
WELSH STATUTORY INSTRUMENTS

2006 No. 3251

**The Care Standards Act 2000 and the Children Act 1989
(Regulatory Reform and Complaints) (Wales) Regulations 2006**

Amendment of the Fostering Services (Wales) Regulations 2003

5. The Fostering Services (Wales) Regulations 2003⁽¹⁾ are amended as follows —
- (a) Substitute regulation 42(Review of quality of care) with—

“Review of Quality of Care

42.—(1) The fostering service provider must make suitable arrangements to establish and maintain a system for monitoring, reviewing and improving the quality of care given to children placed by the independent fostering agency.

(2) The system established under paragraph (1) must make provision for —

- (a) the quality of care to be reviewed at least annually;
- (b) the matters set out in Schedule 7 to be monitored at appropriate intervals; and
- (c) the fostering service provider to obtain the views of —
- (i) children placed by it;
- (ii) their parents;
- (iii) any foster parent or prospective foster parent of the fostering service
- (iv) the local authority of any child placed by it; and
- (v) persons working for the purposes of the independent fostering agency on the quality of foster care provided, as part of any review undertaken.

(3) Following a review of the quality of foster care, the fostering service provider must within 28 days prepare a report of that review and make a copy of the available report in an appropriate format when requested by —

- (a) children placed by it;
- (b) their parents;
- (c) any foster parent or prospective foster parent of the fostering service;
- (d) the local authority of any child placed by it;
- (e) persons working for the purposes of the independent fostering agency; and
- (f) the National Assembly.

Assessment of Service

42A.—(1) The National Assembly can at any time request the fostering service provider to undertake an assessment of the service provided to children placed by it.

(2) Within 28 days of receiving a request under paragraph (1) the fostering service provider must supply to the appropriate office of the National Assembly the assessment in the form required by the National Assembly.

(3) The fostering service provider must take reasonable steps to ensure that the assessment is not misleading nor inaccurate.

Compliance Notification

42B.—(1) The National Assembly can at any time notify the fostering service provider of the action that in the National Assembly’s view the fostering service provider must take to ensure compliance with the 1989 Act and the 2000 Act and any regulations made under them..

(2) The National Assembly can specify the timescale within which the fostering service provider must take the action required under paragraph (1).

(3) The fostering service provider must notify the appropriate office of the National Assembly of the completion of any action required under paragraph (1).”.

(b) Substitute regulation 18 (Independent fostering agencies — complaints and representations) with —

“Complaints

18.—(1) The fostering service provider must prepare and follow a written procedure (“the complaints procedure”) for considering complaints made to the fostering service provider by or on behalf of children placed by it or foster parents.

(2) The complaints procedure must be appropriate to the needs of children placed by the fostering service provider.

(3) The complaints procedure must include provision for the consideration of complaints made about the fostering service provider.

(4) The fostering service provider must ensure that the following persons are aware of the existence of the complaints procedure and take all reasonable steps to give a copy of the complaints procedure in an appropriate format or such format as may be requested to —

- (a) children placed by it;
- (b) their parents;
- (c) foster parents; and
- (d) the local authority of any child placed by it.

(5) The fostering service provider must ensure that the persons working for the purposes of the independent fostering agency are informed about, given a copy of and appropriately trained in the operation of the complaints procedure.

(6) The complaints procedure must include —

- (a) the name, address and telephone number of the appropriate office of the National Assembly; and
- (b) the procedure, if any, that has been notified to the fostering service provider by the National Assembly for the making of complaints to the National Assembly.

(7) The complaints procedure must include provision for the local resolution of complaints at an early stage where appropriate.

(8) Where the complaints procedure includes provision for a formal consideration, this provision must be approved by the National Assembly.

(9) The approval of the National Assembly under (8) will only be given where the complaints procedure includes provision for the formal consideration to be undertaken by a person who is independent of the management of the independent fostering agency.

Handling Complaints

18A.—(1) The complaints procedure prepared under to regulation 18 must be operated in accordance with the principle that the welfare of the child is safeguarded and promoted and account must be taken of the ascertainable wishes and feelings of the child.

(2) When a complaint is made, the fostering service provider must advise the complainant of their right to at any time complain to the National Assembly or, where relevant, to the local authority of any child placed by it.

(3) The fostering service provider must inform the complainant of the availability of any advocacy services which the fostering service provider believes may be of assistance to the complainant. Where relevant and the complainant is a child, the fostering service provider must advise the complainant that a local authority receiving a complaint must provide information and assistance for complainants, and must in particular offer help in obtaining an advocate.

(4) The fostering service provider can in any case where it is appropriate to do so, and with the agreement of the complainant, make arrangements for conciliation, mediation or other assistance for the purposes of resolving the complaint.

(5) The fostering service provider must keep a written record of any complaint, the outcome of the investigation and any action taken in response.

(6) The fostering service provider must supply to the appropriate office of the National Assembly at its request a statement containing a summary of the complaints made during the preceding twelve months and the action taken in response to each complaint.

Local Resolution

18B.—(1) Complaints that are dealt with locally must be resolved by the fostering service provider as soon as reasonably practicable and in any event within 14 days.

(2) Where the complaint is resolved under paragraph (1), the registered person must confirm in writing to the complainant the agreed resolution.

(3) The fostering service provider must, at the request of the National Assembly or the local authority of any child placed by it, confirm the local resolution of a complaint.

(4) The time limit in paragraph (1) may be extended for up to a further 14 days with the agreement of the complainant.

Formal Consideration

18C.—(1) Complaints that are dealt with by way of formal consideration must be resolved as soon as reasonably practicable and in any event within 35 days of the request for formal consideration.

(2) The outcome of a formal consideration must be confirmed in writing by the fostering service provider to the complainant and must summarise the nature and substance of the complaint, the conclusions and the action to be taken as a result.

(3) The fostering service provider must send a copy of a written response to a complaint to the appropriate office of the National Assembly and the local authority of any child placed by it.

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

(4) The time limit in paragraph (1) may be extended with the agreement of the complainant.

(5) If the complaint has not been resolved within 35 days of the request for formal consideration, the fostering service provider must notify the appropriate office of the National Assembly of the complaint and reasons for the delay in resolution

(6) Where the complainant is a child the fostering service provider must appoint an independent person who shall take part in any consideration of the complaint by the registered person.”