
WELSH STATUTORY INSTRUMENTS

2018 No. 1339

**The Local Authority Fostering
Services (Wales) Regulations 2018**

PART 7

Staffing

Staffing - overarching requirements

28. The local authority provider must ensure that at all times a sufficient number of suitably qualified, trained, skilled, competent and experienced staff are deployed to work at the service, having regard to—

- (a) the statement of purpose for the service,
- (b) the care and support needs of children,
- (c) the need to support children to achieve their personal outcomes,
- (d) the need to safeguard and promote the health and welfare of children, and
- (e) the requirements of these Regulations.

Fitness of staff

29.—(1) The local authority 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 required under paragraphs 1 to 9 of Schedule 3, and this information or documentation is available at the service for inspection by the Welsh Ministers, and

(e) where the person is employed by the local authority provider to manage the service, from 1 September 2022, the person is registered as a social care manager⁽¹⁾ with Social Care Wales.

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

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

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

(6) Where a person appointed to a post referred to in paragraph (1) is not registered with the DBS update service, the local authority provider must apply for a new DBS certificate in respect of that person within three years of the issue of the certificate applied for in accordance with paragraph (3) and thereafter further such applications must be made at least every three years.

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

- (a) take necessary and proportionate action to safeguard children, and
- (b) where appropriate, inform—
 - (i) Social Care Wales,
 - (ii) the Disclosure and Barring Service.

Supporting and developing staff

30.—(1) The local authority provider must have a policy in place for the support and development of staff.

(2) The local authority provider must ensure that any person working at the service (including a person allowed to work as a volunteer)—

- (a) receives an induction appropriate to their role,
- (b) is made aware of their own responsibilities and those of other staff,
- (c) receives appropriate supervision and appraisal,
- (d) receives core training appropriate to the work to be performed by them,
- (e) receives specialist training as appropriate, and
- (f) receives support and assistance to obtain such further training as is appropriate to the work they perform.

(3) The local authority provider must ensure that any person employed to work at the service as a manager is supported to maintain any registration with Social Care Wales.

Information for staff

31.—(1) The local authority provider must ensure that all persons working at the service (including any person allowed to work as a volunteer) are provided with information about the service and the way it is provided.

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

(2) The local authority provider must ensure that there are suitable arrangements in place to make staff aware of any codes of practice about the standards of conduct expected of social care workers which are required to be published by Social Care Wales under section 112(1)(a) of the 2016 Act.

Disciplinary procedures

32.—(1) The local authority provider must put in place and operate a disciplinary procedure.

(2) The disciplinary procedure must include—

- (a) provision for the suspension, and the taking of action short of suspension, of employees in the interests of the safety or well-being of children receiving care and support from the service, and
- (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.

(3) For the purpose of paragraph (2)(b), an appropriate person is—

- (a) an officer of the Welsh Ministers,
- (b) the local authority provider,
- (c) an officer of the local authority,
- (d) in the case of an incident of abuse or suspected abuse of a child, an officer of the National Society for the Prevention of Cruelty to Children, or
- (e) a police officer,

as the case may be.

Restrictions on employment

33.—(1) The local authority provider must not employ to work for the purposes of the fostering service in a position to which paragraph (2) applies, a person who is—

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

(2) This paragraph applies to any management, social work or other professional position, unless in the case of a position which is not a management or a social work position, the work is undertaken on an occasional basis, as a volunteer, or for no more than 5 hours in any week.