

WELSH STATUTORY INSTRUMENTS

2019 No. 169

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

PART 1

General

Title and commencement

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

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

Commencement Information

II Reg. 1 in force at 29.4.2019, see [reg. 1\(2\)](#)

Interpretation

2. In these Regulations—

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

“the 2015 Regulations” (“*Rheoliadau 2015*”) means the Care Planning, Placement and Case Review (Wales) Regulations 2015 ^{M1};

“the 2017 Registration Regulations” (“*Rheoliadau Cofrestru 2017*”) means the Regulated Services (Registration) (Wales) Regulations 2017 ^{M2};

“the 2018 Regulations” (“*Rheoliadau 2018*”) means the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 ^{M3};

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

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

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

“care and support plan” (“*cynllun gofal a chymorth*”) means a plan for the child made under section 83 of the 2014 Act ^{M4};

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

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

“the Disclosure and Barring Service” (“*y Gwasanaeth Datgelu a Gwahardd*”) and “DBS” (“*GDG*”) mean the body formed by section 87(1) of the Protection of Freedoms Act 2012 ^{M5};

“employee” (“*cyflogai*”) has the same meaning as in section 230(1) of the Employment Rights Act 1996 ^{M6};

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

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

“general practitioner” (“*ymarferydd cyffredinol*”) means a registered medical practitioner ^{M7} who—

- (a) provides primary medical services under Part 4 of the National Health Service (Wales) Act 2006 ^{M8}, or
- (b) provides services which correspond to services provided under Part 4 of the National Health Service (Wales) Act 2006, otherwise than in pursuance of that Act;

“improper treatment” (“*triniaeth amhriodol*”) means discrimination or unlawful restraint, including inappropriate deprivation of liberty under the terms of the Mental Capacity Act 2005 ^{M9};

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

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

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

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

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

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

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

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

“reasonable adjustments” (“*addasiadau rhesymol*”) means such reasonable adjustments as would be required under the Equality Act 2010 ^{M10};

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

“social worker” (“*gweithiwr cymdeithasol*”) means a person who is registered as a social worker in the register maintained by SCW^{M11} under section 80 of the 2016 Act, in [^{F1}the register of social workers in England maintained under section 39(1) of the Children and Social Work Act 2017] or in a corresponding register maintained under the law of Scotland or Northern Ireland;

“staff” (“*staff*”) includes—

- (a) persons employed by the service provider to work at the service as an employee or a worker, and
 - (b) persons engaged by the service provider under a contract for services,
- but does not include persons who are allowed to work as volunteers;

“statement of purpose” (“*datganiad o ddiben*”) means the document containing the information which must be provided in accordance with regulation 3(c) of and Schedule 2 to the 2017 Registration Regulations for the place in relation to which the service is provided^{M12};

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

Textual Amendments

- F1** Words in [reg. 2](#) substituted (2.12.2019) by [The Children and Social Work Act 2017 \(Consequential Amendments\) \(Social Workers\) Regulations 2019 \(S.I. 2019/1094\)](#), [reg. 1](#), [Sch. 3 para. 48\(2\)](#); [S.I. 2019/1436](#), [reg. 2\(b\)](#)

Commencement Information

- I2** [Reg. 2](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Marginal Citations

- M1** [S.I. 2015/1818](#) (W. 261).
- M2** [S.I. 2017/1098](#) (W. 278).
- M3** [S.I. 2018/1333](#) (W. 260). These Regulations are made under section 93 of the Social Services and Well-being (Wales) Act 2014 (anaw 4) and make provision for securing that a child is not placed with a local authority foster parent unless that person is approved as a local authority foster parent by such local authority or a regulated service provider.
- M4** “The 2014 Act” is defined in section 189 of the 2016 Act as the Social Services and Well-being (Wales) Act 2014.
- M5** [2012 c. 9](#).
- M6** [1996 c. 18](#).
- M7** The definition of a “registered medical practitioner” in Schedule 1 to the [Interpretation Act 1978 \(c. 30\)](#) was substituted by [S.I. 2002/3135](#), [Schedule 1](#), [paragraph 10](#) with effect from 16 November 2009.
- M8** [2006 c. 42](#).
- M9** [2005 c. 9](#).
- M10** [2010 c. 15](#), [section 20](#).
- M11** See section 67(3) of the 2016 Act for the definition of Social Care Wales as “SCW”.
- M12** Regulation 3(c) of the 2017 Registration Regulations requires a person who wants to provide a fostering service to provide a statement of purpose for each place in relation to which the service is to be provided.

Changes to legislation:

There are currently no known outstanding effects for the The Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019, PART 1.