

# **Statutory Guidance and Code of Practice**

## **Fostering Services**

**This statutory guidance and code of practice relates to The Fostering Services (Fostering Services Providers and Responsible Individuals) (Wales) Regulations 2019**

**April 2019**

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

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

## About this guidance and code of practice

### Status

This document has been prepared for fostering services providers in Wales. It applies from April 2019.

Chapters 1, 3 and 4 of this document constitute statutory guidance for **independent fostering service providers**, issued by the Welsh Ministers under section 29 of the Regulation and Inspection of Social Care (Wales) Act 2016.

Chapters 2, 3 and 5 of this document constitute a statutory code of practice for **local authorities** on the exercise of their functions in respect of the provision of fostering services, issued by the Welsh Ministers under section 145 of the Social Services and Well-being (Wales) Act 2014.

### Independent fostering services providers

The Regulation and Inspection of Social Care (Wales) Act 2016 (the 2016 Act), Regulations made under that Act and this statutory guidance replace requirements previously put in place under the Care Standards Act 2000 and its associated National Minimum Standards.

This guidance sets out:

- how providers of regulated fostering services may comply with the requirements imposed by regulations made under section 27 of the 2016 Act, and
- how persons designated as a responsible individual for a regulated fostering service may comply with the requirements imposed by regulations made under section 28 of the 2016 Act.

These requirements are contained within Parts 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12 of The Fostering Services (Fostering Services Providers and Responsible Individuals) (Wales) Regulations 2019 (“the Regulations”). It is intended that these Regulations will come into force in April 2019 and this guidance will also come into effect at the same time.

Section 29(3) of the 2016 Act states that providers of regulated services and designated responsible individuals **must have regard to this guidance** in meeting requirements imposed by regulations under sections 27 and 28 of the Act.

This guidance is also relevant to those providers making an application for registration as a service provider under section 6 of the 2016 Act. Guidance about registration has been produced by the service regulator, Care Inspectorate Wales, as is available on its website.

Persons who wish to provide a regulated service must make an application for registration to Care Inspectorate Wales ('CIW') who carry out the Welsh Ministers' functions as the service regulator. Prospective service providers and responsible individuals must demonstrate that they will be able to meet the requirements imposed by the 2016 Act and the Regulations and, once registered, that they will continue to meet them.

In order to grant an application to register, CIW must be satisfied that any prospective provider of regulated services can and will continue to meet the standards of service provision specified in regulations under section 27 of the 2016 Act. CIW must also be satisfied that persons designated as a responsible individual can and will continue to comply with the duties set out in regulations under section 28 of the Act.

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

CIW will also use this guidance to inform decisions about the extent to which registered providers and responsible individuals are meeting those requirements.

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

**Registered service providers and designated responsible individuals must have regard to this guidance.** If they do not follow this guidance, they must provide evidence that their chosen approach enables them to meet the requirements within Parts 2, 3, 4, 6, 7, 8, 9, 10, 11 and 12 of the Regulations.

### **Local authority fostering services**

Section 94A of the Social Services and Well-being (Wales) Act 2014 (inserted by section 58 of the Regulation and Inspection of Social Care (Wales) Act 2016) provides that the Welsh Ministers may make regulations in respect of the regulation of local authority functions relating to looked after and accommodated children. The requirements upon local authority fostering services providers and managers within the Regulations were made under this section. So far as practicable, the same or similar requirements have been imposed upon local authority fostering services providers as upon independent fostering service providers in the Regulations. This is particularly true of the requirements in Parts 6 to 11 of the Regulations.

This code of practice is issued under section 145 of the Social Services and Well-being (Wales) Act 2014, 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 contained in this code. Section 147 of the Act (departure from requirements in codes) does not apply to any requirements contained in this code, so this code must be followed in full.

## Structure

This document is structured as follows:

- Chapter 1 – General requirements on independent fostering services providers.
- Chapter 2 – General requirements on local authority fostering services.
- Chapter 3 – Requirements on independent fostering services providers **and** local authority fostering services.
- Chapter 4 – Requirements on responsible individuals (applies to independent fostering services providers only).
- Chapter 5 – Duties on local authority fostering services managers (applies to local authorities only).

Each chapter in the document sets out the relevant Regulation on the left-hand side of the page, with the corresponding guidance / code of practice set out on the right-hand side.

It is important that independent fostering service providers and responsible individuals, and local authority fostering services providers and managers, refer to the original text of each regulation as the first source of information about what the requirements are and how to meet them. This guidance and / or code of practice provides further explanation on how to meet the individual components of each regulation where further clarification and definition may be needed. Where the text of the regulation itself is self-explanatory, no further guidance is given.

The guidance / code on individual components of each regulation should not be considered exhaustive as there may be other ways that independent fostering services providers and responsible individuals, and local authority fostering services providers and managers, can show that they meet each component of the regulation.

## List of key terms used within this guidance

Term	Meaning
The 2014 Act	The Social Services and Well-being (Wales) Act 2014
The 2016 Act	The Regulation and Inspection of Social Care (Wales) Act 2016
Care and support	The care and support provided to the child in a foster placement by the foster parent.
Care and support plan	A plan put in place by the local authority under section 83 of the 2014 Act in relation to looked after and accommodated children.
Independent Fostering Services Provider	A person or organisation registered with Care Inspectorate Wales (CIW) to provide a fostering service.
Fostering service	A local authority fostering service <b>or</b> an independent fostering service.
Fostering services provider	A local authority fostering services provider <b>or</b> an independent fostering services provider
Personal outcomes	<ul style="list-style-type: none"> <li>• In relation to the child, means the outcomes that the child wishes to achieve.</li> <li>• In relation to the foster parent, means the outcomes that they wish to achieve in relation to the child.</li> </ul>
Registered manager	The person appointed by a local authority fostering services provider to be responsible for the management of the service.
Representative	Any person having legal authority, or the consent of the child, to act on the child's behalf.
Responsible individual <i>(See section 21 of the 2016 Act for a full description)</i>	<p>In respect of independent fostering services providers only, <b>must be either:</b></p> <ul style="list-style-type: none"> <li>• where the fostering services provider is an individual, the service provider</li> <li>• where the fostering services provider is a partnership, one of the partners</li> <li>• where the fostering services provider is a body corporate, other than a local authority <ul style="list-style-type: none"> <li>○ a director or similar officer of the body</li> <li>○ in the case of a public limited company, a director or company secretary</li> <li>○ in the case of a body corporate whose affairs are</li> </ul> </li> </ul>

- managed by its members, a member of the body
- where the fostering services provider is an unincorporated body, a member of the body

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

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

**and** is specified as such in the fostering services provider's registration.

**NB** In certain circumstances (see Regulation 15, not covered in this guidance) the responsible individual may be designated by CIW (on behalf of the Welsh Ministers) and not the fostering services provider.

Staff	<ul style="list-style-type: none"> <li>• Persons employed by the service provider to work at the service as an employee or worker (within the meaning of section 230 of the Employment Rights Act 1996).</li> <li>• Persons engaged by the fostering services provider under a contract for services.</li> <li>• This <b>does not</b> include the foster parents or any persons who are allowed to work as volunteers.</li> </ul>
The child	The child who is receiving care and support
The child's needs	The child's care and support needs
The foster parents	Foster parents mean the foster parent approved by the service provider and/or the prospective foster parent seeking to become an approved foster parent. These are adults who are supported by the fostering services provider so that they can provide appropriate care and support to a child placed through the service.
The Regulations	The Fostering Services (Fostering Service Providers and Responsible Individuals) (Wales) Regulations 2019
The service regulator	In practice, this means Care Inspectorate Wales acting on behalf of the Welsh Ministers in the exercise of their regulatory functions
Statement of purpose	The statement of purpose for the place from which the fostering service is provided
The workforce regulator	Social Care Wales

## Chapter 1: General Requirements on Independent Fostering Services Providers (Part 2 of the Regulations)

This chapter applies to independent fostering services providers only. The general requirements on local authority fostering services are set out in chapter 2 of this document.

Parts 2 and 3 of the Regulations set out the way in which the fostering service is provided, including:

- requirements in relation to the statement of purpose
- requirements to ensure the suitability of the fostering service and continuing stability of the placement;
- arrangements for monitoring and improvement
- the making of notifications to the Welsh Ministers and other bodies
- promoting a culture of openness, honesty and candour at all levels and complying with standards of conduct and practice expected of social care workers
- the designation of a responsible individual
- requirements in relation to the financial sustainability of the fostering service.

Regulation 3	Guidance
<p><b>Requirements in relation to the provision of the independent fostering service</b></p> <p>3. The independent fostering services 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"><li>• Fostering services providers have clear arrangements for the oversight and governance of the fostering service in order to establish, develop and embed a culture which ensures that the best possible outcomes are achieved for children and foster parents using the service and to meet the requirements of the Regulations. This includes but is not limited to:<ul style="list-style-type: none"><li>○ policies and procedures to achieve the aims of the statement of purpose and place children and foster parents at the centre of the fostering service</li><li>○ systems for monitoring and review which support evidence-based practice and enable children and foster parents to achieve the child's personal</li></ul></li></ul>

	<p>outcomes</p> <ul style="list-style-type: none"> <li>○ processes to ensure care and support is delivered consistently and reliably</li> <li>○ safe staffing arrangements, underpinned by professional development, to meet the care and support needs of children and to support foster parents using the fostering service</li> <li>○ quality and audit systems to review progress and inform service development</li> <li>○ a proactive approach to equal opportunities and diversity, and</li> <li>○ suitable and accessible premises.</li> </ul>
<p><b>Regulation 4</b></p>	<p><b>Guidance</b></p>
<p><b>Requirements in relation to the statement of purpose</b></p> <p>4.—(1) The independent fostering services provider must provide the service in accordance with the statement of purpose.</p> <p>(2) The independent fostering services 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 independent fostering services 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 independent fostering services provider, unless it would not be appropriate to do so having</p>	<ul style="list-style-type: none"> <li>● The statement of purpose is fundamental to the service. It must: <ul style="list-style-type: none"> <li>○ accurately describe the fostering service provided,</li> <li>○ state where and how this service will be provided, and</li> <li>○ state the arrangements to support the delivery of the fostering service.</li> </ul> </li> <li>● It must include the information set out in The Fostering Services (Fostering Services Providers and Responsible Individuals) (Wales) Regulations 2019</li> <li>● In preparing a statement of purpose, the provider takes account of any statement of purpose guidance on the service regulator’s website.</li> <li>● A statement of purpose is provided for each place/location from which a fostering service will be provided.</li> </ul>

<p>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 independent fostering service,</p> <p>(f) the placing authority.</p> <p>(5) The independent fostering services 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"> <li>• Fostering services providers review and update the statement of purpose at least annually, or earlier if changes are being made to the service provided.</li> <li>• Where there is an intention to change the service being provided, the statement of purpose is updated to reflect the change. The fostering services provider notifies those persons set out in regulation 4(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.</li> <li>• Where a change to the statement of purpose is proposed, the fostering services provider satisfies the service regulator of their ability to deliver the proposals, for example, by providing additional information or receiving a visit from the service regulator to the service (where appropriate).</li> <li>• Where the statement of purpose is updated a record is maintained of the new version and date of amendment.</li> <li>• A copy of the statement of purpose is readily available to those listed in regulation 4(4).</li> </ul>
<p><b>Regulation 5</b></p>	<p><b>Guidance</b></p>
<p><b>Requirement to ensure suitability of the service</b></p> <p>5.—(1) The independent fostering services provider must not agree to place a child unless the provider has determined that</p>	<ul style="list-style-type: none"> <li>• Fostering services providers have in place a policy and procedure on placements and commencement of the service. This includes but is not limited to: <ul style="list-style-type: none"> <li>○ arrangements for confirming that the service can or cannot support the child to achieve their personal</li> </ul> </li> </ul>

there is a suitable placement which can meet the child's needs for care and support and to enable the child to achieve their personal outcomes.

(2) The independent fostering services provider must have in place a policy and procedures on placements and commencement of the service.

(3) The determination under paragraph (1) must take into account—

- (a) the child's care and support plan,
- (b) any health or other relevant assessments,
- (c) the child's views, wishes and feelings,
- (d) any risks to the child's well-being,
- (e) any risks to the well-being of any other child who may be affected by the placement to be made,
- (f) the child's religious persuasion, racial origin and cultural and linguistic background, sexual orientation and gender identity,
- (g) any reasonable adjustments which the fostering services provider could make to enable the child's care and support needs to be met,
- (h) the independent fostering services provider's policy and procedures on placements and commencement of the service.

(4) In making the determination in paragraph (1), the independent fostering services provider must involve—

- (a) the child,
- (b) the child's parents, unless the child is aged 16 or over or involving the parents would not be consistent with the child's well-being,
- (c) the placing authority.

outcomes

- who will be consulted as part of the process
  - the information to be considered
  - the circumstances where a service will not be provided, and
  - the arrangements for commencing the service.
- A summary of the placement procedure is included in the statement of purpose and the fostering services provider guide to the service (see regulation 28).
  - Before agreeing to provide a service, the fostering services provider makes an informed decision as to whether or not they can meet a child's care and support needs. In making this decision the fostering services provider:
    - takes into account the requirements set out within regulation 5(3)
    - consults with the child, the child's parents (if applicable) and the placing authority to determine what their views are,
    - considers the child's care and support plan, and works with the placing authority in planning the child's placement
    - in the case of a looked after child aged 16 or over, considers the young person's pathway plan
    - considers any risks to the child, the foster parents and members of the foster parent's family
    - obtains information relating to the child's specialist needs and requirements in order to confirm these can be met.
- Information obtained is sufficient to enable a smooth

	<p>transition for the child into the foster placement.</p> <ul style="list-style-type: none"> <li>• Proper care is taken to ensure the child is matched with a suitable foster parent, and consideration is given to the potential impact of the placement on the child, the foster parents and members of the foster parent’s family.</li> <li>• People making these decisions on behalf of the fostering services provider have sufficient responsibility/standing (within the organisation) to make a decision as to whether the service can meet the child’s needs.</li> <li>• Where a placement is made on an emergency basis, every effort should be made to secure as much information as possible (including relevant assessments) prior to placement to ensure that the service can meet the child’s needs.</li> </ul>
<p><b>Regulation 6</b></p>	<p><b>Guidance</b></p>
<p><b>Continuing suitability of the placement</b></p> <p>6.—If, as a result of a change in the child’s assessed needs, the placement made by the independent fostering services provider is no longer able to meet the child’s needs for care and support, even after any reasonable adjustments have been made, the provider must immediately give written notification of this to the placing authority.</p>	<ul style="list-style-type: none"> <li>• Fostering services providers have systems and processes in place to monitor whether a child’s assessed needs change and whether the foster parent can continue to meet the child’s care and support needs.</li> <li>• Where a foster parent is no longer able to meet a child’s care and support needs, the service provider must inform the placing authority immediately.</li> </ul>

Regulation 7	Guidance
<p><b>Requirements in relation to monitoring, review and improvement</b></p> <p>7.—(1) The independent fostering services provider must ensure that there are effective arrangements in place for monitoring, reviewing and improving the quality of the service.</p> <p>(2) The arrangements must include arrangements for seeking the views of—</p> <p>(a) any child placed by the independent fostering services provider,</p> <p>(b) the parents of any such child, unless this is inappropriate or inconsistent with the child’s well-being,</p> <p>(c) foster parents,</p> <p>(d) persons working for the purposes of the independent fostering service,</p> <p>(e) the placing authority, and</p> <p>(f) in the case of a child who is placed with an area authority, that area authority on the quality of the service.</p> <p>(3) When making any decisions on plans for improvement of the quality of the service, an independent fostering service must—</p> <p>(a) take into account the views of those consulted in accordance with paragraph (2) and</p> <p>(b) have regard to the report prepared by the responsible individual in accordance with regulation 75(4) (quality review).</p>	<ul style="list-style-type: none"> <li>• Fostering services providers have systems and processes in place to monitor, review and improve the quality of service provision. This will include identifying: <ul style="list-style-type: none"> <li>○ who is responsible for ensuring this is done</li> <li>○ how this will be done</li> <li>○ how often this takes place, and</li> <li>○ arrangements for the responsible individual to report to the fostering services provider.</li> </ul> </li> <li>• 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. Fostering services providers seek professional/expert advice as needed and in a timely manner to help secure improvements.</li> <li>• Fostering services providers can demonstrate how they have: <ul style="list-style-type: none"> <li>○ analysed and responded to the information gathered,</li> <li>○ used the information to make improvements.</li> </ul> </li> <li>• Fostering services 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.</li> <li>• The systems and processes are continually reviewed to make sure they enable the fostering services provider to identify where quality of services are being, or may be, compromised and to enable an appropriate timely response.</li> </ul>

	<ul style="list-style-type: none"> <li>• As part of the quality review process, fostering services providers: <ul style="list-style-type: none"> <li>○ encourage feedback</li> <li>○ regularly seek the views of the relevant people listed in regulation 7(2) about the quality of the service</li> <li>○ are able to demonstrate they have done this and the nature of the feedback they have received.</li> </ul> </li> <li>• The methods used to engage with and gain the views of those listed in regulation 7(2) using the service are appropriate to their age, level of understanding and take into account their specific condition and/or any communication needs.</li> <li>• Information collated through quality and audit systems is used to develop the reports into the quality review in line with regulation 75(4).</li> </ul>
<b>Regulation 8</b>	<b>Guidance</b>
<p><b>Notifications</b></p> <p>8.—(1) The independent fostering services provider must notify the Welsh Ministers of the events specified in Part 1 of Schedule 1.</p> <p>(2) The independent fostering services provider must notify the placing authority of the events specified in Part 2 of Schedule 1.</p> <p>(3) The independent fostering services provider must notify the area authority of the events specified in Part 3 of Schedule 1.</p> <p>(4) The independent fostering services provider must notify the</p>	<ul style="list-style-type: none"> <li>• Fostering services providers have appropriate arrangements in place for the notification of the events listed in Schedule 1 of the Regulations to be made to the relevant authority.</li> <li>• Notifications are made without delay, usually within 24 hours of the event occurring.</li> <li>• The following applies in relation to Schedule 1 (Part 1, 11)(Part 2, 11)(Part 3, 3)(Part 5, 3). Fostering services providers notify the relevant authorities of any incident of child sexual exploitation (CSE) or suspected child sexual</li> </ul>

<p>local health board in whose area the child is placed of the events specified in Part 4 of Schedule 1.</p> <p>(5) The independent fostering services provider must notify the police of the events specified in Part 5 of Schedule 3.</p> <p>(6) The notifications required by paragraph (1) must include details of the event.</p> <p>(7) Unless otherwise stated, notifications must be made without delay and in writing.</p> <p>(8) Notifications must be made in such manner and in such form as may be required by the Welsh Ministers.</p>	<p>exploitation. This includes but is not limited to:</p> <ul style="list-style-type: none"> <li>○ where a child reports an incident that indicates they may be a victim of CSE, or</li> <li>○ where there is reason to believe a child may be subject to CSE.</li> </ul>
<p><b>Regulation 9</b></p>	<p><b>Guidance</b></p>
<p><b>Duty of candour</b></p> <p>9. The independent fostering services provider must act in an open and transparent way with—</p> <p>(a) any child placed by the independent fostering services provider,</p> <p>(b) the parents of any such child,</p> <p>(c) foster parents and prospective foster parents,</p> <p>(d) the placing authority,</p> <p>(e) in the case of a child who is placed with an area authority, that area authority.</p>	<ul style="list-style-type: none"> <li>• Fostering services providers have policies and procedures in place to support a culture of openness and transparency, and which ensure that all staff are aware of and follow them. These 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.</li> <li>• Fostering services providers promote a culture of candour that includes: <ul style="list-style-type: none"> <li>○ being open, honest and engaging with those listed in regulation 9 (a)–(e)</li> <li>○ providing information on any relevant incidents and the outcome of any investigations that have taken place</li> <li>○ making an apology for what has happened, where it is appropriate to do so.</li> </ul> </li> <li>• Fostering services providers take action to prevent and appropriately address bullying, victimisation and/or</li> </ul>

	<p>harassment in relation to the duty of candour, and investigate any instances where a board member, responsible individual, a member of staff or any other person may have obstructed another in exercising their duty of candour.</p> <ul style="list-style-type: none"> <li>• Fostering services providers have a system in place to identify and deal with possible breaches of the professional 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.</li> </ul>
<p><b>Regulation 10</b></p>	<p><b>Guidance</b></p>
<p><b>Compliance with code of practice</b></p> <p>10. The independent fostering services provider must adhere to the code of practice on the standards of conduct and practice expected of persons employing or seeking to employ social care workers, which is required to be published by Social Care Wales under section 112(1)(b) of the 2016 Act.</p>	<ul style="list-style-type: none"> <li>• Fostering services providers have a clear understanding of their role and responsibilities in relation to the Code of Practice published by Social Care Wales from time to time, currently entitled the Code of Practice for Employers of Social Care Staff (Social Care Wales publication).</li> </ul>
<p><b>Regulation 11</b></p>	<p><b>Guidance</b></p>
<p><b>Requirements in relation to the responsible individual</b></p> <p>11.—(1) This regulation does not apply to an independent fostering services provider who is an individual. (2) An independent fostering services provider to whom this</p>	<ul style="list-style-type: none"> <li>• Fostering services provider have arrangements in place for regular formal discussion with, and support for, the responsible individual.</li> <li>• Fostering services providers support the responsible individual to undertake training which enables them to carry</li> </ul>

regulation applies must ensure that the person who is designated as the responsible individual

(a) is supported to carry out their duties effectively, and

(b) undertakes appropriate training.

(3) The independent fostering services provider must ensure that the responsible individual complies with the requirements imposed by Part 12 (duties of responsible individuals) of these Regulations.

(4) In the event that the independent fostering services provider has reason to believe that the responsible individual has not complied with a requirement imposed by the regulations in Part 5, the provider must—

(a) take such action as is necessary to ensure that the requirement is complied with, and

(b) inform the Welsh Ministers.

(5) During any time when the responsible individual is unable to fulfil their duties, the independent fostering services provider must ensure that there are arrangements in place for—

(a) the effective management of the service,

(b) the effective oversight of the service, and

(c) the compliance of the service with the requirements of these Regulations.

(6) If the responsible individual is unable to fulfil their duties for a period of more than 28 days, the independent fostering services provider must—

(a) inform the Welsh Ministers, and

(b) give the Welsh Ministers full details of the interim arrangements.

out their role effectively and to meet the aims of the service as outlined in the statement of purpose and in line with practice guidance recommended by Social Care Wales.

Training for responsible individuals includes:

- legislative framework and statutory requirements
- specific duties of a responsible individual
- service performance and quality management
- shaping service culture.

- Where a responsible individual has failed to fulfil their role the fostering services provider notifies the service regulator of any action taken and, where relevant, advises on the arrangements to designate a replacement.
- If there is no responsible individual or the responsible individual is unable to fulfil their duties for any reason, for example they are absent from their role due to illness, the fostering services provider ensures that the responsibility for oversight of the management of the service, as set out in Part 12 of the Regulations, is met.

Regulation 12	Guidance
<p><b>Requirements in relation to the responsible individual where the provider is an individual</b></p> <p>12.—(1) This regulation applies where the provider of an independent fostering service is an individual.</p> <p>(2) If this regulation applies, the individual must undertake appropriate training for the proper discharge of their duties as the responsible individual.</p> <p>(3) During any time when the individual is absent, they must ensure that there are arrangements in place for—</p> <p>(a) the effective management of the service,</p> <p>(b) the effective oversight of the service,</p> <p>(c) the compliance of the service with the requirements of these Regulations.</p> <p>(4) If the individual is unable to fulfil their duties as a responsible individual for a period of more than 28 days, they must—</p> <p>(a) inform the Welsh Ministers, and</p> <p>(b) give the Welsh Ministers full details of the interim arrangements.</p>	<ul style="list-style-type: none"> <li>• The responsible individual undertakes training which enables them to carry out their role effectively and to meet the aims of the service as outlined in the statement of purpose and in line with practice guidance recommended by Social Care Wales. Training includes: <ul style="list-style-type: none"> <li>• legislative framework and requirements</li> <li>• specific duties of a responsible individual</li> <li>• service performance and quality management</li> <li>• shaping service culture.</li> </ul> </li> <li>• If the responsible individual is unable to fulfil their duties for any reason, for example they are absent from their role due to illness, the responsible individual ensures arrangements are in place for the requirements in regulation 12(3) to be met.</li> </ul>
Regulation 13	Guidance
<p><b>Requirements in relation to the financial sustainability of the independent fostering service</b></p> <p>13.—(1) The independent fostering services provider must take reasonable steps to ensure that the service is financially sustainable for the purpose of achieving the aims and objectives</p>	<ul style="list-style-type: none"> <li>• Systems are in place to ensure financial planning, budget monitoring and financial control is carried out effectively.</li> <li>• Systems are in place to ensure financial stability in line with any national guidance and financial regulations.</li> <li>• Fostering services providers have the financial resources</li> </ul>

set out in the statement of purpose.

(2) The independent fostering services provider must maintain appropriate and up to date accounts for the service.

(3) The independent fostering services provider must provide copies of the accounts to the Welsh Ministers within 28 days of being requested to do so.

(4) The Welsh Ministers may require the accounts to be certified by an accountant.

needed to provide, and continue to provide, the services described in the statement of purpose and in order to meet the requirements of the Regulations.

- Fostering services providers have appropriate insurance and suitable indemnity arrangements to cover potential liabilities arising from death, injury, or other causes, loss or damage to property, and other financial risks.
- Where audited accounts are not available, annual accounts are completed by a qualified accountant for the purpose of regulation and inspection.
- The accounts demonstrate that the service is financially viable and likely to have sufficient funding to continue to fulfil its statement of purpose.
- The fostering services provider ensures prompt payments are made to foster parents for any allowances or expenses agreed, which cover the costs of providing care and support to a child.
- The fostering services provider ensures foster parents understand the financial or other support available to them.

## **Chapter 2: General Requirements on Local Authority Fostering Services (Part 5 of the Regulations)**

This chapter applies to local authority fostering services only. The general requirements on independent fostering service providers are set out in chapter 1 of this document.

Part 5 of the Regulations sets out the way in which local authorities must provide their fostering service, including:

- requirements in relation to the statement of purpose
- arrangements for monitoring and improvement
- the appointment of a fostering services manager.

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Regulation 18	Code of practice
<p><b>Requirements in relation to the provision of the local authority fostering service</b></p> <p>18. The local authority fostering services 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"> <li>• Fostering services providers have clear arrangements for the oversight and governance of their fostering service in order to establish, develop and embed a culture which ensures that the best possible outcomes are achieved for children and foster parents using the local authority fostering service and to meet the requirements of the Regulations.</li> <li>• This includes but is not limited to: <ul style="list-style-type: none"> <li>○ policies and procedures to achieve the aims of the statement of purpose and place children and foster parents at the centre of the fostering service</li> <li>○ systems for monitoring and review which support evidence-based practice and enable children and foster parents to achieve their personal outcomes</li> <li>○ processes to ensure care and support is delivered consistently and reliably</li> <li>○ safe staffing arrangements, underpinned by professional development, to meet the care and support needs of children and to support foster parents using the fostering service</li> <li>○ quality and audit systems to review progress and inform the development of the fostering service</li> <li>○ a proactive approach to equal opportunities and diversity, and</li> <li>○ suitable and accessible premises.</li> </ul> </li> </ul>

<b>Regulation 19</b>	<b>Code of Practice</b>
<p><b>Content of statement of purpose</b></p> <p>19. The local authority fostering services provider must prepare a statement of purpose which contains the information listed in Schedule 2.</p>	<ul style="list-style-type: none"> <li>• The statement of purpose is fundamental to the fostering service. It must: <ul style="list-style-type: none"> <li>○ accurately describe the services provided,</li> <li>○ state where and how these services will be provided, and</li> <li>○ state the arrangements to support the delivery of the services.</li> </ul> </li> <li>• It must include the information set out in Schedule 2 to the Regulations.</li> <li>• In preparing a statement of purpose, the local authority takes into account of any statement of purpose guidance provided by the Welsh Government.</li> </ul>
<b>Regulation 20</b>	<b>Code of Practice</b>
<p><b>Requirements in relation to statement of purpose</b></p> <p>20. —(1) The local authority fostering services provider must provide the service in accordance with the statement of purpose.  (2) The local authority fostering services provider must—  (a) keep the statement of purpose under review, and  (b) where appropriate, revise the statement of purpose.  (3) The local authority fostering services 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.  (4) The persons who must be given notice of any revision to the statement of purpose in accordance with paragraph (3) are—</p>	<ul style="list-style-type: none"> <li>• Fostering services providers review and update the statement of purpose at least annually or earlier if changes are being made to the services provided.</li> <li>• Where there is an intention to change the services being provided, the statement of purpose is updated to reflect the change. The local authority notifies those persons set out in regulation 20(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.</li> <li>• Where a change to the statement of purpose is proposed, the local authority provides Care Inspectorate Wales with</li> </ul>

<p>(a) the Welsh Ministers, (b) any child placed by the local authority fostering services provider, unless it would not be appropriate to do so having regard to the child's age and understanding, (c) the parents of any such child, (d) foster parents or prospective foster parents, (e) persons working for the purposes of the local authority fostering service.</p> <p>(5) The local authority fostering services 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>	<p>any additional information it may need to satisfy itself that it can provide the services proposed.</p> <ul style="list-style-type: none"><li>• Where the statement of purpose is updated, a record is maintained of the new version and date of amendment.</li><li>• A copy of the statement of purpose is readily available to those listed in regulation 20(4).</li></ul>
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Regulation 21	Code of Practice
<p><b>Requirements in relation to monitoring and improvement</b></p> <p>21. (1) The local authority fostering services provider must ensure that there are effective arrangements in place for monitoring, reviewing and improving the quality of care and support provided to children placed by the fostering services provider.</p> <p>(2) Those arrangements must include arrangements for seeking the views of—</p> <p>(a) any child placed by the local authority fostering services provider,</p> <p>(b) the parents of any such child, unless this is inappropriate or inconsistent with the child’s well-being,</p> <p>(c) foster parents, and</p> <p>(d) persons working for the purposes of the local authority fostering service</p> <p>on the quality of the service.</p> <p>(3) When making any decisions on plans for improvement of the quality of care and support provided by the service, the local authority fostering services provider must take into account the views of those persons consulted in accordance with paragraph (2).</p>	<ul style="list-style-type: none"> <li>• Fostering services providers have systems and processes in place to monitor, review and improve the quality of the fostering service. This will include identifying: <ul style="list-style-type: none"> <li>○ who is responsible for ensuring this is done</li> <li>○ how this will be done</li> <li>○ how often this takes place</li> <li>○ how the results will be fed back to and considered by local authority chief officers and elected members.</li> </ul> </li> <li>• 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. Fostering services providers seek professional/expert advice as needed and in a timely manner to help secure improvements.</li> <li>• Fostering services providers can demonstrate how they have: <ul style="list-style-type: none"> <li>○ analysed and responded to the information gathered,</li> <li>○ used the information to make improvements.</li> </ul> </li> <li>• Fostering services 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.</li> <li>• The systems and processes are continually reviewed to make sure they enable the fostering services provider to identify where quality of services are being, or may be, compromised and to enable an appropriate timely response.</li> </ul>

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|  | <ul style="list-style-type: none"><li>• As part of the quality review process, fostering services providers:<ul style="list-style-type: none"><li>○ encourage feedback</li><li>○ regularly seek the views of the relevant people about the quality of the fostering service</li><li>○ are able to demonstrate they have done this and the nature of the feedback they have received.</li></ul></li><li>• The methods used to engage with and gain the views of those listed in regulation 21(2) using the fostering service are appropriate to their age, level of understanding and take into account their specific condition and/or any communication needs.</li></ul> |
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Regulation 22	Code of Practice
<p><b>Requirements in relation to the local authority manager</b></p> <p>22.- (1) Each local authority fostering services provider must appoint one of its officers to be responsible for the management of the service.</p> <p>(2) The local authority fostering services 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"> <li>• Fostering services providers give written notification to Care Inspectorate Wales without delay as required by the Regulation.</li> </ul>
Regulation 23	Code of Practice
<p><b>Fitness requirements for appointment of manager</b></p> <p>23.—(1) The local authority fostering services 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 54(2) (fitness of staff) are met in respect of that person.</p>	<ul style="list-style-type: none"> <li>• Fostering services 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"> <li>○ the manager is appropriately qualified</li> <li>○ the manager is registered with Social Care Wales</li> <li>○ the manager is experienced in delivering a fostering service</li> <li>○ the vetting of prospective managers includes the relevant checks required by legislation to assure the responsible individual that the person is fit and able to work with children.</li> </ul> </li> </ul>

Regulation 24	Code of Practice
<p><b>Requirements in relation to the manager</b></p> <p>24.—(1) A local authority fostering services provider must ensure that the person who is appointed as the manager—</p> <p>(a) is supported to carry out their duties effectively, and</p> <p>(b) undertakes appropriate training.</p> <p>(2) The local authority fostering service provider must ensure that the manager complies with the requirements of Part 13 (duties to be carried out by the local authority fostering services manager) of these Regulations.</p> <p>(3) In the event that the local authority fostering services provider has reason to believe that the manager has not complied with a requirement imposed by the regulations in Part 13, the provider must take such action as is necessary to ensure that the requirement is complied with.</p> <p>(4) The local authority fostering services 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"> <li>• Fostering services providers have arrangements in place for regular formal discussion with, and support for, the manager.</li> <li>• Fostering services providers support the manager to undertake training which enables them to carry out their role effectively and to meet the aims of the local authority fostering service as outlined in the statement of purpose and in line with practice guidance recommended by Social Care Wales.</li> <li>• 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 local authorities ensures that appropriate and robust arrangements are in place for the management of the local authority fostering service during the vacancy.</li> </ul>

## Chapter 3: Requirements on independent fostering services providers and local authority fostering services providers

This chapter applies to independent fostering services providers and local authority fostering services providers.

Parts 6 to 11 of the Regulations set out the way in which fostering services providers provide their fostering services in respect to:

- General requirements relating to safeguarding, the provision of information, meeting the language and communication needs of a child and treating children with respect and sensitivity. This also sets out the requirement to keep records.
- Policies, procedures and other standards a fostering services provider must have in place. This also contains specific requirements in relation to ensuring children are safe and protected from abuse, neglect and improper treatment, including the action to be taken in the event of an allegation or evidence of abuse.
- Ensuring children access health, education and other services.
- Support and other assistance to be given for foster parents.
- Staffing, including the deployment of sufficient numbers of staff and the fitness of individuals working at the fostering service. This also includes requirements relating to supporting and developing staff, providing information to staff and the operation of a suitable disciplinary procedure.

### General Requirements

Regulation 25	Guidance / Code of Practice
<p><b>Compliance with foster care agreement</b></p> <p>25.—The fostering services provider must monitor the foster parents' compliance with the requirements of the foster care agreement, as set out at Schedule 8.</p>	<ul style="list-style-type: none"><li>• Fostering services providers have effective arrangements in place to monitor and review the obligations placed upon foster parents as set out in the foster care agreement.</li><li>• Fostering services providers have effective arrangements in place to ensure foster parents take action to comply with the foster care agreement where it is identified they are not currently doing so.</li></ul>

Regulation 26	Guidance / Code of Practice
<p><b>Safeguarding</b></p> <p>26. The fostering services provider must put arrangements in place to ensure that children placed by it are safe and are protected from abuse, neglect and improper treatment.</p>	<ul style="list-style-type: none"> <li>• 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.</li> <li>• Staff and foster parents can access up to date safeguarding policy and procedures.</li> <li>• Staff and foster parents receive training relevant to their role to understand safeguarding and protecting vulnerable individuals.</li> <li>• Staff training is ongoing at regular intervals in line with local safeguarding recommendations.</li> <li>• Staff are aware of their individual responsibilities for raising concerns to ensure the safety and well-being of children.</li> <li>• Fostering services providers make provision to support staff raising safeguarding concerns (whistleblowing).</li> <li>• Fostering services providers work in partnership with other relevant professionals and agencies and participate in the safeguarding process.</li> <li>• Records of safeguarding referrals and outcomes are maintained to enable oversight and scrutiny of safeguarding within the fostering service. Protection of vulnerable individuals must be overseen by the manager and responsible individual / local authority fostering services manager, and within the governance structure, with</li> </ul>

	<p>arrangements for oversight at board / chief officer level.</p> <ul style="list-style-type: none"> <li>• Fostering services providers ensure outcomes arising from any safeguarding referral is communicated to the individual in a method appropriate to their age, level of understanding and takes into account their specific condition and any communication needs.</li> </ul>
<p><b>Regulation 27</b></p>	<p><b>Guidance / Code of Practice</b></p>
<p><b>Information about the service etc.</b></p> <p>27.—(1) The fostering services 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 adults,</p> <p>(c) made available to—</p> <p>(i) any child placed by the provider,</p> <p>(ii) any foster parents and prospective foster parents,</p> <p>(iii) the placing authority, and</p> <p>(iv) to others on request, unless this is not appropriate or would be inconsistent with the well-being of an individual.</p> <p>(3) The guide must contain the following information—</p> <p>(a) information about how to raise a concern or make a complaint,</p> <p>(b) information about the availability of independent advocacy services for children who are looked after by a local authority,</p> <p>(c) information about the role and contact details for the</p>	<ul style="list-style-type: none"> <li>• A written guide is available to those listed in regulation 27(2)(c), which provides information about the fostering service.</li> <li>• The guide is in plain language and in a format that reflects the needs, age and level of understanding of those for whom the fostering 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 and visual aids. When required it is explained in the child or foster parent’s preferred method of communication.</li> <li>• Where required, children and foster parents are supported to understand the contents of the guide and what it means for them.</li> <li>• The guide sets out the areas required by regulation 27 (3) and in addition includes the following: <ul style="list-style-type: none"> <li>○ arrangements for introducing the child to the foster parents</li> <li>○ the ethos, culture and priorities of the fostering service - including summary of statement of purpose</li> </ul> </li> </ul>

<p>Children’s Commissioner for Wales.  (4) The fostering services provider must ensure that all 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"> <li>○ the foster parents’ role in the inspection process by CIW</li> <li>○ how to access the most recent inspection report completed by CIW</li> <li>○ key staff who will be supporting the child or foster parent</li> <li>○ how to contact the responsible individual or the local authority fostering services manager</li> <li>○ the complaints procedure and how to make a complaint</li> <li>○ contact details and role of the Public Service Ombudsman for Wales, service regulator and Children’s Commissioner for Wales</li> <li>○ information about the entitlement for looked after children to access independent advocacy services</li> <li>○ arrangements for contributing views on the running of the fostering service</li> <li>○ how children or foster parents can access their own records.</li> </ul>
<p><b>Regulation 28</b></p>	<p><b>Guidance / Code of Practice</b></p>
<p><b>Information for children</b></p> <p>28.—(1) The fostering services 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.  (2) Information provided must be available in an appropriate language, style, presentation and format for children of all ages.</p>	<ul style="list-style-type: none"> <li>● IFSPs / local authorities 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.</li> <li>● Fostering services 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 and personal outcomes</li> </ul>

<p>(3) The fostering services 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"> <li>• Fostering services providers put in place arrangements to enable individuals to understand the information provided.</li> </ul>
<p><b>Regulation 29</b></p>	<p><b>Guidance / Code of Practice</b></p>
<p><b>Language and communication</b></p> <p>29.—(1) The fostering services provider must ensure that the language needs of children are met.</p> <p>(2) The fostering services provider must ensure that children are provided with access to such aids and equipment as may be necessary to facilitate the child’s communication with others.</p>	<ul style="list-style-type: none"> <li>• Fostering services providers have arrangements in place to support foster parents with a child’s language needs. This includes: <ul style="list-style-type: none"> <li>○ communicating with the child in their language of need and choice</li> <li>○ access, where appropriate, to additional means of communication such as PECS, TEACCH, Makaton, BSL.</li> </ul> </li> <li>• Fostering services providers identify a child’s communication needs as part of their determination as to whether the fostering service can meet their needs.</li> <li>• Children and foster parents can understand staff when they communicate with them.</li> <li>• Fostering services provider deliver or work towards actively offering their services in the Welsh language to children or foster parents whose first language is Welsh.</li> </ul>

Regulation 30	Guidance / Code of Practice
<p><b>Respect and sensitivity</b></p> <p>30.—(1) The fostering services 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> <p>(a) respecting the child’s privacy and dignity,</p> <p>(b) respecting the child’s rights to confidentiality,</p> <p>(c) promoting the child’s autonomy and independence, and</p> <p>(d) having regard to any relevant protected characteristics (as defined in section 4 of the Equality Act 2010) of the child.</p>	<ul style="list-style-type: none"> <li>• Fostering services provider support foster parents to ensure that a child is: <ul style="list-style-type: none"> <li>○ listened to, and communicated with, in a courteous and respectful manner, with their care and support needs being prioritised by foster parent</li> <li>○ treated with respect and feels valued.</li> </ul> </li> </ul>
Regulation 31	Guidance / Code of Practice
<p><b>Standards of care and support to children</b></p> <p>31.—The fostering services provider must ensure that foster parents give care and support to a child placed with them—</p> <p>(a) in accordance with the child’s care and support plan,</p> <p>(b) in a way which maintains, protects and promotes the safety and well-being of the child, and</p> <p>(c) in a way which encourages, assists and maintains good personal and professional relationships between the child and the foster parent.</p>	<ul style="list-style-type: none"> <li>• The fostering services providers’ approach to the standards of care and support a foster parent must provide to children placed with them is clearly set out in the statement of purpose.</li> <li>• Fostering services providers ensure the service is responsive and proactive in identifying and mitigating risks.</li> <li>• Foster parents are provided with information on the relevant needs of the child in accordance with the child’s care and support plan.</li> <li>• Foster parents are supported to seek medical advice and professional help for a child (where appropriate) or make a referral to the placing authority where necessary in a timely manner.</li> </ul>

- 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 personal outcomes. This includes, but is not limited to:
  - caring for a 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
  - health promotion.
- Fostering services 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 support in relation to the child's:
  - physical, mental and emotional well being
  - cultural, religious, social or spiritual preferences
  - education, training and recreation needs
  - family and personal relationships
  - control over everyday life and where relevant participation in work
  - intellectual, emotional and behavioural development;
  - rights and entitlements, in particular with regard to the United Nations Convention on the Rights of the Child
  - protection from abuse and neglect.
- Foster parents are supported to enable the child to be as independent as practicable.

	<ul style="list-style-type: none"> <li>• Children and foster parents are supported when the placement ends, both when this is planned or in an emergency.</li> <li>• Foster parents are supported to ensure the child builds and maintains positive relationships</li> </ul>
<b>Regulation 32</b>	<b>Guidance / Code of Practice</b>
<p><b>Duty to promote contact</b></p> <p>32. The fostering services 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"> <li>• 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.</li> <li>• Where necessary, foster parents are supported to deal with any difficult contact issues that may arise or any travel requirements that are needed.</li> <li>• Foster parents are supported to understand any restrictions on contact to protect the child from any significant risk to their safety or welfare.</li> </ul>
<b>Regulation 33</b>	<b>Guidance / Code of Practice</b>
<p><b>Conflicts of interest</b></p> <p>33. The fostering services provider must have effective arrangements in place to identify, record and manage conflicts of interest.</p>	<ul style="list-style-type: none"> <li>• Fostering services providers maintain appropriate systems and take all reasonable steps to make sure actual or perceived conflicts of interest are identified, addressed and recorded in an open way.</li> </ul>

Regulation 34	Guidance / Code of Practice
<p><b>Records with respect to fostering services</b></p> <p>34.—(1) The fostering services provider must maintain the records specified in Schedule 3 for 15 years.</p> <p>(2) The fostering services provider must—</p> <p>(a) ensure that the records specified in Schedule 3 are accurate and up to date,</p> <p>(b) keep all records securely,</p> <p>(c) make arrangements for the records to continue to be kept securely in the event the service closes,</p> <p>(d) make the records available to the Welsh Ministers on request,</p> <p>(e) in the case of an independent fostering services provider, ensure that the records are delivered to the placing authority when the service ceases to be provided in respect of the child to whom the records relate,</p> <p>(f) ensure that children who use the service—</p> <p>(i) are made aware of their right to access their records, and</p> <p>(ii) have such access to their records as is permitted by law.</p>	<ul style="list-style-type: none"> <li>• There is a policy and procedure for the recording and management of records.</li> <li>• Staff are made aware of the policy and have a clear understanding of the procedures for recording and managing records. This includes training in information security and action to be taken where personal information is compromised.</li> <li>• Foster parents are made aware of the policy and procedure for the recording and management of records and are supported to record the listed significant life events for the child. Foster parents understand what information they need to pass to the fostering services provider about the child.</li> <li>• Fostering services providers maintain all the records required for the protection of individuals and the effective running of the fostering service as specified by schedule 3 of the Regulations.</li> <li>• All records are secure, up to date and in good order. They are prepared, maintained and used in accordance with the data protection legislation and other statutory requirements.</li> <li>• Records are stored securely including electronic records which are password protected.</li> <li>• Children, foster parents and staff are given access to any records and information about them held by the fostering services provider in accordance with current legal requirements.</li> </ul>

## Part 7 - Policies, procedures and other standards

Regulation 35	Guidance / Code of Practice
<p><b>Requirement to provide the service in accordance with policies and procedures</b></p> <p>35.—(1) The fostering services provider must ensure that the following policies and procedures are in place for the service—</p> <p>(a) placement and commencement of the service (see regulation 5 (requirement to ensure suitability of the service)),</p> <p>(b) safeguarding (see regulation 36),</p> <p>(c) bullying and absconding (see regulation 38),</p> <p>(d) appropriate use of control or restraint (see regulation 39),</p> <p>(e) deprivation of liberty (see regulation 40),</p> <p>(f) complaints (see regulation 41),</p> <p>(g) whistleblowing (see regulation 42),</p> <p>(h) medication (see regulation 44 (health of children placed with foster parents)),</p> <p>(i) support for foster parents on how to help children manage their money (see regulation 52),</p> <p>(j) supporting and developing staff (see regulation 56),</p> <p>(k) staff discipline (see regulation 58).</p> <p>(2) The fostering services 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 fostering services 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) in an appropriate language, style, presentation and format</p>	<ul style="list-style-type: none"> <li>• Fostering services providers have the policies and procedures in place as required by the Regulations.</li> <li>• Policies and procedures are proportionate to the fostering service fostering 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.</li> <li>• Fostering services providers ensure policies and procedures reflect arrangements for short-term breaks for children, where these are provided by the fostering services provider.</li> <li>• Policies and procedures:             <ul style="list-style-type: none"> <li>○ are aligned to current legislation and national guidance</li> <li>○ provide guidance for staff to ensure that the fostering services provider are provided in line with the statement of purpose</li> <li>○ set expectations to inform children, foster parents and staff about how the fostering service is / are provided.</li> </ul> </li> <li>• Policies, procedures and practices are reviewed and updated in light of changes to practice, changing legislation and best practice recommendations.</li> <li>• Staff, children and foster parents using the fostering service</li> </ul>

<p>for children of all ages and adults</p> <p>(b) appropriate to the needs of children for whom care and support is provided,</p> <p>(c) consistent with the statement of purpose, and</p> <p>(d) kept up to date.</p> <p>(4) The fostering services 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 (f), takes into account the needs of any other children who may be affected by the placement being made.</p> <p>(5) The fostering services provider must ensure that the service is provided in accordance with those policies and procedures.</p>	<p>have the opportunity to be involved in developing policies and procedures.</p> <ul style="list-style-type: none"> <li>• Where changes are made to the statement of purpose the policies and procedures are reviewed and updated to reflect the changes.</li> <li>• Fostering services provider ensure staff have access to, and knowledge and understanding of, the policies and procedures which support them in their role.</li> <li>• All policies and procedures are available on request to the child and/or foster parents who use the fostering service fostering service (and, in the case of an independent fostering services provider, the relevant placing authority).</li> <li>• Policies and procedures are in a format accessible to the child and foster parent; and support is provided to assist the child and/or foster parents' understanding of these.</li> <li>• Systems for monitoring and improvement include those which ensure the fostering services provider is being run in accordance with the policies and procedures.</li> </ul>
<p><b>Regulation 36</b></p>	<p><b>Guidance / Code of Practice</b></p>
<p><b>Policies and procedures on safeguarding</b></p> <p>36.—(1) The fostering services provider must have policies and procedures in place—</p> <p>(a) for the prevention of abuse, neglect and improper</p>	<ul style="list-style-type: none"> <li>• There is a safeguarding policy and procedure in place.</li> <li>• Policies and procedures are aligned to current legislation, national guidance and local children's safeguarding procedures.</li> </ul>

<p>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 fostering services provider must ensure that their 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 fostering services provider must—</p> <p>(a) act in accordance with their safeguarding policies and procedures,</p> <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"> <li>• The safeguarding policy and procedures include the individual roles and responsibilities of staff or others working at the fostering service, in 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.</li> <li>• 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 disclosure to the fostering services provider, placing authority (if different) and other relevant partners and agencies.</li> <li>• Fostering services providers ensure foster parents and children are informed of their right to Independent Professional Advocacy under the 2014 Act.</li> </ul>
<p><b>Regulation 37</b></p>	<p><b>Guidance / Code of Practice</b></p>
<p><b>Policies and procedures on bullying and absconding</b></p> <p>37. The fostering services provider must also have the following policies and procedures in place—</p> <p>(a) a policy on the prevention of bullying,</p> <p>(b) procedures for dealing with an allegation of bullying, and</p>	<ul style="list-style-type: none"> <li>• There is a bullying and absconding policy and procedure in place.</li> <li>• Policies and procedures are aligned to current legislation and national guidance.</li> <li>• The bullying and absconding policy and procedures include</li> </ul>

<p>(c) the procedure to be followed when any child placed with foster parents by the provider is absent without permission.</p>	<p>the individual roles and responsibilities of staff or others working at the fostering service, and foster parents, in receiving and reporting allegations of bullying. 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> <ul style="list-style-type: none"> <li>• The bullying and absconding policy and procedures include the individual roles and responsibilities of staff or others working for the fostering 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 the placing authority and other relevant partners and agencies.</li> </ul>
<p><b>Regulation 38</b></p>	<p><b>Guidance / Code of Practice</b></p>
<p><b>Policies on the appropriate use of control and restraint</b></p> <p>38.—(1) The fostering services provider must have a policy and procedures in place on the use of control or restraint.</p> <p>(2) The policies 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 a foster parent to be trained in any methods of control or restraint to be used.</p> <p>(4) The policy and procedures must require a record to be made within 24hrs of any incident in which control or restraint is used .</p>	<ul style="list-style-type: none"> <li>• There is a policy and procedure in place on the appropriate use of control and restraint. This sets out: <ul style="list-style-type: none"> <li>○ the expectation on foster parents for the appropriate use of control, restraint or restrictive practice which reflects current national guidance and legislation, and</li> <li>○ the requirement for training in any methods of control or restraint.</li> </ul> </li> <li>• Fostering services providers ensure a positive 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"> <li>○ meeting the child’s needs for care and support</li> <li>○ the well-being of other members of the foster parent’s family who may be affected by the</li> </ul> </li> </ul>

(5) The fostering services provider must ensure that any control or restraint used by foster parents is carried out in accordance with these policies and procedures.

(6) For the purposes of this regulation, a person controls or restrains a child if that person—

(i) uses, or threatens to use, force to secure the doing of an act which the child resists, or

(ii) restricts the child's liberty of movement, whether or not the child resists, including by the use of physical, mechanical or chemical means.

placement made.

- Staff and foster parents are aware of and understand the policy on the appropriate use of control and restraint and kept informed of any changes made to the policy and procedures.
- Foster parents receive behavioural support training that is relevant to their role and at a suitable level to make sure any control, restraint or restrictive practices are only used proactively and when absolutely necessary, in line with current national guidance.
- Fostering services providers ensure arrangements are in place so that where foster parents are using restraint, they are able to check that it:
  - is used as part of a pro-active approach to behavioural support
  - is proportionate to the risk of harm and the seriousness of that harm to the child receiving care and support or another person
  - takes account of the assessment of the child's needs and their capacity to consent to such treatment
  - follows current legislation and guidance.
- Fostering services providers regularly monitor and review the approach to, and use of, restraint and restrictive practice used by foster parents and report on this within their governance framework.
- Fostering services providers have arrangements in place to ensure incidents are reported on by foster parents within 24 hours.

	<ul style="list-style-type: none"> <li>Records of the use of control and restraint are reviewed and reported upon within the quality of care review.</li> </ul>
<b>Regulation 39</b>	
<b>Prohibition on the use of corporal punishment</b>	
39. The fostering services provider must ensure that foster parents do not use any form of corporal punishment at any time against any child.	
<b>Regulation 40</b>	<b>Guidance / Code of Practice</b>
<b>Deprivation of liberty</b>	
40. The fostering services provider must have a policy and procedure on the deprivation of liberty and ensure that any deprivation of the liberty of a child placed by the provider is carried out in accordance with the policy and procedure.	<ul style="list-style-type: none"> <li>Fostering services 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/Codes of Practice on the deprivation of liberty.</li> <li>Staff and where relevant foster parents, are trained at appropriate intervals and in line with any changes to legislation and guidance/Codes of Practice on the deprivation of liberty.</li> </ul>
<b>Regulation 41</b>	<b>Guidance / Code of Practice</b>
<b>Policies and procedures on complaints</b>	
41.—(1) The fostering services provider must have a complaints policy in place and ensure that the service is operated in accordance with that policy.	<ul style="list-style-type: none"> <li>There is a complaints policy in place. This includes details of the procedures as set out in this regulation.</li> <li>The policy is in an easy to read format, well publicised, readily available and accessible to children and foster parents using the fostering service.</li> </ul>

<p>(2) The fostering services provider must ensure that the following persons are aware of the existence of the complaints policy and take all reasonable steps to give a copy of the complaints policy in an appropriate format or such format as may be requested to—</p> <ul style="list-style-type: none"> <li>(a) any child placed by the provider,</li> <li>(b) the parents of any such child,</li> <li>(c) foster parents and prospective foster parents, and</li> <li>(d) in the case of an independent fostering services provider, the local authority of any child placed by it.</li> </ul> <p>(3) The fostering services provider must ensure that the persons working for the fostering service are informed about, given a copy of and appropriately trained in the operation of the complaints policy.</p>	<ul style="list-style-type: none"> <li>• Children, the parents of any such children and foster parents do not suffer discrimination or disadvantage as a result of making complaints.</li> </ul>
<p>(4) The complaints policy must include procedures for considering complaints made to the fostering services provider by or on behalf of children placed by the provider about—</p> <ul style="list-style-type: none"> <li>(a) the provider,</li> <li>(b) foster parents, and</li> <li>(c) any other matter considered by the provider to be relevant</li> </ul> <p>(5) The complaints policy must include procedures for considering complaints made to the fostering services provider by foster parents about—</p> <ul style="list-style-type: none"> <li>(a) the provider, and</li> <li>(b) any other matter considered by the provider to be relevant.</li> </ul> <p>(6) The complaints policy must include procedures for considering complaints made to the fostering services provider by the parents of any child placed by the provider about—</p> <ul style="list-style-type: none"> <li>(a) the provider, and</li> </ul>	<ul style="list-style-type: none"> <li>• Fostering services providers have a complaints procedure which includes an informal resolution stage and explains: <ul style="list-style-type: none"> <li>○ who can make a complaint and in relation to what</li> <li>○ who to approach to discuss a concern/complaint</li> <li>○ how individuals can be supported to make a complaint</li> <li>○ information about accessing independent advocacy, where available</li> <li>○ how complaints will be dealt with</li> <li>○ the stages and timescales for the process</li> <li>○ how to escalate a concern/complaint to the commissioning authority, Children’s Commissioner and/or CIW.</li> </ul> </li> <li>• Children or foster parents are able to make their complaint in writing or verbally to staff.</li> <li>• Staff are aware and understand the complaints procedures.</li> </ul>

<p>(b) any other matter considered by the provider to be relevant.</p> <p>(7) The complaints procedure must include—</p> <p>(a) the name, address and telephone number of the Welsh Ministers,</p> <p>(b) information about the assistance available to complainants, including assistance on how to access advocacy services.</p>	
<p>(8) The fostering services provider must put effective arrangements in place for dealing with complaints including arrangements for—</p> <p>(a) identifying and investigating complaints,</p> <p>(b) ensuring that appropriate action is taken following an investigation, and</p> <p>(c) keeping records relating to the matters in sub-paragraphs (a) to (b).</p> <p>(9) The fostering services 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>(10) The fostering services provider must—</p> <p>(a) analyse information relating to complains and concerns; and</p> <p>(b) having regard to that analysis, identify any areas for improvement.</p>	<ul style="list-style-type: none"> <li>• Fostering services providers have effective arrangements in place to deal with complaints.</li> <li>• Complaints are acknowledged unless made anonymously.</li> <li>• Staff understand how to respond appropriately to complaints in line with the fostering service provider’s complaints policy and procedures.</li> <li>• Fostering services providers ensure any complaint is acknowledged, addressed promptly and the complainant is kept informed of progress.</li> <li>• A written report is provided to the complainant setting out the outcome of the complaint and any action to be taken.</li> <li>• Consent must be gained 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.</li> <li>• Systems are in place to make sure that all complaints are</li> </ul>

	<p>investigated in accordance with the timescales set out in the fostering services provider's complaints policy. This includes the following:</p> <ul style="list-style-type: none"> <li>○ undertaking a review to establish the level of investigation and immediate action required, including referral to appropriate authorities for investigation (this may include the service regulator or local authority safeguarding teams)</li> <li>○ where areas for improvement or service failures are identified, acting upon these immediately.</li> </ul> <ul style="list-style-type: none"> <li>● Staff and others involved in the investigation of complaints have the right level of knowledge and skill to do this.</li> <li>● Records of complaints are maintained and monitored to identify trends and areas of risk which may require action.</li> <li>● Actions taken in response to complaints are reported on as part of the governance arrangements for the fostering service.</li> </ul>
<p><b>Regulation 42</b></p>	<p><b>Guidance / Code of Practice</b></p>
<p><b>Whistleblowing</b></p> <p>42.—(1) The fostering services provider must ensure that all persons working at the service (including any person allowed to work as a volunteer), foster parents (including prospective foster parents) and children placed by the provider are able to raise concerns about the service.</p> <p>(2) These arrangements must include—</p>	<ul style="list-style-type: none"> <li>● There is a whistleblowing policy in place. This includes: <ul style="list-style-type: none"> <li>○ the procedure for raising a concern</li> <li>○ the safeguards in place for staff, foster parents or prospective foster parents who raise a concern</li> <li>○ how concerns will be investigated.</li> </ul> </li> <li>● Staff and foster parents 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.</li> </ul>

<p>(a) having a whistleblowing policy in place and acting in accordance with that policy,</p> <p>(b) establishing arrangements to enable and support people working at the service to raise such concerns,</p> <p>(c) establishing arrangements to enable and support foster parents, prospective foster parents to raise such concerns, and</p> <p>(d) establishing arrangements to enable and support children who have been placed by the provider to raise such concerns.</p> <p>(3) The fostering services provider must ensure that the arrangements required under this regulation are operated effectively.</p> <p>(4) When a concern is raised, the fostering services provider must ensure that—</p> <p>(a) the concern is investigated,</p> <p>(b) appropriate steps are taken following an investigation, and</p> <p>(c) a record is kept relating to the matters in sub-paragraphs (a) to (b).</p>	<ul style="list-style-type: none"> <li>• Consent and confidentiality are 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.</li> <li>• Children, foster parents and staff do not suffer discrimination or disadvantage as a result of making their concerns known.</li> <li>• 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.</li> </ul>
<p><b>Regulation 43</b></p>	<p><b>Guidance / Code of Practice</b></p>
<p><b>Compliance with policies and procedures by foster parents</b></p> <p>43. The fostering services provider must ensure that foster parents are familiar with, and are required to act in accordance with, the policies and procedures established in accordance with these Regulations.</p>	<ul style="list-style-type: none"> <li>• Fostering services providers have arrangements in place to ensure foster parents are familiar with and adhere to the policies and procedures set out in regulation 35(a)-(h).</li> </ul>

## Part 8 – Health and education

Regulation 44	Guidance / Code of Practice
<p><b>Health of children placed with foster parents</b></p> <p>44.—(1) The fostering services provider must ensure the health and development of children placed with foster parents is promoted.</p> <p>(2) In particular the fostering services provider must put arrangements in place to ensure that—</p> <p>(a) each child is registered with a general practitioner,</p> <p>(b) each child has access to such medical, dental, nursing, psychological and psychiatric advice, treatment and services as the child may require,</p> <p>(c) each child is provided 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</p> <p>(d) each child is provided with guidance, support and advice on health, personal care and health promotion issues appropriate to the child’s needs and wishes.</p> <p>(3) The fostering services 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"> <li>• Fostering services providers have arrangements in place to ensure the health and well-being of children placed with foster parents is promoted. This includes, but not limited to: <ul style="list-style-type: none"> <li>○ ensuring foster parents are supported to ensure a child is healthy and active</li> <li>○ supporting foster parents to ensure a child is registered with a general practitioner</li> <li>○ supporting foster parents to ensure a child can access other primary care services or other specialist services as required</li> <li>○ where appropriate supporting foster parents to ensure a child receives relevant sensory checks and is provided support to access ongoing reviews</li> <li>○ 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</li> <li>○ supporting foster parents to recognise and respond positively to children’s emotional and mental well-being needs especially when they are experiencing difficulty, for example when a child is lonely, distressed, experiencing transition or loss, or experiencing anxiety, depression or other forms of mental illness.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• 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. Foster parents are aware of and understand this policy and procedure.</li> </ul>
<b>Regulation 45</b>	<b>Guidance / Code of Practice</b>
<p><b>Education, employment and leisure activities</b></p> <p>45.—(1) The fostering services provider must put arrangements in place to ensure that the educational attainment of children placed with foster parents is promoted.</p> <p>(2) In particular the fostering services 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, put arrangements in place to ensure foster parents promote the children’s regular attendance at school and participation in school activities, and</p> <p>(c) provide foster parents with such information and assistance, including equipment, as may be necessary to meet the educational needs of children placed with them.</p> <p>(3) The fostering services provider must put arrangements in place to ensure that foster parents promote the leisure interests of children placed with them.</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 fostering services provider must assist</p>	<ul style="list-style-type: none"> <li>• Fostering services providers have arrangements in place to ensure the educational attainment and leisure activity of children placed with foster parents is promoted. This includes, but not limited to: <ul style="list-style-type: none"> <li>○ 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</li> <li>○ supporting the foster parent to understand their role in engaging with the child’s school (or other educational setting)</li> <li>○ supporting foster parents to ensure a child participates fully in education</li> <li>○ 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</li> </ul> </li> </ul>

<p>with the making of, and give effect to, the arrangements made for the child in respect of his or her education, training and employment.</p>	<p>volunteering.</p> <ul style="list-style-type: none"> <li>Fostering services providers have arrangements in place to monitor the educational attainment, progress and school attendance of a child placed with a foster parent.</li> </ul>
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## Part 9 – Premises and equipment

Regulation 46	Guidance / Code of Practice
<p><b>Premises, facilities and equipment - fostering services providers</b></p> <p>46. The fostering services provider must ensure that the premises, facilities and equipment used for the operation of the service are suitable, having regard to the statement of purpose for the service.</p>	<ul style="list-style-type: none"> <li>The location, design and size of the premises are suitable for the fostering service described in the statement of purpose.</li> </ul>
Regulation 47	Guidance / Code of Practice
<p><b>Adequacy of premises</b></p> <p>47. The fostering services provider must ensure that the premises used for the operation of the service have adequate facilities for—</p> <p>(a) the supervision of staff, and</p> <p>(b) the secure storage of records.</p>	<ul style="list-style-type: none"> <li>Fostering services provider have a suitable space within the premises, such as a shared meeting room, to provide privacy for the supervision of staff.</li> <li>Records are stored securely in line with legislative requirements.</li> </ul>

Regulation 48	Guidance / Code of Practice
<p><b>Premises, facilities and equipment - foster parents</b></p> <p>48. (1) The fostering services provider must put arrangements in place to ensure that the premises, facilities and equipment used by foster parents for the provision of the care and support to children are—</p> <p>(a) suitable and safe for the purpose for which they are intended to be used,</p> <p>(b) used in a safe way,</p> <p>(c) properly maintained, and</p> <p>(d) kept clean to a standard which is appropriate for the purpose for which they are being used.</p> <p>(2) The fostering services 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"> <li>Fostering services 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.</li> </ul>

## Part 10 - Support for Foster Parents

Regulation 49	Guidance / Code of Practice
<p><b>Support, training and information for foster parents</b></p> <p>49.—(1) The fostering services 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 fostering services 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 the child in accordance with the child’s care and support plan.</p> <p>(3) The fostering services provider must ensure prospective foster parents receive such training, information and advice as is considered necessary.</p> <p>(4) The fostering services provider must monitor and review the information, training, advice and support provided to foster parents and prospective foster parents and make any improvements to the information, training and advice and support provided which may be necessary.</p>	<ul style="list-style-type: none"> <li>• Fostering services providers ensure foster parents receive 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. Specific areas of support, training and information are set out in these Regulations.</li> <li>• Fostering services providers provide or arrange the provision of training, information and advice as needed for prospective foster parents.</li> <li>• Fostering services 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.</li> <li>• Any recommendations for improvement following a review forms part of the next quality review - see Regulation 72 (independent fostering services providers) or Regulation 85 (local authorities).</li> </ul>
Regulation 50	Guidance / Code of Practice
<p><b>Supervision</b></p> <p>50. The fostering services provider must ensure that foster parents are appropriately supervised.</p>	<ul style="list-style-type: none"> <li>• Fostering services providers have arrangements in place to supervise the foster parents and the child that has been placed with them.</li> </ul>

Regulation 51	Guidance / Code of Practice
<p><b>Effective working relationships</b></p> <p>51. The fostering services provider must—</p> <p>(a) maintain good professional relationships with foster parents; and</p> <p>(b) encourage and assist foster parents to maintain good personal relationships with children placed with them.</p>	<ul style="list-style-type: none"> <li>• Fostering services providers support foster parents to develop and maintain a positive relationship with the child placed with them.</li> </ul>
Regulation 52	Guidance / Code of Practice
<p><b>Supporting children to manage their money</b></p> <p>52.—(1) The fostering services 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 abuse.</p> <p>(3) 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>	<ul style="list-style-type: none"> <li>• Policy and procedures are in place which set out arrangements for supporting foster parents to manage the money of children who are placed with them. This includes: <ul style="list-style-type: none"> <li>○ how children are encouraged and supported to handle their own money</li> <li>○ how children will be supported, including opening and managing individual bank accounts, budgeting and making spending decisions</li> <li>○ how children are supported to understand and manage any associated risks.</li> </ul> </li> <li>• Where children are not able to manage their own money, records and receipts are maintained by the foster parent of any financial transactions undertaken on their behalf.</li> </ul>

## Part 11 - Staffing

Regulation 53	Guidance / Code of Practice
<p><b>Staffing - overarching requirements</b></p> <p>53.—The fostering services 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"> <li>(a) the statement of purpose for the service,</li> <li>(b) the care and support needs of children,</li> <li>(c) the need to support children to achieve their personal outcomes,</li> <li>(d) the need to safeguard and promote the health and welfare of children, and</li> <li>(e) the requirements of these Regulations.</li> </ul>	<ul style="list-style-type: none"> <li>• Fostering services providers have a demonstrable, measurable and systematic approach to determine the number of staff and range of skills/qualifications required to support the needs of children, foster parents and prospective foster parents. This considers, but is not limited to: <ul style="list-style-type: none"> <li>○ the statement of purpose</li> <li>○ the care and support needs of the child</li> <li>○ supporting and supervising foster parents in providing care and support to a child.</li> </ul> </li> <li>• Staffing levels and skill mix are reviewed continuously and adapted to respond to the changing needs of the fostering service.</li> <li>• Arrangements are in place to cover staff sickness or absence to ensure children and foster parents are supported appropriately.</li> <li>• 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 fostering service.</li> </ul>
Regulation 54	Guidance / Code of Practice
<p><b>Fitness of staff</b></p>	<ul style="list-style-type: none"> <li>• Fostering services providers have rigorous selection and vetting systems in place to enable them to make an</li> </ul>

54.—(1) The fostering services provider must not—

- (a) employ a person under a contract of employment to work at the service unless that person is fit to do so,
- (b) allow a volunteer to work at the service unless that person is fit to do so, or
- (c) allow any other person to work at the service in a position in which they may in the course of their duties have regular contact with children who are receiving care and support unless that person is fit to do so.

(2) For the purposes of paragraph (1), a person is not fit to work at the service unless—

- (a) the person is of suitable integrity and good character,
- (b) the person has the qualifications, skills, competence and experience necessary for the work they are to perform,
- (c) the person is able by reason of their health, after reasonable adjustments are made, of properly performing the tasks which are intrinsic to their role,
- (d) the person has provided full and satisfactory information or documentation, as the case may be, in respect of each of the matters specified in Part 1 of Schedule 4, and this information or documentation is available at the service for inspection by the Welsh Ministers, and
- (e) where the person is employed by the fostering services provider to manage the service, the person is registered as a social care manager with Social Care Wales.

(3) The certificate referred to in paragraphs 2 and 3 of Part 1 of Schedule 4 (referred to in this regulation as a DBS certificate) must be applied for by, or on behalf of, the fostering services provider, for the purpose of assessing the suitability of a person for the post referred to in paragraph (1). But this requirement does not apply if the person working at the service is registered with the Disclosure and Barring Service update service (referred

appropriate decision on the appointment or refusal of all staff and volunteers. This includes the information set out in Schedule 4 of the Regulations. This also includes checking the veracity of references and past employment records.

- Where agency staff are deployed, fostering services providers ensure that they are subject to the same checks as permanently employed staff and have evidence to demonstrate the checks have been undertaken. This may include confirmation and checklists supplied by any agency.
- Positive consideration is given to involving children and foster parents in the recruitment of new staff.
- Fostering services 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, IFSPs / LAs should determine whether the person has the necessary skills, qualifications and fitness of character to undertake the role for which they are employed/deployed.
- Where staff no longer meet the required fitness criteria set out in regulation 54(2), fostering services providers take appropriate and timely action. For example this may include:
  - coaching and mentoring
  - providing additional training and supervision.
  - the use of disciplinary procedures.
- **Fostering services providers** ensure staff comply with the

<p>to in this regulation as the DBS update service).</p> <p>(4) Where a person being considered for a post referred to in paragraph (1) is registered with the DBS update service, the fostering services provider must check the person's DBS certificate status for the purpose of assessing the suitability of that person for that post.</p> <p>(5) Where a person appointed to a post referred to in paragraph (1) is registered with the DBS update service, the fostering services provider must check the person's DBS certificate status at least annually.</p> <p>(6) Where a person appointed to a post referred to in paragraph (1) is not registered with the DBS update service, the fostering services provider must apply for a new DBS certificate in respect of that person within three years of the issue of the certificate applied for in accordance with paragraph (3) and thereafter further such applications must be made at least every three years.</p> <p>(7) If any person working at the fostering service is no longer fit to work at the service as a result of one or more of the requirements in paragraph (2) not being met, the fostering services provider must—</p> <p>(a) take necessary and proportionate action to safeguard children, and</p> <p>(b) where appropriate, inform—</p> <p>(i) Social Care Wales,</p> <p>(ii) the Disclosure and Barring Service.</p>	<p>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.</p> <ul style="list-style-type: none"> <li>• Where there are concerns that a member of staff has abused a child or placed a child at risk of abuse, the Disclosure and Barring Service and any relevant professional registration body are notified without delay.</li> </ul>
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**Regulation 55**

**Restrictions on employment**

<p>55.—(1) The fostering services provider must not employ to work for the purposes of the fostering service in a position to which paragraph (2) applies, a person who is—</p> <p>(a) a foster parent approved by the fostering service, or</p> <p>(b) a member of the household of such a foster parent.</p> <p>(2) This paragraph applies to any management, social work or other professional position, unless in the case of a position which is not a management or a social work position, the work is undertaken on an occasional basis, as a volunteer, or for no more than 5 hours in any week.</p>	
<b>Regulation 56</b>	<b>Guidance / Code of Practice</b>
<p><b>Supporting and developing staff</b></p> <p>56.—(1) The fostering services provider must have a policy in place for the support and development of staff.</p> <p>(2) The fostering services provider must ensure that any person working at the service (including a person allowed to work as a volunteer)—</p> <p>(a) receives an induction appropriate to their role,</p> <p>(b) is made aware of their own responsibilities and those of other staff,</p> <p>(c) is required to satisfactorily complete a period of probation,</p> <p>(d) receives appropriate supervision and appraisal,</p> <p>(e) receives core training appropriate to the work to be performed by them,</p> <p>(f) receives specialist training as appropriate, and</p> <p>(g) receives support and assistance to obtain such further training as is appropriate to the work they perform.</p> <p>(3) The fostering services provider must ensure that any person employed to work at the service as a manager is supported to maintain their registration with Social Care Wales.</p>	<ul style="list-style-type: none"> <li>• Fostering services providers ensure they have an induction programme that equips all new staff to be competent in their roles and practice. Staff understand their role and responsibility.</li> <li>• Social care workers complete the relevant induction programme required by Social Care Wales within the defined timescale alongside any service-specific areas.</li> <li>• Staff have access to copies of any relevant codes of professional practice and practice guidance, including any set out by Social Care Wales. The standards specified in these codes and practice guidance are actively promoted.</li> <li>• Where agency staff are deployed, an introduction to the fostering service is provided which includes, but is not limited to: <ul style="list-style-type: none"> <li>○ the statement of purpose</li> <li>○ core policies and procedures</li> <li>○ management arrangements.</li> </ul> </li> </ul>

- 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 individuals using the fostering service.
- 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.
- Staff are supported to undertake training, learning and development to enable them to fulfil the requirements of their role.
- Fostering services providers undertake an annual (or sooner if required) training needs analysis to ensure that staff have the relevant skills and competence to meet the needs of individuals in accordance with the statement of purpose.
- Fostering services providers maintain a written record of all training and supervision, both required and completed.
- Fostering services providers support all staff to complete, where appropriate:
  - core training
  - training and activities required for continuing professional development
  - other training deemed appropriate by the fostering service provider
  - core and specialist training identified by Social Care Wales as consistent with their role.

Regulation 57	Guidance / Code of Practice
<p><b>Information for staff</b></p> <p>57.—(1) The fostering services 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 fostering services provider must ensure that there are 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 Act.</p>	<ul style="list-style-type: none"> <li>• Fostering services 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"> <li>○ ethos and culture</li> <li>○ the conduct expected of staff or other workers</li> <li>○ the roles and responsibilities of staff or other workers</li> <li>○ policies and procedures</li> <li>○ record keeping requirements</li> <li>○ confidentiality and data protection requirements;</li> <li>○ disciplinary procedures</li> <li>○ arrangements for reporting concerns</li> <li>○ arrangements for lone working.</li> </ul> </li> <li>• Fostering services providers ensure staff have access to and understand up-to-date copies of all relevant policies, procedures and codes of practice. They ensure staff have read these during the induction period and test staff members' understanding through supervision and performance reviews.</li> <li>• Fostering services providers ensure staff undertake their duties in line with the requirements of the policies and procedures.</li> <li>• 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.</li> </ul>

Regulation 58	Guidance / Code of Practice
<p><b>Disciplinary procedures</b></p> <p>58.—(1) The fostering services provider must put in place and operate a disciplinary procedure.</p> <p>(2) The disciplinary procedure must include—</p> <p>(a) provision for the suspension, and the taking of action short of suspension, of employees in the interests of the safety or well-being of children using the service, and</p> <p>(b) provision that a failure on the part of an employee to report an incident of abuse, or suspected abuse, to an appropriate person, is grounds on which disciplinary proceedings may be instituted.</p> <p>(3) For the purpose of paragraph (2)(b), an appropriate person is—</p> <p>(a) an officer of the Welsh Ministers,</p> <p>(b) the fostering services provider,</p> <p>(c) the responsible individual,</p> <p>(d) an officer of the local authority,</p> <p>(e) in the case of an incident of abuse or suspected abuse of a child, an officer of the National Society for the Prevention of Cruelty to Children,</p> <p>(f) a police officer,</p> <p>as the case may be.</p>	<ul style="list-style-type: none"> <li>• Fostering services providers have a disciplinary procedure, in line with current employment laws, to deal with employee performance and conduct.</li> <li>• Where the fostering services provider is undertaking a disciplinary procedure against any employee and the employee leaves during the disciplinary process, and the alleged misconduct/lack of capability is of a concerning nature and the employee is registered with Social Care Wales, the fostering services provider notifies Social Care Wales of their concerns.</li> <li>• Fostering services providers ensure staff are aware of and understand the disciplinary procedures and any grievance procedures.</li> <li>• A written report of any disciplinary investigations and action taken is kept on the employee’s file in line with established organisational policies/procedures and data protection requirements.</li> </ul>

## Chapter 4: Requirements on Responsible Individuals (Part 12 of the Regulations)

This chapter applies to independent fostering service providers only. The duties of local authority fostering services managers are set out in Chapter 5 of this document.

Part 12 of the Regulations sets out requirements to ensure that a designated person at an appropriately senior level (the responsible individual) holds accountability, for both service quality and compliance. The Regulations place specific requirements upon the responsible individual (RI) and will enable the service regulator to take action not only against the fostering services provider but also against the RI in the event that regulatory requirements are breached.

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

Regulation 60	Guidance
<p><b>Supervision of management of the service</b></p> <p>60. The responsible individual must supervise the management of the service.</p>	<ul style="list-style-type: none"><li>• The responsible individual follows the fostering services provider’s prescribed systems and processes to enable proper oversight of the management, quality, safety and effectiveness of the service. This includes, but is not limited to, ensuring the service:<ul style="list-style-type: none"><li>○ focuses on the needs of the child and the foster parents</li><li>○ listens to children and foster parents</li><li>○ responds positively to any concerns or complaints</li><li>○ does not place children or foster parents at unnecessary risk</li><li>○ achieves best possible outcomes for children and foster parents</li><li>○ fulfils the statement of purpose</li></ul></li></ul>

	<ul style="list-style-type: none"> <li>○ has adequate numbers of staff who are trained, competent and skilled to undertake their role.</li> <li>• The responsible individual has systems in place to review and assess the way in which the manager implements actions from the findings of internal quality assurance and external inspection reports, within required timescales.</li> <li>• There are clear lines of accountability, delegation and responsibility set out in writing between the responsible individual and the manager (unless the manager is also the responsible individual).</li> <li>• Arrangements are in place for the manager to have direct access to the responsible individual in addition to the opportunity to meet formally as part of the responsible individual's quality reviews (unless the manager is also the responsible individual).</li> <li>• Arrangements are in place to ensure that the manager is supported by supervision and training, and has opportunities to gain skills for professional development that will support them in their role.</li> </ul>
<p><b>Regulation 61</b></p>	<p><b>Guidance</b></p>
<p><b>Visits</b></p> <p>61. (1) The responsible individual must—  (a) visit the premises from which the service is provided,  (b) meet with members of staff who are employed by the</p>	<ul style="list-style-type: none"> <li>• The responsible individual visits the service in person to monitor the performance of the service in relation to its statement of purpose and to inform the oversight and quality review. The visit includes the following: <ul style="list-style-type: none"> <li>○ talking to, with consent and in private, children and foster parents using the service and any</li> </ul> </li> </ul>

<p>independent fostering services provider from each place in respect of which the responsible individual is designated, and (c) meet with the children who have been placed by the independent fostering services provider and their foster parents. (2) The frequency of such visits and meetings is to be determined by the responsible individual, having regard to the statement of purpose, but these must take place at least every three months.</p>	<p>representatives (if applicable) and staff.</p> <ul style="list-style-type: none"> <li>○ inspecting the premises of the fostering services provider, a selection of records of events and any complaints records.</li> </ul> <ul style="list-style-type: none"> <li>● The responsible individual ensures systems are in place to provide evidence that visits are logged and documented</li> </ul>
<p><b>Regulation 62</b></p>	<p><b>Guidance</b></p>
<p><b>Duty to appoint a manager</b></p> <p>62.—(1) The responsible individual must appoint a person to manage the service. But this requirement does not apply if the conditions in paragraph (2) or (3) apply.</p> <p>(2) Where the independent fostering services provider is an individual, the conditions are—</p> <ul style="list-style-type: none"> <li>(a) the independent fostering services provider proposes to manage the service,</li> <li>(b) the independent fostering services provider is fit to manage the service,</li> <li>(c) the independent fostering services provider is registered as a manager with Social Care Wales, and</li> <li>(d) the Welsh Ministers agree to the independent fostering services provider managing the service.</li> </ul> <p>(3) Where the independent fostering services provider is a partnership, body corporate or unincorporated body, the conditions are—</p> <ul style="list-style-type: none"> <li>(a) the independent fostering services provider proposes that the individual designated as the responsible individual for the</li> </ul>	<ul style="list-style-type: none"> <li>● The responsible individual ensures a manager who is registered with Social Care Wales is appointed and in place to manage the delivery of the fostering service on a day to day basis.</li> <li>● The responsible individual takes responsibility and accountability for the appointment of the manager regardless of whether they are directly involved in the recruitment process.</li> <li>● The responsible individual is assured that the person appointed as the manager for the service has the appropriate knowledge, skills and competence to manage the service safely and reliably.</li> <li>● The responsible individual demonstrates that the appointment of the manager has been undertaken with due diligence and in line with the requirements of regulation 54 (fitness of staff).</li> <li>● Where a manager is absent for a period of more than three</li> </ul>

<p>service is to be appointed to manage the service,  (b) that individual is fit to manage the service,  (c) that individual is registered as a manager with Social Care Wales, and  (d) the Welsh Ministers agree to that individual managing the service.</p> <p>(4) For the purposes of paragraph (2)(b), the independent fostering services provider is not fit to manage the service unless the requirements of regulation 54(2) (fitness of staff) are met in respect of the independent fostering services provider.</p> <p>(5) The duty in paragraph (1) is not discharged if the person appointed to manage the service is absent for a period of more than three months.</p>	<p>months, the fostering services provider ensures there is an appropriately qualified, experienced and competent manager, registered with Social Care Wales, in place to manage the fostering service.</p>
<p><b>Regulation 63</b></p>	<p><b>Guidance</b></p>
<p><b>Fitness requirements for appointment of manager</b></p> <p>63.—(1) The responsible individual must not appoint a person to manage the service unless that person is fit to do so.  (2) For the purposes of paragraph (1), a person is not fit to manage the service unless the requirements of regulation 54(2) (fitness of staff) are met in respect of that person.</p>	<ul style="list-style-type: none"> <li>• The responsible individual has suitable arrangements in place to ensure the manager is fit and is capable of running the fostering service in line with its statement of purpose. This includes ensuring: <ul style="list-style-type: none"> <li>○ the manager is appropriately qualified;</li> <li>○ the manager is registered with Social Care Wales</li> <li>○ the manager is experienced in delivering a fostering service</li> <li>○ the vetting of prospective managers includes the relevant checks required by legislation to assure the responsible individual that the person is fit and able to work with children.</li> </ul> </li> </ul>

<b>Regulation 64</b>	<b>Guidance</b>
<p><b>Restrictions on appointing a manager for more than one service</b></p> <p>64.—(1) The responsible individual must not appoint a person to manage more than one service, unless paragraph (2) applies.  (2) This paragraph applies if—  (a) the independent fostering services provider has applied to the Welsh Ministers for permission to appoint a manager for more than one service, and  (b) the Welsh Ministers are satisfied that the proposed management arrangements—  (i) will not have an adverse impact on the care and support provided to children, and  (ii) will provide reliable and effective oversight of each service.</p>	<ul style="list-style-type: none"> <li>• Where a manager is appointed to manage more than one fostering service, this is agreed in advance with the service regulator.</li> </ul>
<b>Regulation 65</b>	<b>Guidance</b>
<p><b>Duty to report the appointment of manager</b></p> <p>65.—(1) On the appointment of a manager in accordance with regulation 62(1) the responsible individual must give notice to —  (a) the independent fostering services provider of—  (i) the name of the person appointed, and  (ii) the date on which the appointment is to take effect; and  (b) Social Care Wales and Welsh Ministers of—  (i) the name, date of birth and Social Care Wales registration number of the person appointed, and</p>	<ul style="list-style-type: none"> <li>• The responsible individual has suitable arrangements in place to: <ul style="list-style-type: none"> <li>○ inform the fostering services provider of the details of the appointment of the manager</li> <li>○ provide the information specified by the Regulations concerning the manager</li> <li>○ notify the service regulator and Social Care Wales when a new manager is appointed.</li> </ul> </li> </ul>

<p>(ii) the date on which the appointment is to take effect.</p> <p>(2) Where an independent fostering service provider who is an individual is to manage the service, that individual must give notice to Social Care Wales of—</p> <p>(a) their name, date of birth and Social Care Wales registration number, and</p> <p>(b) the date from which they will manage the service.</p>	
<p><b>Regulation 66</b></p>	<p><b>Guidance</b></p>
<p><b>Arrangements when manager is absent</b></p> <p>66.—(1) The responsible individual must put suitable arrangements in place to ensure that the service is managed effectively at any time when there is no manager or when the manager is absent from the service.</p> <p>(2) If there is no manager or the manager is absent for a period of more than 28 days, the responsible individual must—</p> <p>(a) inform the independent fostering services provider and the Welsh Ministers, and</p> <p>(b) advise them of the arrangements which have been put in place for the effective management of the service.</p>	<ul style="list-style-type: none"> <li>• The responsible individual has structures in place which ensure that where the manager is not available or is absent for any reason there is an effective and competent deputising system to provide leadership on a day-to-day basis which: <ul style="list-style-type: none"> <li>○ continues to provide support to the foster parents and/or the child placed with the foster parent</li> <li>○ maintains the safety, quality and effectiveness of the fostering service</li> <li>○ ensures minimal disruption to the child or foster parents using the fostering service</li> <li>○ ensures compliance with regulation</li> <li>○ maintains staff professional development.</li> </ul> </li> <li>• Where the manager, registered with Social Care Wales, is unavailable or absent for any reason for more than 28 days, the responsible individual will inform the service regulator in writing and without delay of the reason for the absence and the arrangements for cover.</li> </ul>

Regulation 67	Guidance
<p><b>Oversight of adequacy of resources</b></p> <p>67.—(1) The responsible individual must report to the independent fostering services provider on the adequacy of the resources available to provide the service in accordance with the requirements of these Regulations.</p> <p>(2) Such reports must be made on a quarterly basis.</p> <p>(3) The requirement in paragraph (2) does not apply where the fostering services provider is an individual.</p>	<ul style="list-style-type: none"> <li>• The responsible individual has systems and processes in place that provide information about the fostering 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"> <li>○ staff turnover</li> <li>○ staff sickness levels</li> <li>○ complaints</li> <li>○ safeguarding issues</li> <li>○ inspection reports by the service regulator</li> <li>○ inspection outcomes and or reports from Health and Safety Executive (HSE) and fire service.</li> </ul> </li> <li>• The responsible individual has suitable arrangements in place to alert the fostering services provider immediately where the fostering service is: <ul style="list-style-type: none"> <li>○ not complying with polices and procedures</li> <li>○ failing or unable to meet or address issues raised in inspection reports</li> <li>○ providing a service not included in the statement of purpose.</li> </ul> </li> </ul>
Regulation 68	Guidance
<p><b>Other reports to the independent fostering services provider</b></p> <p>68.—(1) The responsible individual must, without delay, report to the independent fostering services provider—</p> <p>(a) any concerns about the management or provision of the</p>	<ul style="list-style-type: none"> <li>• The responsible individual ensures suitable arrangements are in place to report to the fostering services provider in line with the requirements of regulations 68 and 72.</li> <li>• The responsible individual has a system in place to submit reports to the fostering services provider that accurately reflect overall service quality and performance. This includes</li> </ul>

<p>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.  (2) The requirement in paragraph (1) does not apply where the fostering services provider is an individual.</p>	<p>arrangements for the responsible individual to feed back and communicate any urgent matters requiring immediate action. This includes, but is not limited to:</p> <ul style="list-style-type: none"> <li>○ sudden or unexplained death of children or foster parents using the fostering service</li> <li>○ financial irregularities</li> <li>○ significant concerns raised by the service regulator or commissioners</li> <li>○ any event, which affects staff availability.</li> </ul>
<p><b>Regulation 69</b></p>	<p><b>Guidance</b></p>
<p><b>Duty to ensure there are systems in place to record incidents and complaints</b></p> <p>69. The responsible individual must ensure that there are effective systems in place to record incidents, complaints and matters on which notifications must be made under regulation 8 and 77.</p>	<ul style="list-style-type: none"> <li>• The responsible individual ensures there are suitable arrangements in place for the recording of the matters set out in regulations 8 and 77.</li> <li>• The responsible individual has systems and processes in place to ensure that any records made are kept, legible and accurate.</li> </ul>
<p><b>Regulation 70</b></p>	<p><b>Guidance</b></p>
<p><b>Duty to ensure there are systems in place for keeping of records</b></p> <p>70. The responsible individual must ensure that there are effective systems in place in relation to the records which must be kept under regulation 34, which include systems for ensuring the accuracy and completeness of records.</p>	<ul style="list-style-type: none"> <li>• 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 entries and amendments.</li> </ul>

Regulation 71	Guidance
<p><b>Engagement with children and others</b></p> <p>71.—(1) The responsible individual must put suitable arrangements in place for obtaining the views of—</p> <p>(a) any child placed by the independent fostering services provider,</p> <p>(b) the parents of any such child, unless this is inappropriate or inconsistent with the child’s well-being,</p> <p>(c) foster parents,</p> <p>(d) the placing authority, and</p> <p>(e) staff employed at the service</p> <p>on the quality of care and support provided to children and how this can be improved.</p> <p>(2) The responsible individual must report the views obtained to the independent fostering services 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"> <li>• The responsible individual has suitable arrangements in place to enable feedback on all aspects of service provision and ensure that these arrangements are accessible to, and inclusive of, all those listed under regulation 71(1).</li> <li>• The responsible individual ensures the methods used to engage with and gain the views of children using the fostering service are appropriate to their age, level of understanding and take into account any specific condition or communication need.</li> <li>• The responsible individual has positive relationships with, and is accessible to, people outside the service. This includes but is not limited to: <ul style="list-style-type: none"> <li>○ any parent of a child placed with the service provider</li> <li>○ foster parents</li> <li>○ placing authorities</li> <li>○ regulators</li> <li>○ professional bodies.</li> </ul> </li> </ul>
Regulation 72	Guidance
<p><b>Quality review</b></p> <p>72.—(1) The responsible individual must put suitable arrangements in place to establish and maintain a system for monitoring and reviewing the quality of the service.</p> <p>(2) The system established under paragraph (1) must make</p>	<ul style="list-style-type: none"> <li>• The responsible individual has suitable arrangements in place to assess, monitor and improve the quality and safety of the fostering service. This includes, but is not limited to: <ul style="list-style-type: none"> <li>○ the collation and analysis of feedback from those listed under regulation 71(1)</li> <li>○ issues and lessons learned in the analysis of complaints and safeguarding matters</li> </ul> </li> </ul>

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

(3) As part of any review undertaken, the responsible individual must make arrangements for—

(a) considering the outcome of the engagement with children and others, as required by regulation 74 (engagement with children and others),

(b) analysing the aggregated data on notifications, safeguarding matters, whistleblowing concerns and complaints,

(c) reviewing any action taken in relation to complaints, and

(d) considering the outcome of any audit of the accuracy and completeness of records.

(4) On completion of a review of the quality of the service in accordance with this regulation, the responsible individual must prepare a report to the independent fostering services provider which must include—

(a) an assessment of the standard of care and support provided, and

(b) recommendations for the improvement of the service.

(5) The requirement in paragraph (4) does not apply where the independent fostering services provider is an individual.

- patterns and trends identified through the analysis of notifications, safeguarding matters, whistleblowing concerns and complaints
- the outcome of any inspection reports from regulators
- the outcome of visits to monitor the fostering service by the responsible individual
- audits of records.

- The responsible individual ensures that the audit systems and processes for monitoring and reviewing the service give assurance that a high quality service is provided.
- The responsible individual has suitable arrangements in place to ensure all feedback is listened to, recorded and responded to as appropriate.
- The responsible individual has suitable arrangements in place to ensure areas of learning from complaints, safeguarding and whistleblowing concerns are shared with staff to improve the service and encourage safe, compassionate care practices.
- The responsible individual ensures information is analysed and that recommendations are made to the fostering services provider of how and where the quality and safety of the service can be improved. The report, which includes the information that has informed it (relating to those areas set out above) will inform or form part of the statement of compliance to be included in the fostering services provider's annual return.

<b>Regulation 73</b>	<b>Guidance</b>
<p><b>Statement of compliance with the requirements as to standards of care and support</b></p> <p>73.—(1) The responsible individual must prepare the statement required to be included in the annual return under section 10(2)(b) of the 2016 Act.</p> <p>(2) When preparing the statement, the responsible individual must have regard to the assessment of the standard of care and support which is contained in a report prepared in accordance with regulation 72(4).</p>	<ul style="list-style-type: none"> <li>• The responsible individual has prepared and is accountable for the quality and accuracy of the information provided in the statement of compliance and the fostering services provider’s annual return.</li> </ul>
<b>Regulation 74</b>	<b>Guidance</b>
<p><b>Duty to ensure policies and procedures are up to date</b></p> <p>74. The responsible individual must put suitable arrangements in place to ensure that the policies and procedures of the independent fostering services provider are kept up to date, having regard to the statement of purpose.</p>	<ul style="list-style-type: none"> <li>• The responsible individual ensures suitable arrangements are in place to review policies and procedures, set out in regulation 35, in line with these Regulations.</li> <li>• The responsible individual ensures suitable arrangements are in place to ensure staff and foster parents have access to, and knowledge and understanding of, the policies and procedures which support them in their role in achieving the best possible outcomes for the child.</li> </ul>
<b>Regulation 75</b>	<b>Guidance</b>
<p><b>Support for raising concerns</b></p> <p>75. The responsible individual must ensure that the provider’s</p>	<ul style="list-style-type: none"> <li>• The responsible individual ensures suitable arrangements are in place for: <ul style="list-style-type: none"> <li>○ staff, foster parents and children to be aware of and understand the whistleblowing policy</li> </ul> </li> </ul>

<p>whistleblowing policy is being complied with and that the arrangements to enable and support people working at the service and foster parents to raise such concerns are being operated effectively.</p>	<ul style="list-style-type: none"> <li>○ ensuring staff, foster parents and children understand that concerns are welcomed and sought out, not ignored.</li> </ul>
<p><b>Regulation 76</b></p>	<p><b>Guidance</b></p>
<p><b>Duty of candour</b></p> <p>76. The responsible individual must act in an open and transparent way with—</p> <p>(a) any child who is placed by the independent fostering services provider,</p> <p>(b) the parents of any such child,</p> <p>(c) foster parents and prospective foster parents,</p> <p>(d) the placing authority.</p>	<ul style="list-style-type: none"> <li>• The responsible individual acts in an open and transparent way, also ensuring suitable arrangements are in place in line with the requirements of regulation 9.</li> </ul>
<p><b>Regulation 77</b></p>	<p><b>Guidance</b></p>
<p><b>Notifications</b></p> <p>77.—(1) The responsible individual must notify the Welsh Ministers of the events specified in Schedule 5.</p> <p>(2) The notifications required by paragraph (1) must include details of the event.</p> <p>(3) Unless otherwise stated, notifications must be made without delay and in writing.</p> <p>(4) Notifications must be in such manner and in such form as may be required by the Welsh Ministers.</p>	<ul style="list-style-type: none"> <li>• The responsible individual has suitable arrangements in place to notify the service regulator of events specified in Schedule 5 to the Regulations.</li> </ul>

## **Chapter 5: Duties of local authority fostering services managers (Part 13 of the Regulations)**

This chapter applies to local authority fostering services only. The duties of responsible individuals (RIs) for independent fostering services providers are covered in chapter 4 of this document.

Part 6 of the Regulations describes the duties which must be carried out by the manager employed by the fostering service. These include responsibilities relating to the oversight of the adequacy of resources, making reports to the fostering services provider, ensuring that there are systems in place to record complaints and for the keeping of records, and ensuring that policies and procedures are kept up to date. The fostering services manager must put suitable arrangement in place for engaging with children, parents, foster parents and staff, and is responsible for arranging quality of care reviews.

<b>Regulation 79</b>	<b>Code of Practice</b>
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### **Oversight of adequacy of resources**

79.—(1) The local authority manager must report to the local authority fostering services provider on the adequacy of the resources available to provide the service in accordance with the requirements of these Regulations.

(2) Such reports must be made on a quarterly basis.

- The fostering services provider has systems and processes in place to assist the fostering services manager to provide information about the service and any areas that may need closer observation/consideration and/or improvement. This includes, but is not limited to:
  - staff turnover
  - staff sickness levels
  - complaints
  - safeguarding issues
  - inspection reports by the service regulator
  - inspection outcomes and or reports from Health and Safety Executive (HSE) and fire service.
  
- The fostering services provider has suitable arrangements in place to enable the fostering services manager to alert the head of service and other relevant senior officers immediately where the fostering service is:
  - not complying with policies and procedures
  - failing or unable to meet or address issues raised in inspection reports
  - providing a service not included in the statement of purpose.

Regulation 80	Code of Practice
<p><b>Other reports to the local authority fostering service provider</b></p> <p>80. The local authority manager must, without delay, report to the provider—</p> <p>(a) any concerns about the provision of the service,</p> <p>(b) any significant changes to the way the service is managed or provided, and</p> <p>(c) any concerns that the service is not being provided in accordance with the statement of purpose for the service.</p>	<ul style="list-style-type: none"> <li>• The fostering services provider has suitable arrangements in place to enable the fostering services manager to report the head of service and other senior officers of the authority in line with the requirements of regulations 80 and 85 (quality of care review).</li> <li>• The fostering services provider has a system in place for the submission of reports by the fostering services manager that accurately reflect overall service quality and performance. This includes arrangements for the fostering services manager to feed back and communicate any urgent matters requiring immediate action. This includes, but is not limited to: <ul style="list-style-type: none"> <li>○ sudden or unexplained death of children or foster parents using the fostering service</li> <li>○ financial irregularities</li> <li>○ significant concerns raised by the service regulator or commissioners</li> <li>○ any event, which affects staff availability.</li> </ul> </li> </ul>
Regulation 81	Code of Practice
<p><b>Duty to ensure there are systems in place to record complaints</b></p> <p>81. The local authority manager must ensure that there are effective systems in place to record complaints.</p>	<ul style="list-style-type: none"> <li>• The fostering services manager is aware of, promotes and complies with the complaints procedure in regulation 41.</li> </ul>

Regulation 82	Code of Practice
<p><b>Duty to ensure there are systems in place for keeping of records</b></p> <p><b>82.</b> The local authority manager must ensure that there are effective systems in place in relation to the records which must be kept in accordance with regulation 34, which include systems for ensuring the accuracy and completeness of records.</p>	<ul style="list-style-type: none"> <li>• 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 entries and amendments.</li> </ul>
Regulation 83	Code of Practice
<p><b>Duty to ensure policies and procedures are up to date</b></p> <p><b>83.</b> 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 local authority fostering service.</p>	<ul style="list-style-type: none"> <li>• The fostering services manager ensures that the policies and procedures in regulations 35 to 42 are kept up to date.</li> </ul>

Regulation 84	Code of Practice
<p><b>Engagement with children and others</b></p> <p><b>84.—</b>(1) The local authority manager must put suitable arrangements in place for obtaining the views of—</p> <p>(a) any child placed by the local authority fostering services provider,</p> <p>(b) the parents of any such child, unless this is inappropriate or inconsistent with the child’s well-being,</p> <p>(c) foster parents, and</p> <p>(d) staff employed at the service</p> <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 fostering services 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"> <li>• The fostering services manager has suitable arrangements in place to enable feedback on all aspects of service provision and ensure that these arrangements are accessible to, and inclusive of, all those listed under regulation 84(1).</li> <li>• The fostering services manager ensures the methods used to engage with and gain the views of children using the fostering service are appropriate to their age, level of understanding and take into account any specific condition or communication need.</li> <li>• The fostering services 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"> <li>○ any parent of a child placed with the fostering services provider</li> <li>○ foster parents</li> <li>○ placing authorities</li> <li>○ regulators</li> <li>○ professional bodies.</li> </ul> </li> </ul>
Regulation 85	Code of Practice
<p><b>Quality of care review</b></p> <p><b>85.—</b>(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 care and support provided by the local authority fostering service.</p>	<ul style="list-style-type: none"> <li>• The fostering services manager has suitable arrangements in place to assess, monitor and improve the quality and safety of the fostering service. This includes, but is not limited to: <ul style="list-style-type: none"> <li>○ the collation and analysis of feedback from those listed under regulation 84(1)</li> <li>○ issues and lessons learned in the analysis of</li> </ul> </li> </ul>

<p>(2) The system established under paragraph (1) must make provision for the quality of care and support to be reviewed as often as required but at least every 12 months.</p>	<ul style="list-style-type: none"> <li>○ complaints and safeguarding matters</li> <li>○ patterns and trends identified through the analysis of notifications, safeguarding matters, whistleblowing concerns and complaints</li> <li>○ the outcome of any inspection reports from regulators</li> <li>○ the outcome of visits to monitor the fostering service undertaken by the fostering services manager</li> <li>○ audits of records.</li> </ul> <ul style="list-style-type: none"> <li>● The fostering services manager ensures that the audit systems and processes for monitoring and reviewing the fostering service give assurance that a high quality service is provided.</li> <li>● The fostering services manager has suitable arrangements in place to ensure all feedback is listened to, recorded and responded to as appropriate.</li> <li>● The fostering services manager has suitable arrangements in place to ensure areas of learning from complaints, safeguarding and whistleblowing concerns are shared with staff to improve the service and encourage safe, compassionate care practices.</li> <li>● The fostering services manager ensures information is analysed and that recommendations are made to the fostering service provider of how and where the quality and safety of the fostering service can be improved. The report, which includes the information that has informed it (relating to those areas set out above) will inform or form part of the statement of compliance to be included in the fostering services provider's annual return.</li> </ul>
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Regulation 86	Code of Practice
<p><b>Support for raising concerns</b></p> <p>86. The local authority manager must ensure that the local authority fostering services provider's whistleblowing policy is being complied with and that the arrangements to enable and support people working at the service and foster parents to raise such concerns are being operated effectively.</p>	<ul style="list-style-type: none"> <li>• The fostering services manager ensures suitable arrangements are in place for:               <ul style="list-style-type: none"> <li>○ staff, foster parents and children to be aware of and understand the whistleblowing policy</li> <li>○ ensuring staff, foster parents and children understand that concerns are welcomed and sought out, not ignored.</li> </ul> </li> </ul>

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