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WELSH STATUTORY INSTRUMENTS

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**2018 No. 1339**

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

**PART 2**

General requirements for local authority providers

**Requirements in relation to the provision of the local authority fostering service**

3. The local authority provider must ensure that the service is provided with sufficient care, competence and skill, having regard to the statement of purpose.

**Content of statement of purpose**

4. The local authority provider must prepare a statement of purpose which contains the information listed in Schedule 1.

**Requirements in relation to statement of purpose**

5.—(1) The local authority provider must provide the service in accordance with the statement of purpose.

(2) The local authority provider must—

- (a) keep the statement of purpose under review, and
- (b) where appropriate, revise the statement of purpose.

(3) The local authority provider must give notice to the persons listed in paragraph (4) of any revision to be made to the statement of purpose at least 28 days before it is to take effect.

(4) The persons who must be given notice of any revision to the statement of purpose in accordance with paragraph (3) are—

- (a) the Welsh Ministers,
- (b) any child placed by the local authority provider, unless it would not be appropriate to do so having regard to the child's age and understanding,
- (c) the parents of any such child,
- (d) foster parents and prospective foster parents,
- (e) persons working for the purposes of the local authority fostering service.

(5) The local authority provider must provide the up to date statement of purpose to any person on request, unless it is not appropriate to do so or would be inconsistent with the well-being of a child.

**Requirements in relation to monitoring and improvement**

6.—(1) The local authority provider must ensure that there are effective arrangements in place for monitoring, reviewing and improving the quality of the service.

- (2) Those arrangements must include arrangements for seeking the views of—
- (a) any child placed by the local authority provider,
  - (b) the parents of any such child, unless this is inappropriate or inconsistent with the child's well-being,
  - (c) foster parents,
  - (d) persons working for the purposes of the local authority fostering service, and
  - (e) any area authority,

on the quality of the service.

(3) When making any decisions on plans for improvement of the quality of the service, the local authority provider must take into account the views of those persons consulted in accordance with paragraph (2).

### **Requirement to appoint a local authority manager**

7.—(1) The local authority provider must appoint [<sup>F1</sup>an officer] to be responsible for the management of the service.

- (2) The local authority provider must immediately give notice in writing to the Welsh Ministers—
- (a) of the name of the person appointed as manager,
  - (b) of the date on which the appointment is to take effect,
  - (c) if the person appointed as manager ceases to manage the local authority fostering service.

<p><b>F1</b> Words in <a href="#">reg. 7(1)</a> substituted (29.4.2019) by <a href="#">The Local Authority Fostering Services (Wales) (Amendment) Regulations 2019 (S.I. 2019/545)</a>, regs. 1(2), 2(a)</p>
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### **Fitness requirements for appointment of manager**

8.—(1) The local authority provider must not appoint a person to manage the service unless that person is fit to do so.

(2) For the purposes of paragraph (1), a person is not fit to manage the service unless the requirements of regulation 29(2) (fitness of staff) are met in respect of that person.

### **Other requirements in relation to the manager**

9.—(1) The local authority provider must ensure that the person who is appointed as the manager—

- (a) is supported to carry out their duties effectively, and
- (b) undertakes appropriate training.

(2) The local authority provider must ensure that the manager complies with the requirements of Part 11 (duties of local authority managers).

(3) In the event that the local authority provider has reason to believe that the manager has not complied with a requirement imposed by the regulations in Part 11, the provider must take such action as is necessary to ensure that the requirement is complied with.

(4) The local authority provider must put suitable arrangements in place to ensure that the service is managed effectively at any time when there is no manager appointed or when the manager is absent from the service.

### Requirement to provide the service in accordance with policies and procedures

10.—(1) The local authority provider must ensure that the following policies and procedures are in place for the service—

- (a) safeguarding (see regulation 20),
- (b) appropriate use of control or restraint (see regulation 21),
- (c) bullying (see regulation 24),
- (d) absence (see regulation 25),
- (e) medication (see regulation 26 (access to health services)),
- (f) supporting and developing staff (see regulation 30),
- (g) staff discipline (see regulation 32),
- (h) complaints (see regulation 39),
- (i) whistleblowing (see regulation 40),
- (j) support for foster parents on how to help children manage their money (see regulation 45).

(2) The local authority provider must also have such other policies and procedures in place as are reasonably necessary to support the aims and objectives of the service set out in the statement of purpose.

(3) The local authority provider must ensure that the content of the policies and procedures which are required to be in place by virtue of paragraphs (1) and (2) is—

- (a) appropriate to the needs of children for whom care and support is provided,
- (b) consistent with the statement of purpose, and
- (c) kept up to date.

(4) The local authority provider must put arrangements in place to ensure that the service is provided in accordance with its policies and procedures.

(5) The local authority provider must ensure that the content of the policies and procedures which are required to be in place under paragraph (1)(a), (b), (c) and (h) takes into account the needs of any other children who may be affected by the placement being made.

### Duty of candour

11. The local authority provider must act in an open and honest way with—

- (a) any child placed by it,
- (b) the parents of any such child,
- (c) foster parents and prospective foster parents,
- [<sup>F2</sup>(d) in the case of a child who is placed with an area authority, that area authority.]
- <sup>F3</sup>(e) .....

<b>F2</b>	Reg. 11(d) substituted (29.4.2019) by The Local Authority Fostering Services (Wales) (Amendment) Regulations 2019 (S.I. 2019/545), regs. 1(2), <b>2(c)(i)</b>
<b>F3</b>	Reg. 11(e) omitted (29.4.2019) by virtue of The Local Authority Fostering Services (Wales) (Amendment) Regulations 2019 (S.I. 2019/545), regs. 1(2), <b>2(c)(ii)</b>

**Changes to legislation:**

There are currently no known outstanding effects for the The Local Authority Fostering Services (Wales) Regulations 2018, PART 2.