
WELSH STATUTORY INSTRUMENTS

2003 No. 237

The Fostering Services (Wales) Regulations 2003

PART III

CONDUCT OF FOSTERING SERVICE

Independent fostering agencies — complaints and representations

18.—(1) Subject to paragraph (7), the registered person in respect of an independent fostering agency⁽¹⁾ must establish a written procedure for considering complaints made by or on behalf of children placed by the agency and foster parents approved by it.

(2) The procedure must, in particular, provide—

- (a) for an opportunity for informal resolution of the complaint at an early stage;
- (b) that no person who is the subject of a complaint takes part in its consideration other than, if the registered person considers it appropriate, at the informal resolution stage only;
- (c) for dealing with complaints about the registered person;
- (d) for complaints to be made by a person acting on behalf of a child;
- (e) for arrangements for the procedure to be made known to—
 - (i) children placed by the agency;
 - (ii) their parents;
 - (iii) persons working for the purposes of the independent fostering agency.

(3) A copy of the procedure must be supplied on request to any of the persons mentioned in paragraph (2)(e).

(4) The copy of the procedure supplied under paragraph (3) must include—

- (a) the name, address and telephone number of the appropriate office of the National Assembly; and
- (b) details of the procedure (if any) which has been notified to the registered person by the National Assembly for the making of complaints to it relating to independent fostering agencies.

(5) The registered person must ensure that a written record is made of any complaint or representation, the action taken in response to it, and the outcome of the investigation.

(6) The registered person must ensure that—

- (a) children are enabled to make a complaint or representation; and
- (b) no child is subject to any reprisal for making a complaint or representation.

(1) Representations, including complaints, about the discharge of a local authority's functions under Part III of the 1989 Act and about the provision by a voluntary organisation of accommodation to any child who is not looked after by a local authority, are provided for by sections 26(3) to (8), and 59(4) of the 1989 Act, and the Representations Procedure (Children) Regulations 1991 (S.I. 1991/894, as amended by S.I. 1991/2033, S.I. 1993/3069 and S.I. 2001/2874).

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(7) The registered person must supply to the appropriate office of the National Assembly at its request a statement containing a summary of any complaints made during the preceding twelve months and the action taken in response.

(8) This regulation (apart from paragraph (5) does not apply in relation to any matter to which the Representations Procedure (Children) Regulations 1991⁽²⁾ applies.

(2) See footnote to regulation 18(1).