

# Inspection framework for regulated fostering services

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

## Introduction

This inspection framework applies to regulated fostering services.

It is based upon the principles set out within the Social Services & Well-being (Wales) Act 2014 (“the 2014 Act”) and the Regulation and Inspection of Social Care (Wales) Act 2016 and specifically created using the Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019 (“the 2019 Regulations”) and the associated statutory guidance.

### Rights based approach

This inspection framework takes into account our commitment to promoting and upholding the rights of children who use care and support services. This includes, but is not limited to the rights of people set out in the following legal frameworks

- The Human Rights Act 1998<sup>1</sup>
- The Equality Act 2010<sup>2</sup>
- The United Nations Convention on the Rights of the Child (UNCRC)<sup>3</sup>
- The United Nations Convention on the Rights of Persons with Disabilities<sup>4</sup>
- The Mental Capacity Act 2005<sup>5</sup>
- The Deprivation of Liberty Safeguards (DoLS)<sup>6</sup>.
- The Welsh Language Standards<sup>7</sup>

Further information on our commitment to upholding human rights within our regulatory and inspection work is set out on our website<sup>8</sup>. Further information on our rights based approach to inspection is also set out in our Code of Practice for Inspection of Regulated Services<sup>9</sup>.

### Well-being and inspection

Our approach to inspection takes account of the principles of the 2014 Act and the legal definition of “well-being”.

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<sup>1</sup> [www.equalityhumanrights.com/en/human-rights/human-rights-act](http://www.equalityhumanrights.com/en/human-rights/human-rights-act)

<sup>2</sup> [www.gov.uk/guidance/equality-act-2010-guidanc](http://www.gov.uk/guidance/equality-act-2010-guidanc)

<sup>3</sup> [www.gov.uk/government/publications/united-nations-convention-on-the-rights-of-the-child-uncrc-how-legislation-underpins-implementation-in-england](http://www.gov.uk/government/publications/united-nations-convention-on-the-rights-of-the-child-uncrc-how-legislation-underpins-implementation-in-england)

<sup>4</sup> <https://www.equalityhumanrights.com/en/our-human-rights-work/monitoring-and-promoting-un-treaties/un-convention-rights-persons-disabilities>

<sup>5</sup> [www.legislation.gov.uk/ukpga/2005/9/contents](http://www.legislation.gov.uk/ukpga/2005/9/contents)

<sup>6</sup> [Due to be replaced by Liberty Protection Safeguards](#)

<sup>7</sup> [www.legislation.gov.uk/wsi/2015/996/schedule/1/made](http://www.legislation.gov.uk/wsi/2015/996/schedule/1/made)

<sup>8</sup> <https://gweddill.gov.wales/docs/cssiw/general/170309humanrightsen.pdf>

<sup>9</sup> [https://careinspectorate.wales/sites/default/files/2019-02/190211-code-of-practice-1-en\\_0.pdf](https://careinspectorate.wales/sites/default/files/2019-02/190211-code-of-practice-1-en_0.pdf)

The primary focus of the inspection is consideration of the national well-being outcomes. The framework supports inspectors to consider evidence for how the service is enabling children it supports to achieve their well-being outcomes.

This inspection framework maps the 2019 Regulations and associated statutory guidance under the three themes of 'Care and Support', 'Leadership and Management' and the 'Environment'.

We believe that the extent to which children's well-being outcomes are achieved will be underpinned by the effectiveness of arrangements in place by regulated service providers in the themes of 'Care and Support', 'Leadership and Management' and 'Environment'.

Where outcomes for children are poor we need to explore the reasons that lie behind this through the lines of enquiry in the framework.

Inspectors will undertake their inspections considering and reporting on our inspection themes of 'Well-being', 'Care and Support', 'Leadership and Management' and the 'Environment'.

## What well-being means

## National well-being Outcomes

## Line of Enquiry

		C&S	L&M	ENV
1. Securing rights and entitlements	<ul style="list-style-type: none"> <li>I know and understand what care, support and opportunities are available and use these to help me achieve my well-being.</li> <li>I can access the right information, when I need it, in the way I want it and use this to manage and improve my well-being.</li> <li>I am treated with dignity and respect and treat others the same.</li> <li>My voice is heard and listened to.</li> <li>My individual circumstances are considered.</li> <li>I speak for myself and contribute to the decisions that affect my life, or have someone who can do it for me.</li> </ul>	1-4	5-7 9-11 16	17
2. Physical and mental health and emotional wellbeing. Also for children: Physical, intellectual, emotional, social and behaviour development	<ul style="list-style-type: none"> <li>I am healthy and active and do things to keep myself healthy.</li> <li>I am happy and do the things that make me happy.</li> <li>I get the right care and support, as early as possible.</li> </ul>	1-4	5-11 16	
3. Protection from abuse and neglect	<ul style="list-style-type: none"> <li>I am safe and protected from abuse and neglect.</li> <li>I am supported to protect the people that matter to me from abuse and neglect.</li> <li>I am informed about how to make my concerns known.</li> </ul>	1-4	5-9 11-16	17
4. Education, training and recreation	<ul style="list-style-type: none"> <li>I can learn and develop to my full potential.</li> <li>I do the things that matter to me.</li> </ul>	1, 2	5-7 10, 11, 13, 16	
5. Domestic, family and personal relationships	<ul style="list-style-type: none"> <li>I belong.</li> <li>I contribute to and enjoy safe and healthy relationships</li> </ul>	1, 2, 4	5-7 9, 11-12, 16	
6. Contribution made to society	<ul style="list-style-type: none"> <li>I engage and make a contribution to my community.</li> <li>I feel valued in society</li> </ul>	1, 2	11, 16	
7. Social and economic well-being.	<ul style="list-style-type: none"> <li>I contribute towards my social life and can be with the people that I choose.</li> <li>I do not live in poverty.</li> <li>I am supported to work.</li> <li>I get the help I need to grow up and be independent.</li> <li>I get care and support through the Welsh language if I want it.</li> </ul>	1, 2	5-7 10, 11, 13, 16	17
8. Suitability of living	<ul style="list-style-type: none"> <li>I live in a home that best supports me to achieve my well-being.</li> </ul>	1-3	5-7, 10, 16	17

**Care and Support**

Area of Assessment		Line of enquiry	Page Number
1	Suitability of the service	<b>Line of Enquiry 1:</b> The extent to which a service provider considers a wide range of views and information to determine a suitable placement which is able to meet the child’s needs for care and support and achieve their personal outcomes. <b>(Regulation 11)</b>	<b>8-9</b>
2	Standards of care and support	<b>Line of Enquiry 2:</b> The extent to which children are provided with care and support they need through a service designed in consultation with children and foster parents and which considers the child’s personal wishes, aspirations and outcomes and any risks and specialist needs which inform their care and support. <b>(Regulation 13-17, 19)</b>	<b>10-12</b>
3	Access to health and other services	<b>Line of Enquiry 3:</b> The extent to which children placed with foster parents are supported to access healthcare and other services to maintain their ongoing health, development and well-being. <b>(Regulation 27-28)</b>	<b>13-14</b>
4	Safeguarding	<b>Line of Enquiry 4:</b> The extent to which service providers have in place mechanisms to safeguard vulnerable children to whom care and support is provided. <b>(Regulation 20-26)</b>	<b>15-17</b>

## Leadership and Management

	Area of Assessment	Line of enquiry	Page Number
5	Overall governance	<b>Line of Enquiry 5:</b> The extent to which the service provider has governance arrangements in place to support the smooth operation of the service and ensures there is a sound basis for providing high quality care and support for children and foster parents using the service in order to enable children to achieve their personal outcomes. <b>(Regulation 3, 6/7, 9)</b>	<b>18-20</b>
6	Statement of purpose	<b>Line of Enquiry 6:</b> The extent to which the service is provided in accordance with the statement of purpose. <b>(Regulation 4)</b>	<b>21</b>
7	Quality assurance	<b>Line of Enquiry 7:</b> The extent to which arrangements are in place for the effective oversight of the service, through ongoing quality assurance processes that review standards of care and compliance with regulations and that information and views obtained are used for the continued development and improvement of the service. <b>(Regulation 5, 49, 56-59, 62-64)</b>	<b>22-26</b>
8	Financial sustainability	<b>Line of Enquiry 8:</b> The extent to which the service provider has oversight of financial arrangements and investment in the service so that it is financially sustainable and supports children and foster parents using the service to achieve their personal outcomes. <b>(Regulation 8)</b>	<b>27</b>
9	Culture	<b>Line of Enquiry 9:</b> The extent to which the service provider operates a culture of openness, honesty and candour at all levels and ensures potential conflicts of interests are managed in an open way. <b>(Regulation 10, 41, 66)</b>	<b>28</b>
10	Information	<b>Line of Enquiry 10:</b> The extent to which children, foster parents and prospective foster parents have access to information about the service to enable them to have a clear understanding of service provision and records relating to how the service is delivered are accurate,	<b>29-30</b>

		accessible and available to people and their representatives. <b>(Regulation 12, 39, 61)</b>	
11	Staffing	<b>Line of Enquiry 11:</b> The extent to which children and foster parents are supported by a service that provides appropriate numbers of staff who are suitably fit and have the knowledge, competency, skills and qualifications in order to provide the service required to achieve the child's personal outcomes. <b>(Regulation 29-35, 50-55)</b>	<b>31-36</b>
12	Whistleblowing	<b>Line of Enquiry 12:</b> The extent to which people working at the service are supported to raise concerns about the service through whistleblowing procedures. <b>(Regulation 43, 65)</b>	<b>37-38</b>
13	Managing individual's money	<b>Line of Enquiry 13:</b> The extent to which children are supported to manage their money. <b>(Regulation 48)</b>	<b>39</b>
14	Notifications	<b>Line of Enquiry 14:</b> The extent to which relevant regulatory bodies and statutory agencies are notified where there are concerns and significant events affecting children. <b>(Regulation 40, 67)</b>	<b>40</b>
15	Complaints	<b>Line of Enquiry 15:</b> The extent to which the service promotes an accessible complaints policy and procedure and demonstrates learning from complaints to improve the service. <b>(Regulation 42, 60)</b>	<b>41-42</b>
16	Support for foster parents	<b>Line of Enquiry 16:</b> The extent to which foster parents receive the information, training, advice and support they need and are appropriately supervised, in order to meet the care and support needs of children placed with them. <b>(Regulation 18, 44-47)</b>	<b>43-44</b>



## Environment

	Area of Assessment	Line of enquiry	Page Number
17	Overall Environment	<b>Line of Enquiry 17:</b> The extent to which service providers ensure that a child's care and support is provided in a location and environment with facilities and, where relevant, with any facilities and equipment that promotes achievement of their personal outcomes. <i>(Regulation 36-38)</i>	<b>45</b>

**Line of Enquiry 1:** The extent to which a service provider considers a wide range of views and information to determine a suitable placement which is able to meet the child's needs for care and support and achieve their personal outcomes. (**Regulation 11**)

**What good looks like****Statutory Guidance - Regulation 11 - Suitability of the service**

- Service providers have in place a policy and procedures on placements and commencement of the service. This includes but is not limited to:
  - arrangements for confirming that the service can or cannot support the child to achieve their personal outcomes;
  - who will be consulted as part of the process;
  - the information to be considered;
  - the circumstances where a service will not be provided;
  - opportunities to visit the service and the foster parent's home; and
  - the arrangements for commencing the service.
- A summary of the placement procedure is included in the statement of purpose and the service provider's written guide to the service (see regulation 12).
- Before agreeing to provide a service, the service provider makes an informed decision as to whether or not they can meet a child's care and support needs. In making this decision the service provider:
  - takes into account the requirements set out within regulation 11(3);
  - consults with the child, the child's parents (if applicable) and the placing authority to determine what their views are;
  - obtains a copy of and considers the child's care and support plan / pathway plan, and works with the placing authority in planning the child's placement;
  - in the case of a looked after child aged 16 or over, obtains a copy of and considers the young person's pathway plan;
  - considers any risks to the child or to others using the service and staff;
  - obtains information relating to the child's specialist needs and requirements in order to confirm these can be met in line with the statement of purpose.
- Information obtained is sufficient to enable a smooth transition for the child into the foster placement.
- Proper care is taken to ensure the child is matched with a suitable foster parent, and consideration is given to the potential impact of the placement on the child, the foster parents and members of the foster parent's household.
- People making these decisions on behalf of the service provider have sufficient responsibility and authority within the organisation to be able to decide whether the service can meet the child's care and support needs.
- Where a placement is made on an emergency basis, every effort should be made to secure as much information as possible

(including relevant assessments) prior to placement to ensure that the service can meet the child's needs.

**Line of Enquiry 2:** The extent to which children are provided with care and support through a service designed in consultation with children and foster parents and which considers the child's personal wishes, aspirations and outcomes and any risks and specialist needs which inform their care and support. **(Regulation 13-17, 19)**

**What good looks like****Statutory Guidance - Regulation 13 – Standards of care and support to children – overarching requirements**

- The service providers' expectations as to the standards of care and support a foster parent must provide to children placed with them are clearly set out in the statement of purpose.
- Achievement of a child's personal outcomes is supported by policies and procedures.
- Service providers ensure the service is responsive and proactive in identifying and mitigating risks.
- Foster parents are provided with information on the needs of the child in accordance with the child's care and support plan / pathway plan.
- Foster parents are supported to seek medical advice and other professional help for a child (where appropriate) or make a referral to the placing authority where necessary in a timely manner.
- Foster parents are supported, through supervision and training, to ensure they provide high quality care and support to meet the child's care and support needs and to enable them to achieve their personal outcomes. This includes, but is not limited to:
  - Providing appropriate care to a child who has been abused;
  - safe caring skills;
  - recognising signs of abuse;
  - boosting and maintaining a child's self esteem;
  - positive behavioural support;
  - basic first aid; and
  - health promotion.
- Service providers ensure that the support they provide enables the foster parents to provide good quality care and support for the children they foster. This includes care and support in relation to the child's:
  - physical, mental and emotional well-being;
  - cultural, religious, social or spiritual needs;
  - educational, training and recreational needs;
  - family and personal relationships;
  - ability to control their everyday life;
  - intellectual, emotional and behavioural development;

- rights and entitlements, in particular with regard to the United Nations Convention on the Rights of the Child; and
- protection from abuse and neglect.
- Foster parents are supported to enable the child to be as independent as practicable.
- Children and foster parents are supported when the placement ends, both when this is planned or in an emergency.
- Service providers ensure children are supported into adulthood and when leaving care in line with national guidance.

***Statutory Guidance - Regulation 14 – Continuing suitability of the placement***

- Service providers have systems and processes in place to monitor whether a child’s assessed needs change (as set out in the child’s care and support plan) and whether the foster parent can continue to meet the child’s care and support needs.
- Service providers provide early notification, where possible, to the placing authority of a potential breakdown in a placement.
- Where a foster parent is no longer able to meet a child’s care and support needs, the service provider must inform the placing authority immediately.
- Service providers have processes in place to minimise disruption for both the child and the foster parents where a placement is proposed to end due to a change in the child’s assessed needs.

***Statutory Guidance - Regulation 15 – Information for children***

- Service providers support foster parents to ensure children can participate in care planning and review during their foster placement and make decisions about the way care and support is provided to them.
- Service providers ensure foster parents receive the information they need to provide care and support for the child on a day to day basis in accordance with the child’s care and support plan / pathway plan and personal outcomes.
- Service providers have arrangements in place to enable children to understand the information provided to them.
- Service providers put in place arrangements to enable children to access relevant advocacy services or self advocacy groups (if they wish) and support their communication needs to enable them to make decisions about their lives.

***Statutory Guidance - Regulation 16 – Language and communication***

- Service providers have arrangements in place to support foster parents with a child’s language needs in line with the statement of purpose. Where necessary this will include putting measures in place to ensure that the child can communicate meaningfully with their foster parents. This includes:
  - communicating with the child in their language of need and/or choice; and
  - access, where appropriate, to additional means of communication such as Picture Exchange Communication System (PECS), Treatment and Education of Autistic and related Communication Handicapped Children (TEACCH),

Makaton, British Sign Language.

- Service providers identify a child's communication needs as part of their determination as to whether the service can meet their needs.
- Children can understand staff when they communicate with them.
- Service providers put in place arrangements to ensure that aids and equipment required to support a child's communication needs are in place, accessible, well-maintained and that foster parents know how to use them.
- Service providers deliver or work towards actively offering their services in the Welsh language to children or foster parents whose first language is Welsh.

***Statutory Guidance - Regulation 17 – Respect and sensitivity***

- Service providers ensure children and their foster parents are aware of their rights and entitlements under the law, and under equality and diversity policies held by the service provider.
- Service providers support foster parents to ensure that a child is:
  - listened to, and communicated with, in a courteous and respectful manner, with their care and support needs being prioritised by foster parents; and
  - treated with respect and feels valued.
- Children and foster parents are encouraged to contribute their views, if they choose to on the way in which the service is run.

***Statutory Guidance - Regulation 19 – Duty to promote contact***

- Foster parents are supported to enable the child to maintain and develop family contacts and friendships in line with the child's care and support plan / pathway plan
- Where necessary, foster parents are supported to deal with any difficult contact issues that may arise or any travel requirements that are needed.
- Foster parents are supported to understand any restrictions on contact to protect the child from any risk to their safety or welfare.

**Line of Enquiry 3:** The extent to which children placed with foster parents are supported to access healthcare and other services to maintain their ongoing health, development and well-being. (*Regulation 27-28*)

***What good looks like***

***Statutory Guidance - Regulation 27 - Access to health and other services***

- Service providers have arrangements in place to ensure the health and well-being of children placed with foster parents is promoted. This includes, but is not limited to:
  - supporting foster parents to ensure a child is healthy and active;
  - supporting foster parents to ensure a child is registered with a general practitioner;
  - providing foster parents with up-to-date medical information and supporting them to ensure a child gains access to other primary care services or other specialist services, as required, in a timely manner;
  - where appropriate, supporting foster parents to ensure a child receives relevant sensory checks and is provided with support to access ongoing reviews;
  - supporting foster parents to ensure that any aids, hearing aids, glasses, etc. required by a child are obtained and appropriately maintained so they may be used effectively;
  - supporting foster parents to ensure children participate in activities related to health promotion, where appropriate;
  - supporting foster parents to recognise and respond positively to children's emotional and mental well-being needs especially when they are experiencing difficulty, for example when a child is lonely, distressed, experiencing transition or loss, or experiencing anxiety, depression or other forms of mental illness.
- Service providers ensure foster parents keep records relating to professional consultations (including, where possible, any resulting actions) and, where available, relevant correspondence is maintained to provide an up to date, comprehensive health record for the child.
- There is a policy and procedures in place on the administration of medicines by foster parents which is aligned to any current legislation and national guidance. This includes the role and responsibilities of the foster parent, service provider and (where appropriate) the area authority in supporting the child to access and take medication.
- Service providers ensure foster parents are aware of and understand the policy and procedures on the administration of medicines.

**Statutory Guidance - Regulation 28 - Education, employment and leisure activities**

- Service providers have arrangements in place to ensure the educational attainment and leisure activity of children placed with foster parents is promoted, in line with the child's care and support plan / pathway plan, including the Personal Education Plan. This includes, but is not limited to:
  - supporting foster parents to be involved in the assessment, planning and review of a child's educational needs, including any additional learning needs, contributing as necessary to any personal education plan;
  - supporting the foster parent to understand their role in engaging with the child's school (or other educational setting);
  - supporting foster parents to ensure a child participates fully in education;
  - supporting foster parents to fulfil a child's potential and do things that matter to the child and which makes them happy. This can include being supported to participate in leisure activities, developing and maintaining hobbies, joining community activities and volunteering.
- Fostering services providers have arrangements in place to monitor the educational attainment, progress and school attendance (where applicable) of a child placed with a foster parent.
- Service providers ensure that arrangements are in place to support preparation for adulthood and independence. This includes but is not limited to:
  - Supporting foster parents to help children to develop the skills, competence and knowledge necessary for adult living;
  - providing foster parents with training and support to enable them to provide effective support and guidance to a young person preparing to move into independent or semi-independent living; and
  - ensuring each young person who is preparing to move to independent or semi-Independent living is encouraged to be actively involved in the development and implementation of their Pathway Plan.



**Line of Enquiry 4:** The extent to which service providers have in place mechanisms to safeguard vulnerable children to whom care and support is provided. (*Regulation 20-26*)

***What good looks like******Statutory Guidance - Regulation 20 – Safeguarding - Overarching Requirement***

- When a placement begins, the child is given information about safeguarding, how to raise a concern and what support is available to enable them to do so.
- Staff and foster parents can access up to date safeguarding policies and procedures.
- Staff and foster parents receive training relevant to their role to enable them to understand their responsibility to safeguard and protect vulnerable children. This includes both internal and local safeguarding arrangements including how to raise a concern (whistleblowing).
- Staff training is ongoing at regular intervals in line with local safeguarding recommendations.
- Staff are aware of their individual responsibilities for raising concerns to ensure the safety and well-being of children.
- Service providers make provision to support staff raising safeguarding concerns (whistleblowing).
- Service providers work in partnership with other relevant professionals and agencies to assess and manage risks to children using the service and to participate in the safeguarding process.
- Records of safeguarding referrals and outcomes are maintained to enable oversight and scrutiny of safeguarding within the service. Protection of vulnerable children must be overseen by the service manager and responsible individual and within the governance structure, with arrangements made for oversight at board level.
- Service providers ensure outcomes arising from any safeguarding referral are communicated to the child in a method appropriate to their age and level of understanding, taking into account any specific condition and/or communication needs. This is also communicated to any representatives (if appropriate).

***Statutory Guidance - Regulation 21 – Safeguarding policies and procedures***

- There is an up-to-date safeguarding policy and procedures in place.
- Safeguarding policies and procedures are aligned to current legislation, national guidance and local children’s safeguarding procedures.
- The safeguarding policy and procedures include the individual roles and responsibilities of staff and others working at the service, in identifying, receiving and reporting allegations of abuse, neglect or improper treatment or suspected abuse, neglect or improper treatment. This will include instruction for staff on actions to be taken and mechanisms for referral to the placing authority and other relevant partners and agencies.

- The safeguarding policy and procedures include the role and responsibilities of foster parents in relation to allegations or disclosures, by any child in the foster parent's household, of abuse or improper treatment or suspected abuse or improper treatment of any child in the foster parent's household. This will include how to report such allegations or disclosure to the service provider.
- Service providers ensure children are informed of their right to access independent professional advocacy services.

***Statutory Guidance - Regulation 22 – The appropriate use of control and restraint***

- There is a policy and procedures in place on the appropriate use of control and restraint. This sets out:
  - the requirement on foster parents for any use of control or restraint to adhere to current national guidance and legislation; and
  - the requirement for training in any methods of control or restraint to be undertaken prior to the use of any such control or restraint.
- Service providers ensure a positive and constructive approach is adopted by foster parents to support a child's behaviour. Any approach to support the child's behaviour is consistent with:
  - meeting the child's needs for care and support; and
  - the well-being of other members of the foster parent's household who may be affected by the placement made.
- Staff and foster parents are aware of, understand and follow the policy and procedures on the appropriate use of control and restraint.
- Foster parents receive behavioural support training that is relevant to their role to make sure any control or restraint practices are only used proactively and when absolutely necessary, in line with current national guidance.
- Staff and foster parents are kept up to date on the policy and procedures in line with any changes to guidance and legislation.
- Service providers ensure arrangements are in place so that whenever foster parents are using forms of control or restraint, providers are able to check that it:
  - is used as part of a pro-active approach to behavioural support;
  - is proportionate to the risk of harm and the seriousness of that harm to the child receiving care and support or another person;
  - takes account of the assessment of the child's needs; and
  - follows current legislation and guidance.
- Service providers regularly monitor and review the approach to, and use of control or restraint used by foster parents, and report on this within their governance framework. This includes:
  - the details of the incident and actions taken in response;

- sufficient detail to enable analysis and review of the child's care and support needs as well as to inform wider review of service provision.
- Service providers have arrangements in place to ensure incidents of control and restraint are recorded and reported to them on by foster parents within 24 hours.
- Records of the use of control and restraint are reviewed and reported upon within the quality of care review.

***Statutory Guidance - Regulation 23 – Prohibition on the use of corporal punishment – refer to Regulation 23***

***Statutory Guidance - Regulation 24 – Deprivation of liberty***

- Service providers have arrangements in place to ensure foster parents are aware that they must act at all times in accordance with current legislation and applicable guidance on the deprivation of liberty safeguards.
- Staff and, where relevant, foster parents, are trained at appropriate intervals and in line with any changes to legislation and guidance on the deprivation of liberty safeguards.

***Statutory Guidance - Regulation 25 – Policy and procedures on bullying***

- There is a policy in place on the prevention of bullying.
- The policy is aligned to current legislation and national guidance.
- The policy includes the individual roles and responsibilities of staff and others working at the service, and foster parents, in identifying, receiving and reporting allegations of bullying. This will include instructions for staff on actions to be taken and mechanisms for referral to relevant partners and agencies.

***Statutory Guidance - Regulation 26 – Procedure when child is absent without permission***

- There is a procedure in place for when a child is absent without permission.
- The procedure is aligned to current legislation and national guidance.
- The procedure includes the individual roles and responsibilities of staff and others working for the service, and of foster parents, in reporting when a child is absent without permission. This will include instruction for staff on actions to be taken and mechanisms for referral to relevant partners and agencies.

**Line of Enquiry 5:** The extent to which the service provider has governance arrangements in place to support the smooth operation of the service and ensures there is a sound basis for providing high quality care and support for children and foster parents using the service in order to enable children to achieve their personal outcomes. **(Regulation 3, 6/7, 9)**

**What good looks like**

**Statutory Guidance - Regulation 3 - Requirements in relation to the provision of the service**

- Service providers have clear arrangements for the oversight and governance of the service in order to establish, develop and embed a culture which ensures that the best possible outcomes are achieved for children using the service and to meet the requirements of the Regulations. This includes but is not limited to:
  - policies and procedures to achieve the aims of the statement of purpose and to place children at the centre of the service;
  - systems for monitoring and review which support evidence-based practice and enable children to achieve their personal outcomes;
  - processes to ensure care and support is delivered consistently and reliably;
  - safe staffing arrangements, underpinned by professional development, to meet the care and support needs of children and to support foster parents;
  - quality and audit systems to review progress and inform the development of the service;
  - a proactive approach to equal opportunities and diversity; and
  - suitable and accessible premises, facilities and equipment.

**Statutory Guidance - Regulation 6/7 - Requirements in relation to the responsible individual**

- Service providers have systems and processes in place for regular formal discussion with, and support for, the responsible individual.
- Service providers support the responsible individual to undertake training which enables them to carry out their role effectively and to meet the aims of the service as outlined in the statement of purpose and in line with practice guidance recommended by SCW. Training for responsible individuals includes:
  - legislative framework and statutory requirements;
  - specific duties of a responsible individual;
  - service performance and quality management; and
  - shaping service culture, etc.

- Where a responsible individual has failed to fulfil their role the service provider notifies the service regulator of any action taken and, where relevant, advises on the arrangements to designate a replacement.
- If there is no responsible individual or the responsible individual is unable to fulfil their duties for any reason, for example they are absent from their role due to illness, the service provider ensures that the responsibility for oversight of the management of the service, as set out in Parts 12 to 16 of the Regulations, is still being met under alternative arrangements.
- *[Where the service provider is an individual.]* If the responsible individual is unable to fulfil their duties for any reason, for example they are absent from their role due to illness, the responsible individual ensures arrangements are put in place to ensure the requirements in regulation 7(3) are met.

***Statutory Guidance - Regulation 9 - Requirements to provide the service in accordance with policies and procedures***

- Service providers have the policies and procedures in place as required by the Regulations.
- Policies and procedures are proportionate to the service being provided in accordance with the statement of purpose. Where applicable, policies and procedures take into account the needs of other members of the foster parent's household.
- Service providers ensure policies and procedures reflect arrangements for short-term breaks for children, where these are provided by the service provider.
- Policies and procedures:
  - are aligned to current legislation and national guidance;
  - provide guidance for staff to ensure that the service is provided in line with the statement of purpose; and
  - set out requirements to inform children, foster parents and staff about how the service is provided.
- Policies, procedures and practices are reviewed and updated in light of changes to practice, changing legislation and best practice recommendations.
- Staff, children and foster parents using the service have the opportunity to be involved in developing policies and procedures.
- Where changes are made to the statement of purpose the policies and procedures are reviewed and updated to reflect the changes.
- Service providers ensure staff have access to, and knowledge and understanding of, the policies and procedures which support them in their role in achieving the best possible outcomes for children.
- All policies and procedures are available to the child, their representatives, the foster parents and, where appropriate, the relevant area authority.
- Policies and procedures are in a format accessible to the child and support is provided to assist the child's understanding of these.
- Systems for monitoring and improvement include those which ensure the service is being run in accordance with the policies

and procedures.

**Line of Enquiry 6:** The extent to which the service is provided in accordance with the statement of purpose. (*Regulation 4*)

### What good looks like

#### **Statutory Guidance - Regulation 4 - Statement of purpose**

- The statement of purpose is fundamental to the service. It should:
  - accurately describe the services provided;
  - state where and how these services will be provided; and
  - state the arrangements to support the delivery of the services.
- It must include the information set out in The Regulated Services (Registration) (Wales) Regulations 2017(2).
- In preparing a statement of purpose, the provider takes into account any statement of purpose guidance provided by the service regulator.
- Service providers review and update the statement of purpose at least annually or earlier if changes are being made to the service provided.
- Where there is an intention to change the service being provided, the statement of purpose is updated to reflect the change. The service provider notifies those persons set out in regulation 4(4) at least 28 days prior to the changes being made. Examples of this include changes to the normal staffing arrangements or levels as set out in the existing statement of purpose.
- Where there is an intention to change the service being provided with immediate effect, i.e. within the 28 days notification period (required by regulation 4(3)), for example in response to an urgent request, the service provider:
  - notifies the service regulator immediately (and where practicable, prior to implementing the change); and
  - updates the statement of purpose to reflect the change without delay and provides a copy to the service regulator.
- Where a change to the statement of purpose is proposed, the service provider satisfies the service regulator of their ability to deliver the proposals, for example, by providing additional information or receiving a visit from the service regulator to the service (where appropriate).
- Where the statement of purpose is updated a record is kept of the new version and date of amendment.
- A copy of the statement of purpose is readily available to those listed in regulation 4(4).

**Line of Enquiry 7:** The extent to which arrangements are in place for the effective oversight of the service, through ongoing quality assurance processes that review standards of care and compliance with regulations and that information and views obtained are used for the continued development and improvement of the service. (**Regulation 5, 49, 56-59, 62-64**)

### What good looks like

#### **Statutory Guidance - Regulation 5 - Requirements in relation to monitoring and improvement**

- Service providers have systems and processes in place to monitor, review and improve the quality of the service. This will include identifying:
  - who is responsible for ensuring this is done;
  - how this will be done;
  - how often this takes place; and
  - arrangements for the responsible individual to report to the service provider.
- The outcome of any review is analysed and reviewed by people with the appropriate knowledge, skills and competence to understand its significance and take action to secure improvement. Service providers seek professional/expert advice as needed and in a timely manner to help secure improvements.
- Service providers can demonstrate how they have:
  - analysed and responded to the information gathered; and
  - used the information to make improvements.
- Service providers monitor progress against plans to improve the quality and safety of services, and take appropriate action immediately where progress is not achieved as expected.
- The systems and processes are continually reviewed to make sure they enable the service provider to identify where the quality of services are being, or may be, compromised and to enable an appropriate timely response.
- As part of the quality review process, service providers:
  - encourage feedback;
  - regularly seek the views of children and other stakeholders listed in regulation 5(2) about the quality of the service; and
  - are able to demonstrate they have done this and provide an analysis of the feedback they have received.
- The methods used to engage with and gain the views of those listed in regulation 5(2) are appropriate to their age, level of understanding and take into account any specific condition and/or communication needs. Participation of children is in line with national guidance.
- Information collated through quality and audit systems is used to develop the quality of care review reports in line with



regulation 63(4).

**Statutory Guidance - Regulation 49 - Supervision of management of the service**

- The responsible individual follows the service provider's prescribed systems and processes to enable proper oversight of the management, quality, safety and effectiveness of the service. This includes, but is not limited to, ensuring the service:
  - focuses on the needs of the child and supports foster parents;
  - listens to children and foster parents;
  - responds positively to any concerns or complaints;
  - does not place children, foster parents or the foster parents' household at unnecessary risk;
  - achieves best possible outcomes for children;
  - fulfils the statement of purpose;
  - has sufficient numbers of staff who are trained, competent and skilled to undertake their role;
  - has sufficient resources, facilities and equipment.
- The responsible individual has systems in place to review and assess the way in which the manager implements actions from the findings of internal quality assurance and external inspection reports, within required timescales.
- There are clear lines of accountability, delegation and responsibility set out in writing between the responsible individual and the manager (unless the manager is also the responsible individual).
- Arrangements are in place for the manager to have direct access to the responsible individual in addition to the opportunity to meet formally as part of the responsible individual's quality reviews (unless the manager is also the responsible individual).
- Arrangements are in place to ensure that the manager is supported by supervision and training, and has opportunities to gain skills for professional development that will support them in their role.

**Statutory Guidance - Regulation 56 - Visits**

- The responsible individual visits the service in person to monitor the performance of the service in relation to its statement of purpose and to inform the quality of care review. The visit includes the following:
  - talking to, with consent and in private, a sample of children using the service, foster parents, any representatives (if applicable) and staff; and
  - inspecting the premises of the service provider, a selection of records of events and any complaints records.
- The responsible individual ensures systems are in place to provide evidence that visits are logged and documented.

**Statutory Guidance - Regulation 57 - Oversight of adequacy of resources**

- The responsible individual ensures that systems and processes are in place which enable them to collate information about the service and any areas that may need closer observation/consideration and/or improvement. This includes, but is not limited to:
  - staff turnover;
  - staff sickness levels;
  - complaints;
  - safeguarding issues;
  - inspection reports by the service regulator; and
  - inspection outcomes and/or reports from other relevant agencies i.e. Health and Safety Executive (HSE) and fire service.
- The responsible individual has suitable arrangements in place to alert the service provider immediately where the service is:
  - not complying with policies and procedures;
  - failing or unable to meet or address issues raised in inspection reports; and
  - being provided in a way which is contrary to the statement of purpose.

***Statutory Guidance - Regulation 58 - Other reports to the service provider***

- The responsible individual ensures suitable arrangements are in place to report to the service provider in line with the requirements of regulations 58 and 63.
- The responsible individual has a system in place to submit reports to the service provider that accurately reflect overall service quality and performance. This includes arrangements for the responsible individual to feed back and communicate any urgent matters requiring immediate action. This includes, but is not limited to:
  - sudden or unexplained death of children using the service or foster parents;
  - natural disaster;
  - financial irregularities;
  - significant outbreak of infection;
  - significant concerns raised by the service regulator; area authority or placing authority;
  - any event, which affects staff availability.

***Statutory Guidance - Regulation 59 - Engagement with children and others***

- The responsible individual has suitable arrangements in place to enable feedback on all aspects of service provision and ensure that these arrangements are accessible to, and take into account the views of, all those listed under regulation 59(1).
- The responsible individual ensures the methods used to engage with and gain the views of children using the service are

appropriate to their age, level of understanding and take into account any specific condition or communication needs.

- The responsible individual has positive relationships with, and is accessible to, people outside the service. This includes but is not limited to:
  - any parent of a child placed with the service provider;
  - foster parents;
  - area authorities (where appropriate)
  - regulators; and
  - professional bodies.

***Statutory Guidance - Regulation 62 - Duty to ensure policies and procedures are up to date***

- The responsible individual ensures suitable arrangements are in place to review policies and procedures, set out in regulation 9, in line with these Regulations.
- The responsible individual ensures suitable arrangements are in place to ensure staff and foster parents have access to, and knowledge and understanding of, the policies and procedures which support them in their role in achieving the best possible outcomes for children using the service.

***Statutory Guidance - Regulation 63 - Quality of care review***

- The responsible individual has suitable arrangements in place to assess, monitor and improve the quality and safety of the service. This includes, but is not limited to:
  - the collation and analysis of feedback from those listed under regulation 59(1);
  - issues and lessons learned in the analysis of complaints and safeguarding matters;
  - patterns and trends identified through the analysis of notifications, safeguarding matters, whistleblowing concerns and complaints;
  - the outcome of any inspection reports from the service regulator;
  - the outcome of visits to monitor the service by the responsible individual; and
  - audits of records.
- The responsible individual ensures that the audit systems and processes for monitoring the service give assurance that a high quality service is provided, which achieves the best possible outcomes for children.
- The responsible individual has suitable arrangements in place to ensure systems and processes are continually reviewed to enable the responsible individual to identify where the quality and/or safety of services is being, or may be, compromised, and to respond appropriately without delay.

- The responsible individual has suitable arrangements in place to ensure all feedback is acknowledged, recorded and responded to as appropriate.
- The responsible individual has suitable arrangements in place to ensure areas of learning from complaints, safeguarding and whistleblowing are shared with staff to improve the service and encourage safe, compassionate care practices.
- The responsible individual ensures areas of learning are analysed and that recommendations are made to the service provider as to how and where the quality and safety of the service can be improved. The report, which includes the information that has informed it (relating to those areas set out above) will inform or form part of the statement of compliance to be included in the service provider's annual return.

***Statutory Guidance - Regulation 64 - Statement of compliance with the requirements as to standards of care and support***

- The responsible individual has prepared and is accountable for the quality and accuracy of the information provided in the statement of compliance and the service provider's annual return.

**Line of Enquiry 8:** The extent to which the service provider has oversight of financial arrangements and investment in the service so that it is financially sustainable and supports children and foster parents using the service to achieve their personal outcomes.  
**(Regulation 8)**

**What good looks like**

**Statutory Guidance - Regulation 8 – Requirements in relation to the financial sustainability of the service**

- Systems are in place to ensure financial planning, budget monitoring and financial control is carried out effectively.
- Systems are in place to ensure financial stability in line with any national guidance and financial regulations.
- Service providers have the financial resources needed to provide, and continue to provide, the services described in the statement of purpose and in order to meet the requirements of the Regulations.
- Service providers have appropriate insurance and suitable indemnity arrangements in place to cover potential liabilities arising from death, injury, or other causes, loss or damage to property, and other financial risks.
- Where audited accounts are not available, annual accounts are completed by a qualified accountant for the purpose of regulation and inspection.
- The accounts demonstrate that the service is financially viable and likely to have sufficient funding to continue to fulfil service delivery as set out in its statement of purpose.
- The service provider ensures prompt payments are made to foster parents for any allowances or expenses agreed, which cover the costs of providing care and support to a child.
- The service provider ensures foster parents understand the financial or other support available to them.

**Line of Enquiry 9:** The extent to which the service provider operates a culture of openness, honesty and candour at all levels and ensures potential conflicts of interests are managed in an open way. **(Regulation 10, 41, 66)**

### What good looks like

#### **Statutory Guidance - Regulation 10 - Duty of candour (service provider)**

- Service providers have policies and procedures in place to support a culture of openness and transparency, and ensure that all staff are aware of and follow them. These policies and procedures are in line with, and take account of, SCW guidance on the professional duty of candour for social care professionals registered with SCW.
- Service providers promote a culture of candour that includes:
  - being open and honest when engaging with those listed in regulation 10 (a)–(e);
  - providing information about incidents which happen and the outcome of any investigations that have taken place; and
  - offering an apology for what has happened, where it is appropriate to do so.
- Service providers take action to prevent and appropriately address bullying, victimisation and/or harassment in relation to the duty of candour, and investigate any instances where a board member, responsible individual, or member of staff may have obstructed another in exercising their duty of candour.
- Service providers have a system in place to identify and deal with possible breaches of the duty of candour by staff who are professionally registered (as applicable), including the obstruction of another in their duty of candour. Action taken to address such breaches includes, where appropriate, a referral to the professional regulator or other relevant body.

#### **Statutory Guidance - Regulation 41 - Conflict of interest**

- Service providers maintain appropriate systems and take all reasonable steps to make sure actual or perceived conflicts of interest are identified, addressed and recorded in an open way.

#### **Statutory Guidance - Regulation 66 - Duty of candour (responsible individual)**

- The responsible individual acts in an open and transparent way, also ensuring suitable arrangements are in place to ensure compliance with the requirements of regulation 66.

**Line of Enquiry 10:** The extent to which children, foster parents and prospective foster parents have access to information about the service to enable them to have a clear understanding of service provision and records relating to how the service is delivered are accurate, accessible and available to children and their representatives. **(Regulation 12, 39, 61)**

### What good looks like

#### **Statutory Guidance - Regulation 12 – Information about the service**

- A written guide is available to those listed in regulation 12(2)(c), which provides information about the service.
- The guide is in plain language and in a format that reflects the needs, age and level of understanding of those for whom the service is intended. The guide is made available in formats and media accessible and appropriate to the audience. For example, preferred and appropriate language, large print, audio, computerised and visual aids. When required it is explained in the child or foster parent's preferred method of communication.
- Where required, children and foster parents are supported to understand the contents of the guide and what it means for them.
- The guide sets out the areas required by regulation 12(3) and in addition includes the following:
  - arrangements for introducing the child to the foster parents and the foster parent's household;
  - the ethos, culture and priorities of the service - including a summary of the statement of purpose;
  - the foster parents' role in the inspection process by the service regulator;
  - how to access the most recent inspection report completed by the service regulator;
  - key staff who will be supporting the child and foster parent;
  - how to contact the responsible individual;
  - the complaints procedure and how to make a complaint;
  - contact details and role of the Public Service Ombudsman for Wales, service regulator and Children's Commissioner for Wales;
  - support for the child to access relevant advocacy services and other agencies or services, such as primary healthcare services (GP; Dentist; Optometrist, Pharmacist, Chiropodist, Hospital visits); transport;
  - information about the entitlement for looked after children to access independent advocacy services and the support available to children to help them to access such services;
  - information about the support available to foster parents from the service provider;
  - arrangements for children and foster parents to contribute their views on the running of the service;
  - how children can access their own records.

#### **Statutory Guidance - Regulation 39 - Records with respect to fostering services**

- There is a policy and procedures for the recording and management of records. This includes:
  - the records to be maintained by the service provider on the children and foster parents using the service;
  - the daily records to be maintained by the foster parents for any child placed with them;
  - the timescales that records need to be maintained by the service provider and foster parents.
- Staff are aware of the policy and have a clear understanding of the procedures for recording and managing records. This includes training in information security and action to be taken where personal information is compromised.
- Foster parents are made aware of the policy and procedures for the recording and management of records and are supported to record the significant life events for the child. Foster parents understand what information they need to pass to the service provider about the child.
- Service providers maintain all the records required for the protection of children and the effective running of the service as specified by schedule 2 of the Regulations.
- All records are secure, up to date and in good order. They are prepared, maintained and used in accordance with data protection legislation and other statutory requirements and are kept for the required length of time as set out in regulation 39(1).
- Records are stored securely including electronic records which are password protected.
- Children, foster parents and staff are given access to any records and information about them held by the service provider in accordance with current legal requirements.

***Statutory Guidance - Regulation 61 - Duty to ensure there are systems in place for keeping of records***

- Where records are stored electronically, they are secure and staff have individual access codes which provide a clear audit trail which shows who has made any entries and amendments.



**Line of Enquiry 11:** The extent to which children and foster parents are supported by a service that provides appropriate numbers of staff who are suitably fit and have the knowledge, competency, skills and qualifications in order to provide the service required to achieve the child’s personal outcomes. *(Regulation 29-35, 50-55)*

**What good looks like**

**Statutory Guidance - Regulation 29 - Staffing - overarching requirements**

- Service providers have a demonstrable, measurable and systematic approach to determining the number of staff and range of skills/qualifications required to support the needs of children and to support foster parents and prospective foster parents. This considers, but is not limited to:
  - the statement of purpose;
  - the care and support needs of the child; and
  - supporting and supervising foster parents in providing care and support to a child.
- Staffing levels and skill mix are reviewed continuously and adapted to respond to the changing needs of the service.
- Arrangements are in place to cover staff sickness or absence to ensure children and foster parents are supported appropriately.
- There are procedures to follow in the case of an emergency that make sure sufficient and suitable staff are deployed to cover both the emergency and the routine work of the service.

**Statutory Guidance - Regulation 30 - Fitness of staff**

- Service providers have rigorous selection and vetting systems in place to enable them to make an appropriate decision on the appointment or rejection of all staff and volunteer applicants. This includes the information set out in Schedule 1 of the Regulations. This also includes checking the veracity of references and past employment records.
- Where agency staff are deployed, service providers ensure that they are subject to the same checks as permanently employed staff and have evidence to demonstrate that the checks have been undertaken. This may include confirmation and checklists supplied by any agency, where sufficiently reliable and robust.
- Service providers have a process in place to check that staff have appropriate and current registration with a professional regulator where required or, where applicable, an accredited voluntary register.
- Having considered all the information available, service providers will determine whether the person has the necessary skills, qualifications and good character to undertake the role for which they are employed/deployed.
- Where staff (including volunteers) no longer meet the required fitness criteria set out in regulation 30(2), service providers take appropriate and timely action to ensure that individuals are not placed at risk. For example this may include:

- coaching and mentoring;
- providing additional training and supervision;
- the use of disciplinary procedures.
- Service providers ensure staff comply with the requirements of their professional codes of practice and, where appropriate, providers make referrals to the relevant professional bodies for staff whose fitness to practice is brought into question.
- Where there are concerns that a member of staff has abused a child or placed a child at risk of abuse, the Disclosure and Barring Service and any relevant professional registration body are notified without delay.

***Statutory Guidance - Regulation 31 - Supporting and developing staff***

- Service providers ensure they have an induction programme that equips all new staff (including volunteers) to be confident in their roles and practice and enables them to make a positive contribution to the well-being of children using the service.
- Social care workers complete the relevant induction programme required by SCW within the defined timescale alongside any service-specific induction programmes..
- Staff have access to copies of any relevant codes of professional practice and practice guidance, including any issued by SCW. The standards specified in these codes and practice guidance are actively promoted.
- Where agency staff are deployed, an introduction to the fostering service is provided which includes, but is not limited to:
  - the statement of purpose;
  - core policies and procedures; and
  - management and supervision arrangements.
- Staff receive supervision in their role to help them reflect on their practice and to make sure their professional competence is maintained. This includes feedback about their performance from children using the service and foster parents.
- Staff meet for one to one supervision with their line manager or equivalent officer, or a more senior member of staff, no less than quarterly.
- All staff have an annual appraisal which provides feedback on their performance and identifies areas for training and development in order to support them in their role.
- Additional training, learning and development needs of individual staff members are identified within the first month of employment and reviewed through the supervision and appraisal process.
- Staff are supported to undertake training, learning and development to enable them to fulfil the requirements of their role and meet the needs of children using the service and foster parents.
- Service providers undertake an annual (or more frequently if required) training needs analysis to ensure that staff have the relevant skills and competence to meet the needs of children and foster parents in accordance with the statement of purpose for

the service.

- Service providers maintain a written record of all training and supervision, undertaken or to be undertaken by staff.
- Service providers support all staff to complete, where appropriate:
  - core training;
  - necessary qualifications that would enable them to continue to perform their role;
  - training and activities required for continuing professional development;
  - other training deemed appropriate by the service provider; and
  - core and specialist training identified for their role by SCW.

***Statutory Guidance - Regulation 32 - Compliance with employer's code of practice***

- Service providers have a clear understanding of their role and responsibilities in relation to the Code of Practice for Employers of Social Care Staff (Social Care Wales publication) and/or other codes of practice applicable to employers which may be issued by SCW from time to time.

***Statutory Guidance - Regulation 33 - Information for staff***

- Service providers compile and make available information for staff in line with the statement of purpose. This includes information about the following matters:
  - the ethos and culture of the service;
  - the conduct expected of staff and others working at the service;
  - the roles and responsibilities of staff and others working at the service;
  - policies and procedures of the service;
  - record keeping requirements;
  - confidentiality and data protection requirements;
  - disciplinary procedures;
  - arrangements for reporting concerns;
  - arrangements for lone working.
- Service providers ensure staff have access to and understand up-to-date copies of all relevant policies, procedures and codes of practice. Service providers ensure staff have read these during the induction period and test staff members' ongoing understanding through supervision and performance reviews.
- Service providers ensure staff undertake their duties in line with the requirements of the policies and procedures.
- All staff are provided with a written job description which states clearly their responsibilities, the duties currently expected of

them and their line of accountability.

- Regular staff meetings take place (a minimum of six meetings per year), the issues discussed are recorded and appropriate actions are taken as a result.

#### ***Statutory Guidance - Regulation 34 - Disciplinary procedures***

- Service providers have a disciplinary procedure, in line with current employment laws, to deal with employee performance and conduct. This includes:
  - information about what is acceptable and unacceptable behaviour and what action will be taken if there are concerns about staff behaviour; and
  - the arrangements for a member of staff to be suspended (or transferred to other duties) pending the investigation of any allegations of serious misconduct, including allegations of abuse or serious concerns relating to the safety or well-being of children.
- Where the service provider is undertaking disciplinary action against any employee and the employee leaves prior to the completion of the disciplinary process, consideration is given to whether a referral to the police, Disclosure and Barring Service, SCW or any other professional body is appropriate.
- Where a volunteer's fitness to practice is in question, due to any alleged misconduct/lack of capability of a concerning nature, the service provider takes appropriate and timely action. For example this may include:
  - providing additional training and supervision;
  - termination of the volunteer arrangements; and
  - referral to the Disclosure and Barring Service or police, where appropriate.
- Service providers ensure staff are aware of and understand the relevant disciplinary procedures and grievance procedures.
- A written report of any disciplinary investigations and action taken is kept on the employee's file in line with employment and data protection legislation.

#### ***Statutory Guidance - Regulation 35 – Restrictions on employment – refer to Regulation 35***

#### ***Statutory Guidance - Regulation 50 - Duty to appoint a manager***

- The responsible individual ensures a manager who is registered with SCW (subject to regulation 50(6)) is appointed and in place to manage the delivery of the service on a day to day basis for each place at, from, or in relation to which services are provided.
- The responsible individual takes responsibility and accountability for the appointment of the manager regardless of whether they

are directly involved in the recruitment process.

- The responsible individual is assured that the person appointed as the manager for the service has the appropriate knowledge, skills and competence to manage the service safely and in accordance with the requirements of the Regulations.
- The responsible individual demonstrates that the appointment of the manager has been undertaken with due diligence and in line with the requirements of regulation 30 (fitness of staff).
- Where a manager is absent for a period of more than three months, the service provider ensures there is an appropriately qualified, experienced and competent manager, registered with SCW (subject to regulation 50(6)), in place to manage the service.

***Statutory Guidance - Regulation 51 - Fitness requirements for appointment of manager***

- The responsible individual has suitable arrangements in place to ensure the manager is fit and is capable of running the service in line with its statement of purpose. This includes ensuring:
  - the manager is appropriately qualified;
  - the manager is registered with SCW (subject to regulation 50(6));
  - the manager is experienced in managing a children's care service; and
  - the vetting of prospective managers includes the relevant checks required by legislation to assure the responsible individual that the person is fit and able to work with children.

***Statutory Guidance - Regulation 52 - Restrictions on appointing manager for more than one service***

- Where a manager is appointed to manage more than one service, this is agreed in advance with the service regulator.

***Statutory Guidance - Regulation 53/54 - Duty to report the appointment of manager to service provider and the workforce and service regulators***

- The responsible individual has suitable arrangements in place to:
  - inform the service provider of the details of the appointment of the manager;
  - provide the information specified by the Regulations concerning the individual;
  - notify the service regulator and SCW when a new manager is appointed.

***Statutory Guidance - Regulation 55 - Arrangements when manager is absent***

- The responsible individual has structures in place which ensure that where the manager is not available or is absent for any reason there is an effective and competent deputising system to provide leadership on a day-to-day basis which:

- continues to provide support to the foster parents and/or the child placed with the foster parent;
  - maintains the safety, quality and effectiveness of the service;
  - ensures minimal disruption to the child using the fostering service or foster parents;
  - ensures compliance with the Regulations; and
  - maintains staff professional development.
- Where the manager, registered with SCW (subject to regulation 50(6)), is unavailable or absent for any reason for more than 28 days, the responsible individual will inform the service regulator in writing and without delay of the reason for the absence and the arrangements for cover.

**Line of Enquiry 12:** The extent to which people working at the service are supported to raise concerns about the service through whistleblowing procedures. *(Regulation 43, 65)*

**What good looks like****Statutory Guidance - Regulation 43 - Whistleblowing**

- There is an accessible whistleblowing policy in place. This includes:
  - the procedure for raising a concern;
  - the safeguards in place for staff who raise a concern;
  - how concerns will be investigated.
- Staff are aware of, and have had training in, how to raise concerns and there are mechanisms and support available to enable them to do this.
- Wherever practicable consent should be gained to the disclosure details of a concern, where necessary, to enable an effective investigation to take place.
- Confidentiality is maintained during the investigation process unless there are professional or statutory obligations which would not make this possible, such as those in relation to safeguarding.
- Individuals do not suffer victimisation or any other disadvantage as a result of making their concerns known.
- All allegations and incidents of abuse are followed up promptly in line with the service provider's safeguarding policy and procedures and local safeguarding arrangements.
- Systems are in place to make sure that all concerns are considered without delay in line with the service provider's safeguarding policy and procedures. This includes:
  - undertaking a review to establish the level of investigation and immediate action required, including referral to appropriate authorities for investigation (this may include seeking advice from the service regulator or local authority safeguarding staff);
  - where areas for improvement or service failures are identified, acting upon these without delay; and
  - ensuring staff and others involved in the investigation understand the processes relating to safeguarding and responding to concerns.
- Records of concerns are maintained and monitored to identify trends and areas of risk which may require pre-emptive action. Actions taken as a response to whistleblowing are subject to reporting within governance arrangements.

**Statutory Guidance - Regulation 65 - Support for staff raising concerns**

- The responsible individual ensures suitable arrangements are in place for:

- staff to be aware of and understand the whistleblowing policy;
- staff to understand there is zero tolerance for poor care or for a failure to safeguard the well-being of children;
- ensuring staff are encouraged and supported to report issues; and
- ensuring staff, foster parents and children understand that concerns are welcomed and sought out, not ignored.



**Line of Enquiry 13:** The extent to which children are supported to manage their money. (*Regulation 48*)

**What good looks like**

**Statutory Guidance - Regulation 48 - Supporting children to manage their money**

- Policy and procedures are in place which set out arrangements for supporting foster parents to assist children to manage their money. This includes:
  - how children are encouraged and supported to handle their own money;
  - how children will be supported, including opening and managing individual bank accounts, budgeting and making spending decisions;
  - how children are supported to understand and manage any associated risks;
  - how children will be supported to understand and access any financial allowances they may be entitled to, where applicable; and
  - how records and receipts of expenditure related to a child’s savings will be dealt with when a placement ends.
- Where children are not able to manage their own money, the service provider has arrangements in place to ensure the foster parent are maintaining records and receipts of any financial transactions undertaken on their behalf.
- Service providers ensure arrangements are in place to oversee and monitor the savings of a child.

**Line of Enquiry 14:** The extent to which relevant regulatory bodies and statutory agencies are notified where there are concerns and significant events affecting children. *(Regulation 40, 67)*

**What good looks like**

***Statutory Guidance - Regulation 40 – Notifications (service provider)***

- Service providers have appropriate arrangements in place for the notification of the events listed in Schedule 3 of the Regulations to be made to the relevant authority.
- Notifications are made without delay, usually within 24 hours of the event occurring.
- The following applies in relation to Schedule 3 (Part 1, 21)(Part 2, 32)(Part 3, 35)(Part 5, 41). Fostering services providers notify the relevant authorities of any incident of child exploitation or suspected child exploitation. This includes but is not limited to:
  - where a child reports an incident that indicates they may be a victim of child exploitation or;
  - where there is reason to believe a child may be subject to child exploitation.

***Statutory Guidance - Regulation 67 – Notifications (responsible individual)***

- The responsible individual has suitable arrangements in place to notify the service regulator of events specified in Schedule 4 to the Regulations.

**Line of Enquiry 15:** The extent to which the service promotes an accessible complaints policy and procedure and demonstrates learning from complaints to improve the service. (*Regulation 42, 60*)

### What good looks like

#### **Statutory Guidance - Regulation 42 - Complaints policy and procedures**

- There is a complaints policy in place. This includes the details of procedures as set out in regulation 42.
- Service providers have an accessible complaints policy which includes, where appropriate, the use of an informal resolution stage, and explains:
  - who can make a complaint and in relation to what;
  - who to approach to discuss a concern/complaint;
  - how children, foster parents and birth parents can be supported to make a complaint;
  - information about accessing independent advocacy, where available;
  - how complaints will be dealt with; and
  - the stages and timescales for the process.
- The policy is in an easy to read format, well publicised, readily available and accessible to children and foster parents, their families, staff and others working at the service.
- Information about other avenues for complaint is included to support complainants if they are not satisfied with the service provider's action. For example, information about the complaints procedure of the placing authority, the Public Services Ombudsman for Wales and the Children's Commissioner for Wales.
- Children or foster parents are able to make their complaint in writing or verbally to staff and these should be acknowledged unless complaints are made anonymously.
- Staff are aware of the complaints policy and understand how to respond appropriately to complaints.
- Fostering services providers ensure any complaint is acknowledged, addressed promptly and the complainant is kept informed of progress.
- A written report is provided to the complainant setting out the outcome of the complaint and any action to be taken.
- Wherever practicable consent should be gained to the disclosure of the details of a complaint, where necessary, to enable an effective investigation to take place.
- Confidentiality is maintained during the complaints process unless there are professional or statutory obligations which would not make this possible, such as those in relation to safeguarding.
- Children, the parents of any such children and foster parents do not suffer victimisation or any other disadvantage as a result of making representations or complaints.

- Systems are in place to make sure that all complaints are investigated in accordance with the timescales set out in the service provider's complaints policy. This includes:
  - undertaking a review to establish the level of investigation and immediate action required, including whether there is a requirement for a referral to appropriate authorities for investigation (this may include the service regulator or local authority safeguarding teams); and
  - where areas for improvement or service failures are identified, acting upon these immediately.
- Staff and others involved in the investigation of complaints have the right level of knowledge and skill to do this. They understand the service provider's complaints process and are knowledgeable about any current related guidance.
- Records of complaints are maintained and monitored to identify trends and areas of risk which may require pre-emptive action.
- Actions taken in response to complaints are reported on as part of the governance arrangements for the fostering service.

***Statutory Guidance - Regulation 60 - Duty to ensure there are systems in place to record incidents and complaints***

- The responsible individual ensures there are suitable arrangements in place for the recording of the matters set out in regulations 40 and 67.
- The responsible individual has systems and processes in place to ensure that any records made are legible, accurate and kept securely.

## Leadership and Management – Support and oversight of foster parents

Related Regulation: 18, 44, 45, 46, 47

**Line of Enquiry 16:** The extent to which foster parents receive the information, training, advice and support they need and are appropriately supervised, in order to meet the care and support needs of children placed with them. **(Regulation 18, 44-47)**

### What good looks like

#### **Statutory Guidance - Regulation 18 – Compliance with foster care agreement**

- Service providers have foster care agreements in place with approved foster parents in line with Schedule 3 of the Fostering Panels Regulations.
- Service providers have effective arrangements in place to monitor and review the obligations placed upon foster parents as set out in the foster care agreement.
- Service providers have arrangements in place to ensure foster parents are supported to understand and deliver the requirements placed upon them through the foster care agreement.
- Service providers have effective arrangements in place to ensure foster parents take action to achieve compliance with the foster care agreement wherever it is identified that they are not doing so.

#### **Statutory Guidance - Regulation 44 – Support, training and information for foster parents**

- Service providers ensure foster parents receive the support, training and information necessary to enable them to provide care and support to a child they foster in accordance with the child's care and support plan / pathway plan.
- Service providers ensure any training provided (induction, ongoing or otherwise), to foster parents is in line with national guidance.
- Service providers ensure foster parents are aware of the support available to them during any allegations / complaints made against them, such as Fosterline Cymru.
- Service providers have arrangements in place to support foster parents outside of standard office hours, and foster parents are familiar with these arrangements.
- Service providers provide or arrange the provision of training, information and advice as needed for prospective foster parents.
- Service providers have arrangements in place to monitor and review the support or advice, training and information provided to foster parents and prospective foster parents. This feeds into the quality of care review.

#### **Statutory Guidance - Regulation 45 – Policies and procedures by foster parents**

- Service providers have arrangements in place to ensure foster parents are familiar with and adhere to the policies and procedures set out in the Regulations.

***Statutory Guidance - Regulation 46 – Supervision***

- Service providers have arrangements in place to supervise foster parents and provide advice and support where necessary.
- Service providers ensure there is a clear purpose to any supervisory meetings with foster parents and records are maintained.

***Statutory Guidance - Regulation 47 – Effective working relationships***

- Service providers support foster parents to develop and maintain a positive relationship with the child placed with them.

## Environment – Overall Environment

Related Regulation: 36, 37, 38

**Line of Enquiry 17:** The extent to which service providers ensure that a child's care and support is provided in a location and environment with facilities and, where relevant, with any facilities and equipment that promotes achievement of their personal outcomes. **(Regulation 36-38)**

### What good looks like

#### **Statutory Guidance - Regulation 36 – Premises, facilities and equipment - service providers**

- The location, design and size of the premises, and any facilities and equipment used, are suitable for the service as described in the statement of purpose.

#### **Statutory Guidance - Regulation 37 - Adequacy of premises**

- Service providers have a suitable space within the premises, such as a shared meeting room, to provide privacy for the supervision of staff.
- Records are stored securely in line with legislative requirements.

#### **Statutory Guidance - Regulation 38 - Premises, facilities and equipment - foster parents**

- Service providers have arrangements in place to monitor the premises, facilities and equipment used by foster parents in providing care and support to a child placed with them.