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## WELSH STATUTORY INSTRUMENTS

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# 2018 No. 1339

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

### PART 5

#### Requirements on local authority providers - safeguarding

##### Safeguarding – overarching requirements

**19.** The local authority provider must put arrangements in place to ensure that children placed by it are safe and are protected from abuse <sup>F1</sup>, neglect <sup>F2</sup> and improper treatment.

**F1** See section 197(1) of the 2014 Act for the definition of “abuse”.

**F2** See section 197(1) of the 2014 Act for the definition of “neglect”.

##### Safeguarding policies and procedures

**20.—**(1) The local authority provider must have policies and procedures in place—

- (a) for the prevention of abuse, neglect and improper treatment, and
- (b) for responding to any allegation or evidence of abuse, neglect or improper treatment.

(2) In this regulation, such policies and procedures are referred to as safeguarding policies and procedures.

(3) The local authority provider must ensure that its safeguarding policies and procedures are operated effectively.

(4) In particular, where there is an allegation or evidence of abuse, neglect or improper treatment, the local authority provider must—

- (a) act in accordance with its safeguarding policies and procedures,
- (b) take immediate action to ensure the safety of all children for whom care and support is provided,
- (c) make appropriate referrals to other agencies, and
- (d) keep a record of any evidence or the substance of any allegation, any action taken and any referrals made.

##### The appropriate use of control and restraint

**21.—**(1) The local authority provider must have a policy and procedures in place on the use of control or restraint.

(2) The policy and procedures must prohibit care and support being provided in a way which includes acts intended to control or restrain a child unless those acts—

- (a) are necessary to prevent a risk of harm posed to the child or other persons or likely serious damage to property, and
  - (b) are a proportionate response to such a risk.
- (3) The policy and procedures must require foster parents to be trained in any methods of control or restraint to be used.
- (4) The policy and procedures must require foster parents to—
- (a) make a record of any incident in which control or restraint is used, and
  - (b) notify the local authority provider of any such incident within 24 hours.
- (5) The local authority provider must ensure that any control or restraint used by foster parents is carried out in accordance with these policies and procedures.
- (6) For the purposes of this regulation, a person controls or restrains a child if that person—
- (a) uses, or threatens to use, force to secure the doing of an act which the child resists, or
  - (b) restricts the child's liberty of movement, whether or not the child resists, including by the use of physical, mechanical or chemical means.

#### **Prohibition on the use of corporal punishment**

**22.** The local authority provider must ensure that foster parents do not use any form of corporal punishment at any time against any child.

#### **Deprivation of liberty**

**23.** A child must not be deprived of their liberty for the purpose of receiving care and support without lawful authority.

#### **Policy and procedures on bullying**

**24.** The local authority provider must have in place a policy on the prevention of bullying and procedures for dealing with an allegation of bullying.

#### **Procedures when child is absent without permission**

**25.** The local authority provider must ensure that there is a procedure to be followed when any child who has been placed with foster parents by the provider is absent without permission.

**Changes to legislation:**

There are currently no known outstanding effects for the The Local Authority Fostering Services (Wales) Regulations 2018, PART 5.