8.—(1) The local authority provider must not appoint a person to manage the service unless that person is fit to do so.</p> <p>(2) For the purposes of paragraph (1), a person is not fit to manage the service unless the requirements of regulation 29(2) (fitness of staff) are met in respect of that person.</p>	<ul style="list-style-type: none"> • Providers have 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 Social Care Wales if required; ○ the manager is experienced in delivering a fostering service; and ○ the vetting of prospective managers includes the relevant checks required by legislation to assure the provider that the person is fit and able to work with children.

Regulation 9	Code
<p>Other requirements in relation to the manager</p> <p>9.—(1) The local authority provider must ensure that the person who is appointed as the manager—</p> <p style="padding-left: 20px;">(a) is supported to carry out their duties effectively, and</p> <p style="padding-left: 20px;">(b) undertakes appropriate training.</p> <p>(2) The local authority provider must ensure that the manager complies with the requirements of Part 11 (duties of local authority managers).</p> <p>(3) In the event that the local authority provider has reason to believe that the manager has not complied with a requirement imposed by the regulations in Part 11, the provider must take such action as is necessary to ensure that the requirement is complied with.</p> <p>(4) The local authority provider must put suitable arrangements in place to ensure that the service is managed effectively at any time when there is no manager appointed or when the manager is absent from the service.</p>	<ul style="list-style-type: none"> • Providers have arrangements in place for regular formal discussion with, and support for, the manager. • Providers support the manager to undertake training which enables them to carry out their role effectively and to meet the aims of service as outlined in the statement of purpose and in line with practice guidance recommended by Social Care Wales. • If there is no manager in place, or the manager is unable to fulfil their duties for any reason (for example, they are absent from their role due to illness), the provider ensures that appropriate and robust arrangements are in place for the management of the service during any period where there is no manager in place.

Regulation 10	Code
<p>Requirements to provide the service in accordance with policies and procedures</p> <p>10.—(1) The local authority provider must ensure that the following policies and procedures are in place for the service—</p> <p style="padding-left: 20px;">(a) safeguarding (see regulation 20),</p> <p style="padding-left: 20px;">(b) appropriate use of control or restraint (see regulation 21),</p> <p style="padding-left: 20px;">(c) bullying (see regulation 24),</p> <p style="padding-left: 20px;">(d) absence (see regulation 25),</p> <p style="padding-left: 20px;">(e) medication (see regulation 26 (access to health services)),</p> <p style="padding-left: 20px;">(f) supporting and developing staff (see regulation 30),</p> <p style="padding-left: 20px;">(g) staff discipline (see regulation 32),</p> <p style="padding-left: 20px;">(h) complaints (see regulation 39),</p>	<ul style="list-style-type: none"> • 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. • Providers ensure policies and procedures reflect arrangements for short-term breaks for children, where these are provided by the provider. • Policies and procedures: <ul style="list-style-type: none"> ○ are aligned to current legislation and national guidance;

<p>(i) whistleblowing (see regulation 40),</p> <p>(j) support for foster parents on how to help children manage their money (see regulation 45),</p> <p>(2) The local authority 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 local authority 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> <p>(a) appropriate to the needs of children for whom care and support is provided,</p> <p>(b) consistent with the statement of purpose, and</p> <p>(c) kept up to date.</p> <p>(4) The local authority provider must put arrangements in place to ensure that the service is provided in accordance with its policies and procedures.</p> <p>(5) The local authority provider must ensure that the content of the policies and procedures which are required to be in place under paragraph (1)(a), (b), (c) and (h) takes into account the needs of any other children who may be affected by the placement being made.</p>	<ul style="list-style-type: none"> ○ 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. <ul style="list-style-type: none"> ● 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 policies and procedures are reviewed and updated to reflect the changes. ● 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.
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Regulation 11	Code
<p>Duty of candour</p> <p>11. The local authority provider must act in an open and honest way with—</p> <p>(a) any child placed by it,</p> <p>(b) the parents of any such child,</p> <p>(c) foster parents and prospective foster parents,</p> <p>(d) in the case of a child who is placed with an area authority, that area authority.</p>	<ul style="list-style-type: none"> ● 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. The policies and procedures are in line with, and take account of, Social Care Wales’ guidance on the professional duty of candour for social care professionals registered with Social Care Wales. ● Providers promote a culture of candour that includes: <ul style="list-style-type: none"> ○ being open and honest when engaging with those listed

	<ul style="list-style-type: none">○ in regulation 11;○ 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. <ul style="list-style-type: none">● 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, manager, or member of staff may have obstructed another in exercising their duty of candour.● 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.
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1.2 Requirements on local authority providers as to the information to be provided to individuals on commencement of the provision of care and support (Part 3 of the Regulations)

The intent of Part 3 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 and prospective foster parents, and (where applicable) area authorities to have a good understanding of how the service operates in providing care and support. The guide provides children, foster parents, and area authorities with the information they need to raise concerns and make complaints to 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	Code
<p>Information about the service etc.</p> <p>12.—(1) The local authority 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 provider,</p> <p>(ii) any foster parents and prospective foster parents,</p> <p>(iii) in the case of a child who is placed with an area authority, that authority, and</p> <p>(d) made available to others on request, unless this is not appropriate or would be inconsistent with the wellbeing of the child.</p> <p>(3) The guide must contain the following information—</p> <p>(a) a summary of the policies and procedures which the</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) and in addition includes the following: <ul style="list-style-type: none"> ○ arrangements for introducing the child to the foster parents and the foster parent’s household;

<p>local authority provider must put in place under regulation 10(1)(a), (b), (c), (d), (e), (h) and (j),</p> <p>(b) information about how to make a complaint,</p> <p>(c) information about the availability of independent advocacy services for children who are looked after by a local authority,</p> <p>(d) information about the role and contact details for the Children's Commissioner for Wales².</p> <p>(4) The local authority provider must ensure that children receive such support as is necessary to enable them to understand the information contained in the guide.</p>	<ul style="list-style-type: none"> ○ 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 CIW; ○ how to access the most recent inspection report completed by CIW; ○ key staff who will be supporting the child and foster parent; ○ how to contact the local authority fostering services manager; ○ the complaints procedure and how to make a complaint; ○ contact details and role of the Public Service Ombudsman for Wales, CIW and Children's Commissioner for Wales; ○ support for the child to access other agencies or services, such as primary healthcare services (GP, Dentist; Optometrist, Pharmacist, Chiropodist, Hospital visits; transport; advocacy services); ○ information about the entitlement for looked after children to access independent advocacy services, and the support available to children to help them access such services; ○ information about the support available to foster parents from the 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..
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² The office of the Children's Commissioner for Wales was created by section 72 of the Care Standards Act 2000 (c. 14).

1.3 Requirements on local authority providers as to the standard of care and support to be provided (Part 4 of the Regulations)

The intent of Part 4 of the Regulations is to ensure that children in foster placements are provided with the quality care and support they need to achieve their best possible personal wellbeing outcomes. The service is designed in consultation with children and foster parents and considers the child’s personal wishes, aspirations and outcomes and any risks and specialist needs which 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 well-being 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	Code
<p>Standards of care and support to children</p> <p>13. The local authority 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, and</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 provider’s 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. • 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 (for looked after young people over age 16). • 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:
 - 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.
- 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:
 - 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 United Nations Convention on the Rights of the Child; and
 - protection from abuse and neglect.
- 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.

	<ul style="list-style-type: none"> • Providers ensure children are supported into adulthood and when leaving care in line with national guidance.
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Regulation 14	Code
<p>Information for children</p> <p>14.—(1) The local authority 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 local authority 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"> • 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. • 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. • Providers have arrangements in place to enable children to understand the information provided to them. • 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 15	Code
<p>Compliance with foster care agreement</p> <p>15. The local authority provider must monitor the foster parents' compliance with the requirements of the foster care agreement.</p>	<ul style="list-style-type: none"> • Providers have foster care agreements in place with approved foster parents in line with Schedule 3 of the Fostering Panels Regulations. • Providers have effective arrangements in place to monitor and review the obligations placed upon foster parents as set out in the foster care agreement. • Providers have arrangements in place to ensure foster parents are supported to understand and deliver the requirements placed upon them through the foster care agreement. • Providers have effective arrangements in place to ensure foster parents take action to achieve compliance with the foster care agreement whenever it is identified that they are not doing so.

Regulation 16	Code
<p>Language and communication</p> <p>16.—(1) The local authority provider must ensure that the language needs of children are met. (2) The local authority 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"> • 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 in place measures 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

	<p>Education of Autistic and related Communication Handicapped Children (TEACCH), Makaton, British Sign Language.</p> <ul style="list-style-type: none"> • 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. • 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. • Providers deliver or work towards actively offering their services in the Welsh language to children or foster parents whose first language is Welsh.
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Regulation 17	Code
<p>Respect and sensitivity</p> <p>17.—(1) The local authority 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 (1)) of the child. 	<ul style="list-style-type: none"> • Providers ensure children and foster parents are aware of their rights and entitlements under the law, and under equality and diversity policies held by the provider. • 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 the foster parent; and ○ treated with respect and feels valued. • Children and foster parents are encouraged to contribute their views on the way in which the service is run.

Regulation 18	Code
<p>Duty to promote contact</p> <p>18. The local authority 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.

1.4 Requirements on local authority providers – safeguarding (Part 5 of the Regulations)

The intent of Part 5 of the Regulations is to ensure that 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 19	Code
<p>Safeguarding – overarching requirements</p> <p>19. The local authority provider must put arrangements in place to ensure that children placed by it are safe and are protected from abuse(1), neglect(2) 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. • Staff training is ongoing at regular intervals in line with local safeguarding recommendations. • Staff are aware of their individual responsibilities for raising concerns to ensure the safety and well-being of children. • Providers make provision to support staff raising

	<p>safeguarding concerns (whistleblowing).</p> <ul style="list-style-type: none"> • Providers work in partnership with other relevant professionals and agencies to assess and manage any risks to children using the service. • 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 manager within the governance structure, with arrangements made for oversight at chief officer level. • 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.
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Regulation 20	Code
<p>Safeguarding policies and procedures</p> <p>20.—(1) The local authority provider must have policies and procedures in place—</p> <p>(a) for the prevention of abuse, neglect and improper treatment, and</p> <p>(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 local authority 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 local authority provider must—</p> <p>(a) act in accordance with its safeguarding policies and procedures,</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.

<p>(b) take immediate action to ensure the safety of all children for whom care and support is provided,</p> <p>(c) make appropriate referrals to other agencies, and</p> <p>(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"> • 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 CIW. • Providers ensure children are informed of their right to independent professional advocacy services.
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Regulation 21	Code
<p>The appropriate use of control and restraint</p> <p>21.—(1) The local authority provider must have a policy and procedures in place on the use of control or restraint.</p> <p>(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—</p> <p>(a) are necessary to prevent a risk of harm posed to the child or other persons or likely serious damage to property, and</p> <p>(b) are a proportionate response to such a risk</p> <p>(3) The policy and procedures must require foster parents to be trained in any methods of control or restraint to be used.</p> <p>(4) The policy and procedures must require foster parents to—</p> <p>(a) make a record of any incident in which control or restraint is used, and</p> <p>(b) notify the local authority provider of any such incident within 24 hours</p> <p>(5) The local authority provider must ensure that any control or restraint used by foster parents is carried out in accordance with these policies and procedures.</p> <p>(6) For the purposes of this regulation, a person controls or</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 methods of control or restraint to be undertaken prior to the use of any such control or restraint. • 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 well-being 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.

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.

- Foster parents receive behavioural support training that is relevant to their role to make sure any control or restraint is 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.
- 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 proactive 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 any other person;
 - takes account of the assessment of the child's needs; and
 - follows current legislation and guidance.
- 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 a wider review of service provision.
- Providers have arrangements in place to ensure incidents of control and restraint are recorded and reported on 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 22
Prohibition on the use of corporal punishment
22. The local authority provider must ensure that foster parents do not use any form of corporal punishment at any time against any child.

Regulation 23	Code
Deprivation of liberty	<ul style="list-style-type: none"> 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.
23. A child must not be deprived of their liberty for the purpose of receiving care and support without lawful authority.	

Regulation 24	Code
Policy and procedures on bullying	<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. This will include instruction for staff on actions to be taken and mechanisms for referral to relevant partners and agencies..
24. The local authority provider must have in place a policy on the prevention of bullying and procedures for dealing with an allegation of bullying.	

Regulation 25	Code
<p data-bbox="185 304 987 336">Procedures when child is absent without permission</p> <p data-bbox="185 376 1084 483">25. The local authority 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 data-bbox="1167 304 2051 746" style="list-style-type: none"> <li data-bbox="1167 304 2007 376">• There is a procedure in place for when a child is absent without permission. <li data-bbox="1167 416 2051 488">• The procedure is aligned to current legislation and national guidance. <li data-bbox="1167 528 2051 746">• 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.

1.5 Requirements on local authority providers to ensure access to health, education and other services (Part 6 of the Regulations)

The intent of Part 6 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 secure and maintain good health, development and well-being.

Regulation 26	Code
<p>Access to health services</p> <p>26.—(1) The local authority 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 local authority provider must 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) provide each child with 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 local authority 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"> • 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 needs, especially when they are experiencing difficulty,

	<p>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"> • 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 procedure 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, the local authority fostering service, and (where appropriate) the area authority in supporting the child to access and take medication. • Providers ensure foster parents are aware of and understand the policy and procedure on the administration of medicines.
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Regulation 27	Code
<p>Education, employment and leisure activities</p> <p>27.—(1) The local authority provider must ensure that the educational attainment of children placed with foster parents is promoted.</p> <p>(2) In particular the local authority provider must—</p> <p>(a) establish a procedure for monitoring the educational 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</p>	<ul style="list-style-type: none"> • 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: <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

<p>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 local authority 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 arts³</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 local authority 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>	<p>engaging with the child’s school (or other educational setting);</p> <ul style="list-style-type: none"> ○ 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"> ● Providers have arrangements in place to monitor the educational attainment, progress and school attendance (where applicable) of a child placed with a foster parent. ● 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 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.
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³ 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.

1.6 Staffing (Part 7 of the Regulations)

The intent of Part 7 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.

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 to children; and
- a management structure, systems and processes for induction, ongoing supervision, training and development of staff.

Regulation 28	Code
<p>Staffing - overarching requirements</p> <p>28. The local authority 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"> • 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, the following areas: <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. • 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 29	Code
<p>Fitness of staff</p> <p>29.—(1) The local authority provider must not—</p> <p>(a) employ a person under a contract of employment to work at the service unless that person is fit to do so,</p> <p>(b) allow a volunteer to work at the service unless that person is fit to do so, or</p> <p>(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> <p>(2) For the purposes of paragraph (1), a person is not fit to work at the service unless—</p> <p>(a) the person is of suitable integrity and good character,</p> <p>(b) the person has the qualifications, skills, competence and experience necessary for the work they are to perform,</p> <p>(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,</p> <p>(d) the person has provided full and satisfactory information or documentation, as the case may be, in respect of each of the matters required under paragraphs 1 to 9 of Schedule 3, 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 local authority provider to manage the service, from 1 April 2022, the person is registered as a social care manager⁴ with Social Care Wales.</p> <p>(3) An appropriate DBS certificate must be applied for by, or on</p>	<ul style="list-style-type: none"> • 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 3 of the Regulations. This also includes checking the veracity of references and past employment records. • Where agency staff are deployed, 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. • 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, providers will determine whether the person has the necessary skills, qualifications and good character to undertake the role for which they are employed/deployed. • Where staff (including volunteers) no longer meet the required fitness criteria set out in regulation 29(2), providers take appropriate and timely action. For example, this may include: <ul style="list-style-type: none"> ○ coaching and mentoring;

⁴See section 79(1) (b) of the 2016 Act for the definition of a “social care manager” .

behalf of, the local authority provider, for the purpose of assessing the suitability of a person for a 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).

(4) Where a person being considered for a post referred to in paragraph (1) is registered with the DBS update service, the local authority provider must check the person's DBS certificate status for the purpose of assessing the suitability of that person for that post.

(5) Where a person appointed to a post referred to in paragraph (1) is registered with the DBS update service, the local authority provider must check the person's DBS certificate status at least annually.

(6) Where a person appointed to a post referred to in paragraph (1) is not registered with the DBS update service, the local authority 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.

(7) If any person working at the service is no longer fit to work at the service as a result of one or more of the requirements in paragraph (2) not being met, the local authority provider must—

(a) take necessary and proportionate action to safeguard children, and

(b) where appropriate, inform—

(i) Social Care Wales,

(ii) the Disclosure and Barring Service.

- providing additional training and supervision; and
 - the use of disciplinary procedures.
- Service providers ensure staff comply with the requirements of their professional codes of practice and, where appropriate, providers make referrals to the relevant professional bodies for staff whose fitness to practice is brought into question.
- Where there are concerns that a member of staff has abused an individual or placed an individual at risk of abuse, the Disclosure and Barring Service and any relevant professional registration body are notified by the service provider without delay.

Regulation 30	Code
<p>Supporting and developing staff</p> <p>30.—(1) The local authority provider must have a policy in place for the support and development of staff.</p> <p>(2) The local authority 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 local authority provider must ensure that any person employed to work at the service as a manager is supported to maintain any registration with Social Care Wales.</p>	<ul style="list-style-type: none"> • 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 well-being of children using the service. • Social care workers complete the relevant induction programme required by Social Care Wales 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 Social Care Wales. 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.
- 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.
- Providers maintain a written record of all training and supervision undertaken or to be undertaken by staff members.
- Providers support all staff to complete, where appropriate:
 - 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 provider; and core and specialist training identified for their role by Social Care Wales.

Regulation 31	Code
<p>Information for staff</p> <p>31.—(1) The local authority provider must ensure that all persons working at the service (including any person allowed to work as a volunteer) are provided with information about the service and the way it is provided.</p> <p>(2) The local authority 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 Social Care Wales under section 112(1)(a) of the 2016 Act.</p>	<ul style="list-style-type: none"> • 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; ○ 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. • Providers ensure staff have access to and understand up-to date copies of all relevant policies, procedures and codes of practice. Providers ensure staff have read these during the induction period and test staff members' ongoing understanding through supervision and performance reviews. • 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 32	Code
<p>Disciplinary procedures</p> <p>32.—(1) The local authority 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 receiving care and support from 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 local authority provider,</p> <p>(c) an officer of the local authority,</p> <p>(d) 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>(e) a police officer, as the case may be.</p>	<ul style="list-style-type: none"> • 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, Social Care Wales or any other professional body is appropriate. • Where a volunteer’s fitness to practice is in question, due to any alleged misconduct/lack of capability of a concerning nature, the 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. • Providers ensure staff are aware of and understand the disciplinary procedures and grievance procedures.

- 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.

Regulations 33

Restrictions on employment

33.—(1) The local authority 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—

- (a) a foster parent approved by the fostering service, or
- (b) a member of the household of such a foster parent.

(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.

1.7 Premises, facilities and equipment (Part 8 of the Regulations)

The intent of Part 8 of the Regulations is to set out the requirements for 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.

Regulations 34	Code
<p data-bbox="185 419 958 488">Premises, facilities and equipment - local authority providers</p> <p data-bbox="185 531 1093 671">34. The local authority 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 data-bbox="1167 424 2063 528" 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 35	Code
<p data-bbox="185 847 528 882">Adequacy of premises</p> <p data-bbox="185 922 1061 1102">35. The local authority provider must ensure that the premises used for the operation of the service have adequate facilities for— (a) the supervision of staff, and (b) the secure storage of records.</p>	<ul data-bbox="1167 852 2078 1070" style="list-style-type: none">• 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 36	Code
<p>Premises, facilities and equipment - foster parents</p> <p>36.—(1) The local authority 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 local authority 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"> • 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.

1.8 Other requirements on local authority providers (Part 9 of the Regulations)

The intent of Part 9 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 37	Code
<p>Records with respect to fostering services</p> <p>37.—(1) The local authority provider must maintain the records specified in Schedule 2 for 15 years.</p> <p>(2) The local authority 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) make suitable arrangements for the records to continue to be kept securely in the event the service closes, (d) make the records available to the Welsh Ministers on request, (e) ensure that children who use the service— <ul style="list-style-type: none"> (i) are made aware of their rights to access their records, and (ii) have such access to their records as is permitted by law. 	<ul style="list-style-type: none"> • There is a policy and procedure for the recording and management of records. This includes: <ul style="list-style-type: none"> ○ the records to be maintained by the 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 provider and foster parents. • Staff are aware of the policy and procedures 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 provider about the child.

	<ul style="list-style-type: none"> • 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 37(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 provider in accordance with current legal requirements.
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Regulation 38	Code
<p>Conflicts of interest</p> <p>38. The local authority provider must have effective arrangements in place to identify, record and manage potential conflicts of interest.</p>	<ul style="list-style-type: none"> • 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 39	Code
<p>Complaints policy and procedure</p> <p>39.—(1) The local authority 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 local authority provider by or on behalf of children placed by the provider about—</p>	<ul style="list-style-type: none"> • 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>(a) the provider, (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 local authority 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 local authority 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 local authority 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 local authority provider must put effective arrangements in place for dealing with complaints including arrangements for—</p> <p>(a) identifying and investigating complaints, (b) ensuring that appropriate action is taken following an investigation, and (c) keeping records relating to the matters in subparagraphs (a) and (b)</p> <p>(7) The local authority 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 local authority provider must—</p> <p>(a) analyse information relating to complaints and concerns, and (b) having regard to that analysis, identify any areas for improvement.</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 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. ● Staff are aware of the complaints policy and understand how to respond appropriately to complaints. ● Providers ensure any complaint is acknowledged, addressed promptly and the complainant is kept informed of progress, unless the complaints are made anonymously. ● A written report is provided to the complainant setting out the outcome of the complaint and any action to be taken. ● Consent should be gained (where practicable) to the disclosure of the details of a complaint where necessary to enable an effective investigation to take place, and confidentiality 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.
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- Children, the parents of any such children and foster parents do not suffer victimisation, discrimination 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 provider's complaints policy. This includes the following:
 - 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 CIW 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 provider's complaints process and are knowledgeable about any current related guidance.
- Records of complaints are maintained and monitored to identify trends and areas of risk which may require preemptive action.
- Actions taken in response to complaints are reported on as part of the governance arrangements for the service.

Regulation 40	Code
<p>Whistleblowing</p> <p>40.—(1) The local authority provider must 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> <p style="padding-left: 20px;">(a) having a whistleblowing policy in place and acting in accordance with that policy, and</p> <p style="padding-left: 20px;">(b) establishing arrangements to enable and support people working at the service to raise such concerns.</p> <p>(3) The local authority provider must ensure that the arrangements required under this regulation are operated effectively.</p> <p>(4) When a concern is raised, the local authority provider must ensure that—</p> <p style="padding-left: 20px;">(a) the concern is investigated,</p> <p style="padding-left: 20px;">(b) appropriate steps are taken following an investigation, and</p> <p style="padding-left: 20px;">(c) a record is kept relating to the matters in subparagraphs (a) and (b)</p>	<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. • Consent should be gained (where practicable) to the disclosure of the details of a concern where necessary to enable an effective investigation to take place and confidentiality 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, discrimination or any other disadvantage as a result of making their concerns known. • All allegations and incidents of abuse are followed up promptly in line with the 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 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

	<p>whether there is a requirement for a referral to appropriate authorities for investigation (this may include seeking advice from CIW or local authority safeguarding staff);</p> <ul style="list-style-type: none">○ where areas for improvement or service failures are identified, acting upon these without delay;○ ensuring staff and others involved in the investigation of concerns have the right level of knowledge and skill; and○ ensuring staff and others involved in the investigation understand the processes relating to safeguarding and responding to concerns. <ul style="list-style-type: none">● Records of concerns are maintained and monitored to identify trends and areas of risk which may require action. Actions taken as a response to whistleblowing are subject to reporting within governance arrangements.
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1.9 Support and oversight of foster parents (Part 10 of the Regulations)

The intent of Part 10 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 41	Code
<p>Support, training and information for foster parents</p> <p>40.—(1) The local authority 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 local authority 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 local authority provider must ensure prospective foster parents receive such training, information and advice as is considered necessary.</p> <p>(4) The local authority 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"> • 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. • Providers ensure any training provided (induction, ongoing or otherwise) to foster parents is in line with national guidance. • Providers ensure foster parents are aware of the support available to them during any allegations / complaints made against them, such as Fosterline Cymru. • Providers have arrangements in place to support foster parents outside of standard office hours, and foster parents are familiar with these arrangements. • Providers provide or arrange the provision of training, information and advice as needed for prospective foster parents. • 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 Review.

Regulation 42	Code
<p>Policies and procedures to foster parents</p> <p>42. The local authority provider must ensure that foster parents are familiar with and act in accordance with the policies and procedures established under regulations 20, 21, 24, 25, 26, 39 and 45.</p>	<ul style="list-style-type: none"> 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 43	Code
<p>Supervision</p> <p>43. The local authority provider must ensure that foster parents are appropriately supervised.</p>	<ul style="list-style-type: none"> Providers have arrangements in place to supervise foster parents and provide advice and support where necessary. Providers ensure there is a clear purpose to any supervisory meetings with foster parents and records are maintained.

Regulation 44	Code
<p>Effective working relationships</p> <p>44. The local authority 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"> Providers support foster parents to develop and maintain a positive relationship with the child placed with them.

Regulation 45	Code
<p>Supporting children to manage their money</p> <p>45.—(1) The local authority 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.</p> <p>(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 abuse⁵</p> <p>(3) The policy and procedures must ensure that there is adequate oversight and monitoring by the local authority provider of savings which are made by foster parents on behalf of children.</p> <p>(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.</p> <p>(5) The policy and procedures must ensure that foster parents pass on all records of savings (including expenditure from savings) to the local authority provider when the placement of a 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 provider has arrangements in place to ensure the foster parents are maintaining records and receipts of any financial transactions undertaken on their behalf. • Providers ensure arrangements are in place to oversee and monitor the savings of a child.

⁵ See section 197(1) of the 2014 Act for the definition of “financial abuse”.

Chapter 2: Duties of local authority managers (Part 11 of the Regulations)

The local authority manager is responsible for overseeing the management of the service and for providing assurance to the local authority provider and others (as required) that the service is safe, well run and complies with the Regulations. They are responsible for ensuring:

- the service has sufficient resources and support;
- that significant concerns about the service or changes to the way in which the service is run are reported;
- that there are arrangements in place for engagement with children; parents; foster parents and staff as to the quality of the service and how it is run;
- there are systems in place for the recording of complaints and storing of records;
- that a quality of care review is undertaken every six months, with a report made to the provider; and
- that the provider’s whistleblowing policy is being complied with and people are supported to raise concerns.

Regulation 46	Code
<p>Oversight of adequacy of resources</p> <p>46.—(1) The local authority manager must report to the local authority 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>	<ul style="list-style-type: none"> • The manager ensures that systems and processes are in place that enable them to produce these quarterly reports.

Regulation 47	Code
<p>Other reports to the local authority provider</p> <p>47. The local authority manager must, without delay, report to the provider—</p> <ul style="list-style-type: none"> (a) any concerns about the provision of the service, (b) any significant changes to the way 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. 	<ul style="list-style-type: none"> • The manager ensures that systems and processes are in place to collate and provide 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 CIW; and ○ inspection outcomes and/or reports from Health and Safety Executive (HSE) and fire service. • The manager ensure that suitable arrangements are in place so that they can alert senior officers / elected members where the service is: <ul style="list-style-type: none"> ○ not complying with polices and procedures; ○ failing or unable to meet or address issues raised in inspection reports; and ○ providing the service in a way which is contrary to the statement of purpose.

Regulation 48	Code
<p>Engagement with children and others</p> <p>48.—(1) The local authority manager must put suitable arrangements in place for obtaining the views of—</p> <ul style="list-style-type: none"> (a) any child placed by the local authority provider, (b) the parents of any such child, unless this is inappropriate or inconsistent with the child’s wellbeing, (c) foster parents, and (d) staff employed at the service <p>on the quality of care and support provided and how this can be improved.</p> <p>(2) The local authority manager must report the views obtained to the local authority provider so that these views can be taken into account by the provider when making any decisions on plans for improvement of the quality of care and support provided by the service.</p>	<ul style="list-style-type: none"> • The manager ensures that suitable arrangements are in place to enable them to give 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 sections (a) to (d). • The manager 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 characteristic or communication needs. • The manager 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 provider; ○ foster parents; ○ area authorities (where appropriate); ○ regulators; and ○ professional bodies.
Regulation 49	Code
<p>Duty to ensure there are systems in place to record complaints</p> <p>49. The local authority manager must ensure that there are effective systems in place to record complaints.</p>	<ul style="list-style-type: none"> • The manager ensures there are suitable arrangements in place for the recording of the matters set out in regulations 37 and 50. • The manager has systems and processes in place to ensure that any records made are legible, accurate and kept securely.

Regulation 50	Code
<p>Duty to ensure there are systems in place for keeping of records</p> <p>50. The local authority manager 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 37.</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 51	Code
<p>Duty to ensure policies and procedures are up to date</p> <p>51. The local authority manager must put suitable arrangements in place to ensure that the provider's policies and procedures are kept up to date, having regard to the statement of purpose for the service.</p>	<ul style="list-style-type: none"> • The manager ensures suitable arrangements are in place to review policies and procedures, set out in regulation 10, in line with these Regulations. • The manager 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.

Regulation 52	Code
<p>Quality of care review</p> <p>52.—(1) The local authority manager 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</p>	<ul style="list-style-type: none"> • The manager 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 48(1);

provision for the quality of care and support to be reviewed as often as required but at least every six months.

- 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 CIW; and
- audits of records.

- The manager 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 manager has suitable arrangements in place to ensure systems and processes are continually reviewed to enable the manager to identify where the quality and/or safety of services is being, or may be, compromised, and to respond appropriately without delay.
- The manager has suitable arrangements in place to ensure all feedback is acknowledged, recorded and responded to as appropriate.
- The manager 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 manager ensures areas of learning are analysed and that recommendations are made to senior officers / elected members at the placing authority as to how and where the quality and safety of the service can be improved.

Regulation 53	Code
<p>Support for raising concerns</p> <p>53. The local authority manager must ensure that the local authority 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 manager 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 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.

Annex A: Part 1 of the Regulations

PART 1 General

Title and commencement

- 1.—(1) The title of these Regulations is the Local Authority Fostering Services (Wales) Regulations 2018.
(2) These Regulations come into force on 29 April 2019.

Interpretation

2. In these Regulations—

“the 2014 Act” (“*Deddf 2014*”) means the Social Services and Well-being (Wales) Act 2014;

“the 2016 Act” (“*Deddf 2016*”) means the Regulation and Inspection of Social Care (Wales) Act 2016⁽¹⁾;

“the 2015 Regulations” (“*Rheoliadau 2015*”) means the Care Planning, Placement and Case Review (Wales) Regulations 2015⁽²⁾;

“the 2018 Regulations” (“*Rheoliadau 2018*”) means the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018⁽³⁾;

“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 authority which is looking after the child;

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

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

“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⁽⁴⁾;

“employee” (“*cyflogai*”) has the same meaning as in section 230(1) of the Employment Rights Act 1996⁽⁵⁾;

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

“general practitioner” (“*ymarferydd cyffredinol*”) means a registered medical practitioner⁽⁶⁾ who—

- (a) provides primary medical services under Part 4 of the National Health Service (Wales) Act 2006⁽⁷⁾, 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;

(1) 2016 anaw 2.

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

(3) S.I. 2018/1333 (W. 260). These Regulations are made under section 93 of the 2014 Act 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.

(4) 2012 c. 9.

(5) 1996 c. 18.

(6) 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.

(7) 2006 c. 42.

“improper treatment” (“*triniaeth amhriodol*”) means discrimination or unlawful restraint, including inappropriate deprivation of liberty under the terms of the Mental Capacity Act 2005⁽⁸⁾;

“local authority foster parent” (“*rhiant maeth awdurdod lleol*”) has the same meaning as that given in

section 197 of the 2014 Act, 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);

“local authority fostering service” (“*gwasanaeth maethu awdurdod lleol*”) means any service provided in Wales by a local authority which consists of or includes the placement of children with foster parents or exercising functions in connection with such a placement, and “service” (“*gwasanaeth*”) is to be construed accordingly;

“local authority manager” (“*rheolwr awdurdod lleol*”) means the person appointed by the local authority fostering services provider as manager under regulation 7;

“local authority provider” (“*darparwr awdurdod lleol*”) means the local authority providing the local authority fostering services;

“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 foster parents under section 81(5), (6)(a) and (b) of the 2014 Act;

“reasonable adjustments” (“*addasiadau rhesymol*”) means such reasonable adjustments as would be required under the Equality Act 2010⁽⁹⁾;

“Social Care Wales” (“*Gofal Cymdeithasol Cymru*”) has the meaning given in section 67(3) of the 2016 Act;

“social worker” (“*gweithiwr cymdeithasol*”) means a person who is registered as a social worker in the register maintained by Social Care Wales 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⁽¹⁰⁾ or in a corresponding register maintained under the law of Scotland or Northern Ireland;

“staff” (“*staff*”) includes—

- (a) persons employed by the local authority provider to work at the service as an employee or a worker, and
- (b) persons engaged by the local authority 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 Schedule 1 for the place in relation to which the service is provided;

“worker” (“*gweithiwr*”) has the same meaning as in section 230(3) of the Employment Rights Act 1996⁽¹¹⁾.

(8) 2005 c. 9.

(9) 2010 c. 15.

(10) S.I. 2002/254.

(11) 1996 c. 18.

Annex B: Schedules to the Regulations

SCHEDULE 1 Regulations 2 and 4

Information to be contained in a statement of purpose by a local authority provider

The statement of purpose prepared by a local authority provider must contain the following information—

- (a) the name and principal address of the local authority,
- (b) the name of the local authority manager,
- (c) a statement of the range of needs of the children for whom the service is to be provided,
- (d) how the service is to be provided to meet the needs of children and to support them to achieve their personal outcomes,
- (e) details of the management and staff structure of the service,
- (f) details of the facilities and equipment that will be available for foster parents to assist them to meet the needs of children for care and support and to support them to achieve their personal outcomes,
- (g) details of the arrangements made to support the cultural, linguistic and religious needs of children,
- (h) details of the arrangements made to provide support to children in relation to their sexual orientation and gender identity,
- (i) details of the arrangements made for consulting children about the operation of the local authority fostering service,
- (j) details of how the local authority will meet children's language and communication needs, including through the medium of Welsh.

SCHEDULE 2 Regulation 37

Records to be kept by local authority 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 statutory provision under which the child is or was provided with foster care.

2. A record of all persons working for the local authority provider, which must include in respect of a person falling within regulation 29(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 local authority provider for the purposes of the local authority fostering service under a contract of service, a contract for services, or otherwise than under a contract, or is employed by someone other than the local authority 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 local authority provider, and the action taken by the local authority 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 Regulations 2 and 29

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⁽¹²⁾, 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⁽¹³⁾ (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 Social Care Wales.
- 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.

(12) 1997 c. 50.

(13) 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.

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 local authority provider in accordance with regulation 29(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.