
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 94A of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”) provides that regulations may make provision about the exercise by local authorities of functions conferred on them by regulations made under section 87 (regulations about looked after children) of that Act.

Regulations made under section 87 of the 2014 Act may make further provision about children looked after by local authorities, including regulations about the placing of children with local authority foster parents (section 92 of that Act).

These Regulations impose requirements on local authority fostering services providers, described as “local authority providers” in these Regulations.

Part 1 of these Regulations contains definitions of certain terms used in the Regulations.

Part 2 of these Regulations outlines the general requirements which apply to local authority providers as to the way in which the service is provided, including requirements in relation to the statement of purpose (with Schedule 1 setting out the information to be contained in a statement of purpose prepared by a local authority provider), the arrangements for monitoring and improvement and the requirement to appoint a manager to be responsible for the management of the service.

Part 3 sets out requirements relating to the provision of information. Part 4 sets out requirements as to the standard of care and support to be provided, meeting the language and communication needs of a child and treating children with respect and sensitivity.

Part 5 requires policies and procedures to be in place in relation to safeguarding and the appropriate use of control and restraint. The regulations in this Part place specific requirements as to the action to be taken in the event of an allegation or evidence of abuse, to ensure children are safe and protected from abuse, neglect and improper treatment. This Part also details other policies and procedures which must be in place, including a procedure to be followed when a child who has been placed with foster parents goes absent without permission and a policy and procedures to deal with bullying.

Part 6 sets out requirements to ensure children access health, education and other services.

Part 7 contains requirements as to staffing, which include general requirements as to the deployment of sufficient numbers of staff and specific requirements as to the fitness of individuals working at the service. These requirements apply not just to employees but extend also to volunteers and to other persons working at the fostering service, which would include agency staff. The fitness requirements include a requirement for specific information and documentation to be available in respect of persons working in fostering services, as set out in Schedule 3.

Other requirements contained in Part 7 include requirements relating to supporting and developing staff, providing information to staff and the operation of a suitable disciplinary procedure. To ensure that employees report incidents of abuse to an appropriate person, the regulations in this Part require the provider's disciplinary procedure to provide that a failure to report would itself be grounds for disciplinary proceedings. This Part also includes restrictions on persons who may not be employed by the local authority provider in specified key roles.

Part 8 ensures that premises, facilities and equipment to be used in relation to fostering services are suitable and safe.

Part 9 sets out the requirement to keep records in respect to fostering services and Schedule 2 sets out the specific records which must be kept. This Part also sets out the obligations on a local authority provider in relation to dealing with complaints and whistleblowing concerns.

Changes to legislation: There are currently no known outstanding effects for the The Local Authority Fostering Services (Wales) Regulations 2018. (See end of Document for details)

Part 10 outlines the support and other assistance to be given to foster parents. This Part also requires local authority providers to supervise foster parents and to ensure that foster parents are familiar with and act in accordance with key policies and procedures.

Part 11 describes the duties which must be carried out by the manager employed by the local authority fostering service. These include responsibilities relating to the oversight of the adequacy of resources, making reports to the local authority provider, ensuring that there are systems in place to record complaints and ensuring that policies and procedures are kept up to date.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Changes to legislation:

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