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## WELSH STATUTORY INSTRUMENTS

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### 2019 No. 169

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

### PART 12

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

##### Supervision of management of the service

49. The responsible individual must supervise the management of the service.

##### Commencement Information

II Reg. 49 in force at 29.4.2019, see [reg. 1\(2\)](#)

##### Duty to appoint a manager

50.—(1) The responsible individual must appoint a person to manage the service. But this requirement does not apply if the conditions in paragraph (2) or (3) apply.

(2) Where the service provider is an individual, the conditions are—

- (a) the service provider proposes to manage the service,
- (b) the service provider is fit to manage the service,
- (c) subject to paragraph (6), the service provider is registered as a manager with SCW, and
- (d) the Welsh Ministers agree to the service provider managing the service.

(3) Where the service provider is a partnership, body corporate or unincorporated body, the conditions are—

- (a) the service provider proposes that the individual designated as the responsible individual for the service is to be appointed to manage the service,
- (b) that individual is fit to manage the service,
- (c) subject to paragraph (6), that individual is registered as a manager with SCW, and
- (d) the Welsh Ministers agree to that individual managing the service.

(4) For the purposes of paragraph (2)(b), the service provider is not fit to manage the service unless the requirements of regulation 30(2) (fitness of staff) are met in respect of the service provider.

(5) The duty in paragraph (1) is not discharged if the person appointed to manage the service is absent for a period of more than three months.

(6) The condition in paragraphs (2)(c) and (3)(c) applies only from 1 April 2022.

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**Commencement Information**

**I2** [Reg. 50](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

**Fitness requirements for appointment of manager**

**51.**—(1) The responsible individual 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 30(2) (fitness of staff) are met in respect of that person.

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**Commencement Information**

**I3** [Reg. 51](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

**Restrictions on appointing a manager for more than one service**

**52.**—(1) The responsible individual must not appoint a person to manage more than one service, unless paragraph (2) applies.

(2) This paragraph applies if—

- (a) the service provider has applied to the Welsh Ministers for permission to appoint a manager for more than one service, and
- (b) the Welsh Ministers are satisfied that the proposed management arrangements—
  - (i) will not have an adverse impact on the care and support provided to children, and
  - (ii) will provide reliable and effective oversight of each service.

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**Commencement Information**

**I4** [Reg. 52](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

**Duty to report the appointment of manager to service provider**

**53.** On the appointment of a manager in accordance with regulation 50(1), the responsible individual must give notice to the service provider of—

- (a) the name of the person appointed, and
- (b) the date on which the appointment is to take effect.

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**Commencement Information**

**I5** [Reg. 53](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

**Duty to report the appointment of manager to SCW and the Welsh Ministers**

**54.**—(1) On the appointment of a manager in accordance with regulation 50(1), the responsible individual must give notice to SCW and the Welsh Ministers of—

- (a) the name, date of birth and SCW registration number of the person appointed, and

- (b) the date on which the appointment is to take effect.
- (2) Where a service provider who is an individual is to manage the service, that individual must give notice to SCW of—
  - (a) their name, date of birth and SCW registration number, and
  - (b) the date from which they will manage the service.

**Commencement Information**

**I6** Reg. 54 in force at 29.4.2019, see [reg. 1\(2\)](#)

**Arrangements when manager is absent**

**55.**—(1) The responsible individual must put suitable arrangements in place to ensure that the service is managed effectively at any time when there is no manager or when the manager is absent from the service.

(2) If there is no manager or the manager is absent for a period of more than 28 days, the responsible individual must—

- (a) notify the service provider and the Welsh Ministers, and
- (b) inform them of the arrangements which have been put in place for the effective management of the service.

**Commencement Information**

**I7** Reg. 55 in force at 29.4.2019, see [reg. 1\(2\)](#)

**Visits**

**56.**—(1) The responsible individual must—

- (a) visit the premises from which the service is provided,
- (b) meet with members of staff who are employed by the service provider from each place in respect of which the responsible individual is designated, and
- (c) meet with children who have been placed by the service provider and their foster parents.

(2) The frequency of such visits and meetings is to be determined by the responsible individual, having regard to the statement of purpose, but these must take place at least every three months.

**Commencement Information**

**I8** Reg. 56 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 12.