
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 94A of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”) provides that regulations may make provision about the exercise by local authorities of functions conferred on them by section 87 (regulations about looked after children) of that Act. Regulations made under section 87 of the 2014 Act may make further provision about children looked after by local authorities, including regulations providing for the approval of local authority foster parents by local authority fostering services providers or other specified persons (section 93).

Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”) introduced a new concept of a “regulated service” which is defined in section 2 of that Act. Section 2(1)(e) of the 2016 Act provides that a fostering service is a regulated service, which is defined in paragraph 5 of Schedule 1 to that Act as meaning any service provided in Wales by a person other than a local authority which consists of or includes the placement of children with foster parents or exercising functions in connection with such placement, and which is referred to in these Regulations as “a regulated fostering service”.

These Regulations specify regulated fostering services providers as specified persons who may approve local authority foster parents for the purposes of section 93(1)(a) of the 2014 Act.

These Regulations impose requirements in relation to the establishment and functions of fostering panels on local authority fostering services providers and on regulated fostering services providers, which together are referred to as “fostering services providers”, replacing the requirements set out in Part 4 of the Fostering Services (Wales) Regulations 2003 (S.I. 2003/237 (W. 35)).

Regulation 3 makes provision for the establishment of a central list of people who are considered suitable to sit on a fostering panel, from which fostering panel members may be drawn under regulation 4.

Regulation 5 sets out the functions of fostering panels, in particular, to consider applications for the approval of foster parents and make recommendations as to whether a person is suitable to act as a foster parent. Fostering panels also make recommendations as to whether a person remains suitable to act as a foster parent whenever a review is carried out under regulation 9.

Regulation 6 prescribes minimum attendance requirements for foster panel meetings, and requires each panel to make a written record of its proceedings and the reasons for the recommendations made.

Regulation 7 sets out the requirements for the assessment of prospective foster parents. Under regulation 7(3), the fostering services provider may notify a person that they are not suitable to become a foster parent. If no such notification is given, the fostering services provider must continue to assess the person’s suitability to be a foster parent under regulation 7(5).

Regulation 8 deals with the approval or otherwise of a person to be a foster parent, and sets out the process to be followed where the fostering services provider considers a person to be unsuitable. Regulation 9 provides that a person who is informed they are unlikely to be approved has the right to (a) submit representations to the fostering services provider or (b) have their case reviewed by the independent review panel. Regulation 10 lists the information which the fostering services provider must send to the independent review panel.

The fostering services provider must maintain case records in relation to each foster parent (regulation 11) and a list of each foster parent it has approved and not approved (regulation 12).

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

Regulation 13 sets out the retention periods for the records which must be kept, and requires the records to be stored securely.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ