
WELSH STATUTORY INSTRUMENTS

2019 No. 169

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

PART 10

Other requirements on service providers

Records with respect to fostering services

- 39.**—(1) The service provider must maintain the records specified in Schedule 2 for 15 years.
- (2) The service provider must—
- (a) ensure that the records specified in Schedule 2 are accurate and up to date,
 - (b) keep the records securely,
 - (c) ensure the records are delivered to the placing authority when the service ceases to be provided in respect of the child to whom the records relate,
 - (d) make suitable arrangements for the records to continue to be kept securely in the event the service closes,
 - (e) make the records available to the Welsh Ministers on request,
 - (f) ensure that children who use the service—
 - (i) are made aware of their right to access their records, and
 - (ii) have such access to their records as is permitted by law.

Commencement Information

- II** [Reg. 39](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Notifications

- 40.**—(1) The service provider must notify the Welsh Ministers of the events specified in Part 1 of Schedule 3.
- (2) The service provider must notify the placing authority of the events specified in Part 2 of Schedule 3.
- (3) The service provider must notify the area authority of the events specified in Part 3 of Schedule 3.
- (4) The service provider must notify the Local Health Board in whose area the child is placed of the events specified in Part 4 of Schedule 3.
- (5) The service provider must notify the police of the events specified in Part 5 of Schedule 3.
- (6) The notifications required by paragraph (1) must include details of the event.

(7) Notifications must be made in such manner and in such form as may be required by the Welsh Ministers.

(8) Unless otherwise stated, notifications must be made without delay and in writing.

Commencement Information

I2 Reg. 40 in force at 29.4.2019, see **reg. 1(2)**

Conflicts of interest

41. The service provider must have effective arrangements in place to identify, record and manage potential conflicts of interest.

Commencement Information

I3 Reg. 41 in force at 29.4.2019, see **reg. 1(2)**

Complaints policy and procedures

42.—(1) The service provider must have a complaints policy in place and ensure that the service is operated in accordance with that policy.

(2) The complaints policy must include procedures for considering complaints made to the service provider by or on behalf of children placed by the provider about—

- (a) the provider,
- (b) foster parents, and
- (c) any other matter considered by the provider to be relevant.

(3) The complaints policy must include procedures for considering complaints made to the service provider by or on behalf of any other children who may be affected by the placement made about—

- (a) the provider, and
- (b) any other matter considered by the provider to be relevant.

(4) The complaints policy must include procedures for considering complaints made to the service provider by foster parents about—

- (a) the provider, and
- (b) any other matter considered by the provider to be relevant.

(5) The complaints policy must include procedures for considering complaints made to the service provider by the parents of any child placed by the provider about—

- (a) the provider, and
- (b) any other matter considered by the provider to be relevant.

(6) The service provider must have effective arrangements in place for dealing with complaints including arrangements for—

- (a) identifying and investigating complaints,
- (b) giving an appropriate response to a person who makes a complaint, if it is reasonably practicable to contact that person,
- (c) ensuring that appropriate action is taken following an investigation, and
- (d) keeping records relating to the matters in sub-paragraphs (a) to (c).

(7) The service provider must provide a summary of complaints, responses and any subsequent action taken to the Welsh Ministers within 28 days of being requested to do so.

(8) The service provider must—

- (a) analyse information relating to complaints and concerns, and
- (b) having regard to that analysis, identify any areas for improvement.

Commencement Information

I4 [Reg. 42](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Whistleblowing

43.—(1) The service provider must put arrangements in place to ensure that all persons working at the service (including any person allowed to work as a volunteer) are able to raise concerns about the service.

(2) These arrangements must include—

- (a) having a whistleblowing policy in place and acting in accordance with that policy, and
- (b) establishing arrangements to enable and support people working at the service to raise such concerns.

(3) The service provider must ensure that the arrangements required under this regulation are operated effectively.

(4) When a concern is raised, the service provider must ensure that—

- (a) the concern is investigated,
- (b) appropriate steps are taken following an investigation, and
- (c) a record is kept relating to the matters in sub-paragraphs (a) and (b).

Commencement Information

I5 [Reg. 43](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019, PART 10.