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WELSH STATUTORY INSTRUMENTS

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**2018 No. 1339**

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

**PART 9**

**Other requirements on local authority providers**

**Records with respect to fostering services**

**37.**—(1) The local authority provider must maintain the records specified in Schedule 2 for 15 years.

(2) The local authority provider must—

- (a) ensure that the records specified in Schedule 2 are accurate and up to date,
- (b) keep the records securely,
- (c) make suitable arrangements for the records to continue to be kept securely in the event the service closes,
- (d) make the records available to the Welsh Ministers on request,
- (e) ensure that children who use the service—
  - (i) are made aware of their rights to access their records, and
  - (ii) have such access to their records as is permitted by law.

**Conflicts of interest**

**38.** The local authority provider must have effective arrangements in place to identify, record and manage potential conflicts of interest.

**Complaints policy and procedures**

**39.**—(1) The local authority provider must have a complaints policy in place and ensure that the service is operated in accordance with that policy.

(2) The complaints policy must include procedures for considering complaints made to the local authority provider by or on behalf of children placed by the provider about—

- (a) the provider,
- (b) foster parents, and
- (c) any other matter considered by the provider to be relevant.

(3) The complaints policy must include procedures for considering complaints made to the local authority provider by or on behalf of any other children who may be affected by the placement made about—

- (a) the provider, and

- (b) any other matter considered by the provider to be relevant.
- (4) The complaints policy must include procedures for considering complaints made to the local authority provider by foster parents about—
  - (a) the provider, and
  - (b) any other matter considered by the provider to be relevant.
- (5) The complaints policy must include procedures for considering complaints made to the local authority provider by the parents of any child placed by the provider about—
  - (a) the provider, and
  - (b) any other matter considered by the provider to be relevant.
- (6) The local authority provider must put effective arrangements in place for dealing with complaints including arrangements for—
  - (a) identifying and investigating complaints,
  - (b) ensuring that appropriate action is taken following an investigation, and
  - (c) keeping records relating to the matters in sub-paragraphs (a) and (b).
- (7) The local authority 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.
- (8) The local authority provider must—
  - (a) analyse information relating to complains and concerns, and
  - (b) having regard to that analysis, identify any areas for improvement.

### **Whistleblowing**

- 40.**—(1) The local authority provider must ensure that all persons working at the service (including any person allowed to work as a volunteer) are able to raise concerns about the service.
- (2) These arrangements must include—
    - (a) having a whistleblowing policy in place and acting in accordance with that policy, and
    - (b) establishing arrangements to enable and support people working at the service to raise such concerns.
  - (3) The local authority provider must ensure that the arrangements required under this regulation are operated effectively.
  - (4) When a concern is raised, the local authority provider must ensure that—
    - (a) the concern is investigated,
    - (b) appropriate steps are taken following an investigation, and
    - (c) a record is kept relating to the matters in sub-paragraphs (a) and (b).