

---

WELSH STATUTORY INSTRUMENTS

---

**2003 No. 237**

**The Fostering Services (Wales) Regulations 2003**

**PART II**

**REGISTERED PERSONS AND MANAGEMENT  
OF LOCAL AUTHORITY FOSTERING SERVICE**

**Fostering agency — fitness of provider**

- 5.—(1) A person must not carry on a fostering agency unless the person is fit to do so.
- (2) A person is not fit to carry on a fostering agency unless the person—
- (a) in the case of an independent fostering agency, is an individual who carries on the fostering agency; or
  - (b) is an organisation and—
    - (i) the organisation has given notice to the appropriate office of the National Assembly of the name, address and position in the organisation of an individual (in these Regulations referred to as “the responsible individual”) who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the fostering agency; and
    - (ii) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that—
- (a) the individual is of integrity and good character;
  - (b) the individual is physically and mentally fit to carry on the fostering agency; and
  - (c) full and satisfactory information is available in relation to the individual in respect of each matter specified in Schedule 1.
- (4) A person must not carry on a fostering agency if—
- (a) he or she has been adjudged bankrupt or sequestration of his or her estate has been awarded and (in either case) he or she has not been discharged and the bankruptcy order has not been annulled or rescinded; or
  - (b) he or she has made a composition or arrangement with his or her creditors and has not been discharged in respect of it.

**Fostering agency — appointment of manager**

- 6.—(1) The registered provider must appoint an individual other than the registered provider, to manage the fostering agency.
- (2) Where the registered provider is an organisation, it must not appoint the person who is the responsible individual as the manager.
- (3) The registered provider must forthwith notify the appropriate office of the National Assembly of—

- (a) the name of any person appointed in accordance with this regulation; and
- (b) the date on which the appointment is to take effect.

#### **Fostering agency — fitness of manager**

- 7.—(1) A person must not manage a fostering agency unless he or she is fit to do so.
- (2) A person is not fit to manage a fostering agency unless—
- (a) the person is of integrity and good character;
  - (b) having regard to the size of the fostering agency, its statement of purpose, and the numbers and needs of the children placed by it—
    - (i) the person has the qualifications, skills and experience necessary to manage the fostering agency; and
    - (ii) the person is physically and mentally fit to manage a fostering agency; and
  - (c) full and satisfactory information is available in relation to the person in respect of each matter in Schedule 1.

#### **Registered person — general requirements**

- 8.—(1) The registered provider and the registered manager must, having regard to—
- (a) the size of the fostering agency, its statement of purpose, and the numbers and needs of the children placed by it; and
  - (b) the need to safeguard and promote the welfare of the children placed by the fostering agency,
- carry on or manage the fostering agency (as the case may be) with sufficient care, competence and skill.
- (2) If the registered provider is—
- (a) an individual, he or she must undertake;
  - (b) an organisation, it must ensure that the responsible individual undertakes,
- from time to time such training as is appropriate to ensure that he or she has the experience and skills necessary for carrying on the fostering agency.
- (3) The registered manager must undertake from time to time such training as is appropriate to ensure that he or she has the experience and skills necessary for managing the fostering agency.

#### **Notification of offences**

9. Where the registered person or the responsible individual is convicted of any criminal offence, whether in England and Wales or elsewhere, he or she must forthwith give notice in writing to the appropriate office of the National Assembly of—
- (a) the date and place of the conviction,
  - (b) the offence of which he or she was convicted; and
  - (c) the penalty imposed in respect of the offence.

#### **Local authority fostering service — manager**

- 10.—(1) Each local authority must appoint one of its officers to manage the local authority fostering service, and must forthwith notify the appropriate office of the National Assembly of—
- (a) the name of the person appointed; and

(b) the date on which the appointment is to take effect.

(2) Regulations 7, 8, and 9 are to apply to the manager of a local authority fostering service, in relation to that service, as they apply to the manager of a fostering agency in relation to the fostering agency.

(3) The local authority must forthwith notify the appropriate office of the National Assembly if the person appointed under paragraph (1) ceases to manage the local authority fostering service.