
WELSH STATUTORY INSTRUMENTS

2019 No. 169

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

PART 2

General requirements on service providers

Requirements in relation to the provision of the service

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

Requirements in relation to the statement of purpose

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

(2) The service provider must—

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

(3) The service 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 with a foster parent by the service 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 fostering service,
- (f)** the placing authority.

(5) The service 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

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

(2) The arrangements must include arrangements for seeking the views of—

- (a)** any child placed with a foster parent by the service 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 fostering service,
 - (e) the placing authority, and
 - (f) in the case of a child who is placed with an area authority, that area authority,
- on the quality of the service and how this can be improved.

(3) When making any decisions on plans for improvement of the quality of the service, a service provider must—

- (a) take into account the views of those consulted in accordance with paragraph (2), and
- (b) have regard to the report prepared by the responsible individual in accordance with regulation 63(4) (quality of care review).

Requirements in relation to the responsible individual

6.—(1) This regulation does not apply to a service provider who is an individual.

(2) A service provider to whom this regulation applies must ensure that the person who is designated as the responsible individual⁽¹⁾—

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

(3) In the event that the service provider has reason to believe that the responsible individual has not complied with a requirement imposed by the regulations in Parts 12 to 16, the provider must—

- (a) take such action as is necessary to ensure that the requirement is complied with, and
- (b) inform the Welsh Ministers.

(4) During any time when the responsible individual is unable to fulfil their duties, the service provider must ensure that there are arrangements in place for—

- (a) the effective management of the service,
- (b) the effective oversight of the service,
- (c) the compliance of the service with the requirements of these Regulations, and
- (d) monitoring, reviewing and improving the quality of the service.

(5) If the responsible individual is unable to fulfil their duties for a period of more than 28 days, the service provider must—

- (a) notify the Welsh Ministers, and
- (b) inform the Welsh Ministers of the interim arrangements.

Requirements in relation to the responsible individual where the provider is an individual

7.—(1) This regulation applies where the provider of a service is an individual.

(2) If this regulation applies, the individual must undertake appropriate training for the proper discharge of their duties as the responsible individual.

(3) During any time when the individual is absent, they must ensure that there are arrangements in place for—

(1) Section 6 of the 2016 Act requires a person who wants to provide a regulated service to make an application for registration to the Welsh Ministers designating an individual as the responsible individual.

- (a) the effective management of the service,
 - (b) the effective oversight of the service,
 - (c) the compliance of the service with the requirements of these Regulations, and
 - (d) monitoring, reviewing and improving the quality of the service.
- (4) If the individual is unable to fulfil their duties as a responsible individual for a period of more than 28 days, they must—
- (a) notify the Welsh Ministers, and
 - (b) inform the Welsh Ministers of the interim arrangements.

Requirements in relation to the financial sustainability of the service

- 8.—(1) The service provider must take reasonable steps to ensure that the service is financially sustainable for the purpose of achieving the aims and objectives set out in the statement of purpose.
- (2) The service provider must maintain appropriate and up to date accounts for the service.
- (3) The service provider must provide copies of the accounts to the Welsh Ministers within 28 days of being requested to do so.
- (4) The Welsh Ministers may require the accounts to be certified by an accountant.

Requirements to provide the service in accordance with policies and procedures

- 9.—(1) The service provider must ensure that the following policies and procedures are in place for the service—
- (a) placement and commencement of the service (see regulation 11 (suitability of the service)),
 - (b) safeguarding (see regulation 21),
 - (c) appropriate use of control or restraint (see regulation 22),
 - (d) bullying (see regulation 25),
 - (e) absence (see regulation 26),
 - (f) medication (see regulation 27 (access to health services)),
 - (g) supporting and developing staff (see regulation 31),
 - (h) staff discipline (see regulation 34),
 - (i) complaints (see regulation 42),
 - (j) whistleblowing (see regulation 43),
 - (k) support for foster parents on how to help children manage their money (see regulation 48).
- (2) The service 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 service 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 service provider must put arrangements in place to ensure that the service is provided in accordance with those policies and procedures.

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

Duty of candour

10. The service provider must act in an open and transparent way with—

- (a) any child placed by the service provider,
- (b) the parents of any such child,
- (c) foster parents and prospective foster parents,
- (d) the placing authority,
- (e) in the case of a child who is placed with an area authority, that area authority.