
WELSH STATUTORY INSTRUMENTS

2016 No. 216

**The Social Services and Well-being (Wales)
Act 2014 (Consequential Amendments) and
Care Planning, Placement and Case Review
(Miscellaneous Amendments) (Wales) Regulations 2016**

Amendment of the Fostering Services (Wales) Regulations 2003

- 4.—(1) The Fostering Services (Wales) Regulations 2003(1) are amended as follows.
- (2) In regulation 2 (interpretation)—
- (a) in the appropriate place insert—
- ““the 2014 Act” (*“Deddf 2014”*) means the Social Services and Well-being (Wales) Act 2014;”
- ““the 2015 Regulations” (*“Rheoliadau 2015”*) means the Care Planning, Placement and Case Review (Wales) Regulations 2015;”;
- (b) for the definition of “foster parent” substitute the following—
- ““foster parent” (*“rhiant maeth”*) means a person who is approved as a foster parent—
- (a) under these Regulations, and
- (b) except in regulations 24 to 33, 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);”;
- (c) for the definition of “placement” substitute the following—
- ““placement” (*“lleoliad”*) means any placement of a child with foster parents made by—
- (a) a local authority under section 81 of the 2014 Act, or
- (b) a voluntary organisation under section 59(1)(a) of the 1989 Act,
- which is not a placement for adoption and, except in Part V, includes a placement arranged by an independent fostering agency acting on behalf of a local authority, and references to a child who is placed are to be construed accordingly;”.
- (3) In regulation 3(3)(b)(ii) (statement of purpose and children’s guide), for “section 26(3) of the 1989 Act” substitute “section 174(1) of the 2014 Act”.
- (4) In regulation 30 (case records relating to foster parents and others)—
- (a) in paragraph (2), omit sub-paragraph (e); and
- (b) for paragraph (4) substitute the following—

“(4) A local authority must maintain a case record for each 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 under regulation 28 of those Regulations (temporary approval of a particular prospective adopter as a foster parent) which must include in relation to that person—

- (a) a record in relation to the placement, including the name, age and sex of each child placed, the date on which the placement began and, if the placement has been terminated, the date and circumstances of the termination; and
- (b) the information obtained in relation to the enquiries carried out under regulation 26(2) or regulation 28 (as appropriate) of the 2015 Regulations.”.

(5) For regulation 31 (register of foster parents) substitute the following—

“Register of foster parents

31. The fostering services provider must maintain a register (a “register of foster parents”) and enter in it the following particulars in relation to each foster parent—

- (a) the name, address, date of birth and sex of each foster parent and, in the case of a local authority fostering service, of each person with whom it has placed a child under regulation 26 or regulation 28 of the 2015 Regulations,
- (b) the date of approval and of each review of approval (as the case may be), and
- (c) the current terms of the approval (if any).”.

(6) In regulation 32(2) (retention and confidentiality of records), for “regulation 38(2)” substitute “regulation 26 or regulation 28 of the 2015 Regulations”.

(7) In regulation 33 (general duty of responsible authority)—

- (a) in the opening words, for “A responsible authority” substitute “A voluntary organisation”;
- (b) in paragraph (a), for “(as the case may be section 22(3) or” substitute “section”; and
- (c) in the heading, for “responsible authority” substitute “voluntary organisation”.

(8) In regulation 34 (making of placements)—

- (a) for the opening words of paragraph (1) substitute—
 - “(1) A voluntary organisation may only place a child with a foster parent if—”;
- (b) in paragraph (1)(a)(i), for “responsible authority” substitute “voluntary organisation”;
- (c) in paragraph (2)(d), for “regulation 40” substitute “regulation 29 of the 2015 Regulations (independent fostering agencies – discharge of authority functions)”; and
- (d) in paragraph (3), for “responsible authority” substitute “voluntary organisation”.

(9) In regulation 35 (supervision of placements)—

- (a) for “responsible authority”, in each place it occurs, substitute “voluntary organisation”;
- (b) for “authority”, in each place it occurs, substitute “organisation”; and
- (c) omit paragraph (2).

(10) In regulation 36 (termination of placements)—

- (a) for “responsible authority”, in each place it occurs, substitute “voluntary organisation”; and
- (b) in paragraph (1), for “(as the case may be) section 22(3) or” substitute “section”.

(11) In regulation 37(1) (short term placements), for “responsible authority” substitute “voluntary organisation”.

- (12) Omit regulation 38 (emergency and immediate placements by local authorities).
- (13) In regulation 39 (placements outside Wales), omit paragraph (2).
- (14) Omit regulation 40 (independent fostering agencies – discharge of local authority functions).
- (15) In regulation 42B(1) (compliance notification), for “the 1989 Act and the 2000 Act” substitute “the 1989 Act, the 2000 Act and the 2014 Act”.
- (16) In Schedule 6 (matters and obligations in foster placement agreements)—
 - (a) for “responsible authority”, in each place it occurs, substitute “voluntary organisation”;
and
 - (b) for “authority”, in each place it occurs, substitute “organisation”.