

---

WELSH STATUTORY INSTRUMENTS

---

**2018 No. 1333**

**The Fostering Panels (Establishment and Functions) (Wales) Regulations 2018**

**Approval of foster parents**

**8.—(1)** A fostering services provider must not approve a person who has been approved as a foster parent by another fostering services provider or by a fostering services provider in England and whose approval has not been terminated.

(2) A fostering services provider must not approve a person as a foster parent unless—

- (a) the provider has completed its assessment of the person's suitability, and
- (b) the provider's fostering panel has considered the application.

(3) A fostering services provider must, in deciding whether to approve a person as a foster parent and as to the terms of any approval, take into account the recommendation of the fostering panel.

(4) No member of the fostering panel may take part in any decision made by a fostering services provider under paragraph (3).

(5) If a fostering services provider decides to approve a person as a foster parent, the provider must—

- (a) give the person notice in writing specifying the terms of the approval as a foster parent, for example, whether it is in respect of a particular named child or children, or number and age range of children, or of placements of any particular kind, or in any particular circumstances, and
- (b) enter into a foster care agreement with the person.

(6) If a fostering services provider considers that a person is not suitable to act as a foster parent, the provider must, subject to paragraph (7)—

- (a) give the person written notice of the proposal not to approve the person as suitable to act as a foster parent (a "determination"), together with the reasons for that proposal and a copy of the fostering panel's recommendation, and
- (b) advise the person that within 28 days of the date of the notice the person may—
  - (i) submit any written representations that the person wishes to make to the fostering services provider; or
  - (ii) apply to the Welsh Ministers for a review of the determination by an independent review panel.

(7) Paragraph (6)(b)(ii) does not apply in a case where the fostering services provider decides that they are no longer of the view that a person is suitable to act or to continue to act, as the case may be, as a foster parent under regulation 7(11).

(8) If within the period referred to in paragraph (6)(b)—

- (a) the fostering services provider does not receive any representations, and
- (b) the person does not apply to the Welsh Ministers for a review by an independent review panel of the determination,

the fostering services provider may proceed to make its decision.

(9) If within the period referred to in paragraph (6)(b) the fostering services provider receives any written representations, the provider must—

- (a) refer the case to the fostering panel for further consideration, and
- (b) make a decision, taking into account any fresh recommendation made by the fostering panel.

(10) If within the period referred to in paragraph (6)(b) the person applies to the Welsh Ministers for a review by an independent review panel of the determination, the fostering services provider must make a decision taking into account the recommendation of the fostering panel and the recommendation of the independent review panel.

(11) As soon as practicable after making the decision referred to in paragraph (8), (9)(b) or (10) as the case may be, the fostering services provider must notify the person in writing and—

- (a) if the decision is to approve the person as a foster parent, comply with paragraph (5) in relation to the person, or
- (b) if the decision is not to approve the person, provide written reasons for its decision.

(12) In a case where an independent review panel has made a recommendation, the fostering services provider must send to the Welsh Ministers a copy of the notification referred to in paragraph (11).