
WELSH STATUTORY INSTRUMENTS

2018 No. 1333

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

Reviews and terminations of approval

9.—(1) The fostering services provider must review the approval of each foster parent in accordance with this regulation.

(2) A review must take place not more than one year after approval and thereafter whenever the fostering services provider considers it necessary, but at intervals of not more than one year.

(3) When undertaking a review, the fostering services provider must—

(a) make such enquiries and obtain such information as considered necessary in order to review whether the foster parent continues to be suitable to act as a foster parent and the foster parent's household continues to be suitable,

(b) seek and take into account the views of—

(i) the foster parent;

(ii) (subject to the child's age and understanding) any child placed with the foster parent, and

(iii) in the case of a regulated fostering services provider, any local authority which has within the preceding year placed a child with the foster parent.

(4) At the conclusion of the review the fostering services provider must prepare a written report setting out whether—

(a) the foster parent continues to be suitable to act as a foster parent and the foster parent's household continues to be suitable, and

(b) the terms of the foster parent's approval continue to be appropriate.

(5) The fostering services provider must on the occasion of the first review under this regulation, and may on any subsequent review, refer their report to the fostering panel for consideration.

(6) If the fostering services provider decides, taking into account any recommendation made by the fostering panel, that the foster parent and the foster parent's household continue to be suitable and that the terms of the foster parent's approval continue to be appropriate, the provider must give written notice to the foster parent of that decision.

(7) If taking into account any recommendation made by the fostering panel, the fostering services provider is no longer satisfied that the foster parent and the foster parent's household continue to be suitable, or that the terms of the approval are appropriate, the provider must (subject to paragraph (9))

(a) give written notice to the foster parent of the proposal to terminate or, as the case may be revise the terms of the foster parent's approval (a "determination"), together with the reasons for that proposal and a copy of any recommendation made by the fostering panel, and

(b) advise the foster parent that within 28 days of the date of the notice the foster parent may—

- (i) submit any written representations that the foster parent 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.

(8) Paragraph (7)(b)(ii) does not apply to 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).

(9) If within the period referred to in paragraph (7)(b)—

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

the fostering services provider may proceed to make its decision.

(10) If within the period referred to in paragraph (7)(b) the fostering services provider receives any written representations, the provider must—

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

(11) If the foster parent applies within the period referred to in paragraph (7)(b) to the Welsh Ministers for a review of the determination by an independent review panel, the fostering services provider must make their decision taking into account any recommendations made by the fostering panel and the recommendation of the independent review panel.

(12) As soon as practicable after making the decision referred to in paragraph (9), (10)(b) or (11), the fostering services provider must give written notice to the foster parent stating, as the case may be—

- (a) that the foster parent and the foster parent's household continue to be suitable, and that the terms of the approval continue to be appropriate,
- (b) that the foster parent's approval is terminated from a specified date, and the reasons for the termination, or
- (c) the revised terms of the approval and the reasons for the revision.

(13) A foster parent may give notice in writing to the fostering services provider at any time that the foster parent no longer wishes to act as a foster parent, whereupon the foster parent's approval is terminated with effect from 28 days from the date on which the notice is received by the fostering services provider.

(14) A copy of any notice given under this regulation must be sent to the local authority for any child placed with the foster parent (unless the local authority is also the fostering services provider).

(15) 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 (13).