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WELSH STATUTORY INSTRUMENTS

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**2019 No. 169 (W. 42)**

**SOCIAL CARE, WALES**

**The Regulated Fostering Services (Service Providers  
and Responsible Individuals) (Wales) Regulations 2019**

*Made* - - - - - *31 January 2019*

*Coming into force* *29 April 2019*

**THE REGULATED FOSTERING SERVICES  
(SERVICE PROVIDERS AND RESPONSIBLE  
INDIVIDUALS) (WALES) REGULATIONS 2019**

**PART 1**

**General**

1. Title and commencement
2. Interpretation

**PART 2**

**General requirements on service providers**

3. Requirements in relation to the provision of the service
4. Requirements in relation to the statement of purpose
5. Requirements in relation to monitoring and improvement
6. Requirements in relation to the responsible individual
7. Requirements in relation to the responsible individual where the provider is an individual
8. Requirements in relation to the financial sustainability of the service
9. Requirements to provide the service in accordance with policies and procedures
10. Duty of candour

**PART 3**

**Requirements on service providers as to the steps to be taken before providing care and support**

11. Suitability of the service

*Status: This is the original version (as it was originally made).*

#### PART 4

Requirements on service providers as to the information to be provided to individuals on commencement of the provision of care and support

12. Information about the service

#### PART 5

Requirements on service providers as to the standard of care and support to be provided

13. Standards of care and support – overarching requirements
14. Continuing suitability of the placement
15. Information for children
16. Language and communication
17. Respect and sensitivity
18. Compliance with foster care agreement
19. Duty to promote contact

#### PART 6

Requirements on service providers – safeguarding

20. Safeguarding – overarching requirements
21. Safeguarding policies and procedures
22. The appropriate use of control and restraint
23. Prohibition on the use of corporal punishment
24. Deprivation of liberty
25. Policy and procedures on bullying
26. Procedure when child is absent without permission

#### PART 7

Requirements on service providers to ensure access to health, education and other services

27. Access to health services
28. Education, employment and leisure activities

#### PART 8

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29. Staffing - overarching requirements
30. Fitness of staff
31. Supporting and developing staff
32. Compliance with employer's code of practice
33. Information for staff
34. Disciplinary procedures
35. Restrictions on employment

#### PART 9

Premises, facilities and equipment

36. Premises, facilities and equipment - service providers
37. Adequacy of facilities
38. Premises, facilities and equipment - foster parents

## PART 10

### Other requirements on service providers

- 39. Records with respect to fostering services
- 40. Notifications
- 41. Conflicts of interest
- 42. Complaints policy and procedures
- 43. Whistleblowing

## PART 11

### Support and oversight of foster parents

- 44. Support, training and information for foster parents
- 45. Policies and procedures to foster parents
- 46. Supervision
- 47. Effective working relationships
- 48. Supporting children to manage their money

## PART 12

### Requirements on responsible individuals for ensuring the effective management of the service

- 49. Supervision of management of the service
- 50. Duty to appoint a manager
- 51. Fitness requirements for appointment of manager
- 52. Restrictions on appointing a manager for more than one service
- 53. Duty to report the appointment of manager to service provider
- 54. Duty to report the appointment of manager to SCW and the Welsh Ministers
- 55. Arrangements when manager is absent
- 56. Visits

## PART 13

### Requirements on responsible individuals for ensuring effective oversight of the service

- 57. Oversight of adequacy of resources
- 58. Other reports to the service provider
- 59. Engagement with children and others

## PART 14

### Requirements on responsible individuals for ensuring the compliance of the service

- 60. Duty to ensure there are systems in place to record incidents and complaints
- 61. Duty to ensure there are systems in place for keeping of records
- 62. Duty to ensure policies and procedures are up to date

## PART 15

### Requirements on responsible individuals for monitoring, reviewing and improving the quality of the service

- 63. Quality of care review

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64. Statement of compliance with the requirements as to standards of care and support

#### PART 16

##### Other requirements on responsible individuals

65. Support for staff raising concerns
66. Duty of candour
67. Notifications

#### PART 17

##### Offences

68. Offences - service providers
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#### PART 18

##### Service providers who are liquidated etc. or have died

70. Appointment of liquidators etc.
71. Death of service provider

#### PART 19

##### Regulations under section 21(5) of the 2016 Act

72. Designation of responsible individual by Welsh Ministers  
Signature

## SCHEDULE

### 1

#### PART 1 — Information and documentation to be available in respect of persons working in fostering services

1. Proof of identity including a recent photograph.
2. Where required for the purposes of an exempted question in...
3. Where required for the purposes of an exempted question asked...
4. Two written references, including a reference from the last employer,...
5. Where a person has previously worked in a position whose...
6. Documentary evidence of any relevant qualification.
7. Where relevant, documentary evidence of registration with SCW.
8. A full employment history, together with a satisfactory written explanation...
9. Details of registration with or membership of any professional body....

#### PART 2 — Interpretation of Part 1

10. For the purposes of paragraphs 2 and 3 of Part...

## SCHEDULE

### 2

#### Records to be kept by service providers

1. A record showing in respect of each child placed with...
2. A record of all persons working for the service provider,...
3. A record of all serious accidents and injuries occurring to...

4. A record of all complaints made under the complaints policy...
  5. Date and circumstances of any safeguarding referrals, and the outcome....
  6. Date and circumstances of any incident of control or restraint...
- SCHEDULE 3
- Notifications by the service provider
- PART 1 — Notifications to the Welsh Ministers
1. Any revision to the statement of purpose, 28 days prior...
  2. Service provider (individual or organisation) changes their name.
  3. Where the service provider is a company, any change in...
  4. Where the service provider is an individual, the appointment of...
  5. Where the service provider is a body corporate or partnership,...
  6. Where the service provider is a partnership, death of one...
  7. Where the service provider is a partnership, any change in...
  8. Expected absence of the responsible individual for 28 days or...
  9. Unexpected absence of the responsible individual, no later than 7...
  10. Unexpected absence of the responsible individual for 28 days or...
  11. Return from absence of the responsible individual.
  12. The responsible individual ceases, or proposes to cease, being the...
  13. Any abuse or allegation of abuse in relation to a...
  14. Service provider, responsible individual or appointed manager convicted of criminal...
  15. Any allegation of misconduct by a member of staff.
  16. Serious accident or injury of a child placed with foster...
  17. Any incident which is reported to the police relating to...
  18. Death of a child placed with foster parents.
  19. Any referral to the Disclosure and Barring Service pursuant to...
  20. Instigation and outcome of any child protection enquiry involving a...
  21. Any incident of child sexual or criminal exploitation or any...
  22. Any proposed change to the address of the principal office,...
- PART 2 — Notifications to the placing authority
23. Death of a child placed with foster parents.
  24. Any referral to the Disclosure and Barring Service pursuant to...
  25. Serious accident or injury of a child placed with foster...
  26. Outbreak at the home of foster parents of any infectious...
  27. Allegation that a child placed with foster parents has committed...
  28. Any incident which is reported to the police relating to...
  29. Any incident of a child placed with foster parents being...
  30. Any serious complaint or allegation about any foster parents approved...
  31. Instigation and outcome of any child protection enquiry involving a...
  32. Any incident of child sexual or criminal exploitation or any...
- PART 3 — Notifications to the area authority in whose area the foster home is situated
33. Death of a child placed with foster parents.
  34. Outbreak at the home of foster parents of any infectious...
  35. Any incident of child sexual or criminal exploitation or any...
  36. Instigation and outcome of any child protection enquiry involving a...
  37. Any incident which is reported to the police relating to...

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PART 4 — Notifications to the Local Health Board in whose area the child is placed

- 38. The death of a child placed with foster parents.
- 39. Outbreak at the home of foster parents of any infectious...

PART 5 — Notifications to the police

- 40. Allegation that a child placed with foster parents has committed...
- 41. Any incident of child sexual or criminal exploitation or any...

SCHEDULE Notifications by the responsible individual

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- 1. The appointment of a manager (see regulation 50(1)).
- 2. The expected absence of the appointed manager for 28 days...
- 3. The unexpected absence of the appointed manager, no later than...
- 4. The unexpected absence of appointed manager for 28 days or...
- 5. Return from absence of appointed manager.
- 6. Interim arrangements where the manager is absent for longer than...
- 7. Someone other than the appointed manager is proposing to manage...
- 8. The appointed manager ceases, or proposes to cease, managing the...

Explanatory Note