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## WELSH STATUTORY INSTRUMENTS

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# 2018 No. 1339

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

### PART 1

#### General

#### Title and commencement

1.—(1) The title of these Regulations is the Local Authority Fostering Services (Wales) Regulations 2018.

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

#### Interpretation

2. In these Regulations—

“the 2014 Act” (“*Deddf 2014*”) means the Social Services and Well-being (Wales) Act 2014;

“the 2016 Act” (“*Deddf 2016*”) means the Regulation and Inspection of Social Care (Wales) Act 2016 <sup>F1</sup>;

“the 2015 Regulations” (“*Rheoliadau 2015*”) means the Care Planning, Placement and Case Review (Wales) Regulations 2015 <sup>F2</sup>;

“the 2018 Regulations” (“*Rheoliadau 2018*”) means the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018 <sup>F3</sup>;

“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 authority which is looking after the child;

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

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

“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 <sup>F4</sup>;

“employee” (“*cyflogai*”) has the same meaning as in section 230(1) of the Employment Rights Act 1996 <sup>F5</sup>;

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

“general practitioner” (“*ymarferydd cyffredinol*”) means a registered medical practitioner <sup>F6</sup> who—

(a) provides primary medical services under Part 4 of the National Health Service (Wales) Act 2006<sup>F7</sup>, 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<sup>F8</sup>,

“local authority foster parent” (“*rhiant maeth awdurdod lleol*”) has the same meaning as that given in section 197 of the 2014 Act, 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);

“local authority fostering service” (“*gwasanaeth maethu awdurdod lleol*”) means any service provided in Wales by a local authority which consists of or includes the placement of children with foster parents or exercising functions in connection with such a placement, and “service” (“*gwasanaeth*”) is to be construed accordingly;

“local authority manager” (“*rheolwr awdurdod lleol*”) means the person appointed by the local authority fostering services provider as manager under regulation 7;

“local authority provider” (“*darparwr awdurdod lleol*”) means the local authority providing the local authority fostering services;

“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 foster parents under section 81(5), (6)(a) and (b) of the 2014 Act;

“reasonable adjustments” (“*addasiadau rhesymol*”) means such reasonable adjustments as would be required under the Equality Act 2010<sup>F9</sup>;

“Social Care Wales” (“*Gofal Cymdeithasol Cymru*”) has the meaning given in section 67(3) of the 2016 Act;

“social worker” (“*gweithiwr cymdeithasol*”) means a person who is registered as a social worker in the register maintained by Social Care Wales under section 80 of the 2016 Act, in [<sup>F10</sup>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 local authority provider to work at the service as an employee or a worker, and
- (b) persons engaged by the local authority 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 Schedule 1 for the place in relation to which the service is provided;

“worker” (“*gweithiwr*”) has the same meaning as in section 230(3) of the Employment Rights Act 1996<sup>F11</sup>.

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| <b>F1</b>  | 2016 anaw 2.  |
| <b>F2</b>  | <a href="#">S.I. 2015/1818</a> (W. 261).  |
| <b>F3</b>  | <a href="#">S.I. 2018/1333</a> (W. 260). These Regulations are made under section 93 of the 2014 Act 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. |
| <b>F4</b>  | <a href="#">2012 c. 9</a> .   |
| <b>F5</b>  | <a href="#">1996 c. 18</a> .  |
| <b>F6</b>  | The definition of a “registered medical practitioner” in Schedule 1 to the <a href="#">Interpretation Act 1978</a> (c. 30) was substituted by <a href="#">S.I. 2002/3135</a> , <a href="#">Schedule 1</a> , paragraph 10 with effect from 16 November 2009.                                     |
| <b>F7</b>  | <a href="#">2006 c. 42</a> .  |
| <b>F8</b>  | <a href="#">2005 c. 9</a> .   |
| <b>F9</b>  | <a href="#">2010 c. 15</a> .  |
| <b>F10</b> | Words in <a href="#">reg. 2</a> substituted (coming into force in accordance with reg. 1 of the amending S.I.) by <a href="#">The Children and Social Work Act 2017 (Consequential Amendments) (Social Workers) Regulations 2019</a> (S.I. 2019/1094), <a href="#">Sch. 3 para. 47(2)</a>       |
| <b>F11</b> | <a href="#">1996 c. 18</a> .  |

**Changes to legislation:**

There are currently no known outstanding effects for the The Local Authority Fostering Services (Wales) Regulations 2018, PART 1.