WELSH STATUTORY INSTRUMENTS

2006 No. 940 (W.89)

CHILDREN AND YOUNG PERSONS, WALES SOCIAL CARE, WALES

The Children (Private Arrangements for Fostering) (Wales) Regulations 2006

Made - - - -	*28 March 2006*
Coming into force - -	*1 April 2006*

The National Assembly for Wales, in exercise of the powers conferred on it by section 67(2), (2A), (6) and section 104(4) of, and paragraph 7 of Schedule 8 to, the Children Act 1989(**1**) and of all other powers enabling it in that behalf, hereby makes the following Regulations—

Title, commencement and application

1.—(1) The title of these Regulations is the Children (Private Arrangements for Fostering) (Wales) Regulations 2006.

(2) These Regulations come into force on 1 April 2006.

(3) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations,

"the Act" ("*y Ddeddf*") means the Children Act 1989;

"appropriate local authority" ("*awdurdod lleol priodol*") means—

(i) the local authority within whose area the child is being privately fostered; or

(ii) in the case of a proposal to privately foster a child, the local authority within whose area it is proposed that the child will be privately fostered;

"private foster carer" ("*gofalydd maeth preifat*") means a person who fosters a child privately; and

(**1**) 1989 c. 41. Functions of the Secretary of State under the 1989 Act are made exercisable by the National Assembly for Wales by virtue of the inclusion of the 1989 Act in Schedule 1 to the National Assembly for Wales (Transfer of Functions Order) 1999 (S.I.1999/672) (*see* article 2(a) of the 1999 Order and section 22(1) of the Government of Wales Act 1998 (c. 38)).

"working day" ("*diwrnod gwaith*") means any day other than a Saturday, Sunday, Christmas Day, Good Friday or a day which is a bank holiday within the meaning of the Banking and Financial Dealings Act 1971.

Notification of proposal to privately foster a child

3.—(1) A person who proposes to privately foster a child must notify the appropriate local authority of the proposal—

(a) at least six weeks before the private fostering arrangement is to begin; or

(b) where the private fostering arrangement is to begin within six weeks, immediately.

(2) Any person who is involved (whether or not directly) in arranging for a child to be privately fostered must notify the appropriate local authority of the arrangement as soon as possible after the arrangement has been made.

(3) A parent of a child, and a person who is not a parent but who has parental responsibility for the child, who is not involved (whether or not directly) in arranging for the child to be privately fostered but who knows that it is proposed that the child should be privately fostered must notify the appropriate local authority of the proposal as soon as possible after becoming aware of the arrangement.

(4) Notification given under paragraphs (1) to (3) must contain such of the information specified in Schedule 1 as the person giving the notification is able to provide.

Action to be taken by local authority on receipt of notification of proposal to privately foster a child

4.—(1) Where a local authority have received notification under regulation 3 they must, for the purposes of discharging their duty under s.67(1) of the Act (welfare of privately fostered children), arrange for an officer of the authority within seven working days to—

(a) visit the premises where it is proposed that the child will be cared for and accommodated;

(b) visit and speak to the proposed private foster carer and to all members of the household;

(c) visit and speak to the child, alone unless the officer considers it inappropriate;

(d) speak to and, if it is practicable to do so, visit every parent of, or person with parental responsibility for the child; and

(e) establish such matters listed in Schedule 2 as appear to the officer to be relevant.

(2) Having completed the functions under paragraph (1) the officer must make a written report to the local authority.

Notification by person already privately fostering a child

5.—(1) A person who is privately fostering a child and has not given notification to the appropriate local authority in accordance with regulation 3 must notify the appropriate local authority immediately.

(2) Notification given under paragraph (1) must contain such of the information specified in Schedule 1 as the person giving the notification is able to provide.

Notification of a child going to live with private foster carer

6.—(1) A person who has given notification under regulation 3(1) must, within 48 hours of the start of the arrangement, notify the appropriate local authority of the fact.

(2) A parent of a child, and any other person who has parental responsibility for the child, who has given notification under regulation 3(2) or 3(3) must within 48 hours of the child's going to live with a private foster carer, notify the appropriate local authority of the fact.

Action to be taken by local authority on receipt of notification about a child being privately fostered

7. Where a local authority have received notification under regulation 5 or 6 they must for the purposes of discharging their functions under section 67(1) of the Act, arrange for an officer of the authority within seven working days to—

(a) visit the premises where the child is being cared for and accommodated;

(b) visit and speak to the private foster carer and to all members of the private foster carer's household;

(c) visit and speak to the child, alone unless the officer considers it inappropriate;

(d) speak to and, if it is practicable to do so, visit every parent of, or person with parental responsibility for the child; and

(e) establish such matters listed in Schedule 3 as appear to the officer to be relevant.

(2) Having completed the functions under paragraph (1) the officer must make a written report to the local authority.

Subsequent visits to children who are being privately fostered

8.—(1) Each local authority must arrange for an officer of the authority to visit every child who is being privately fostered in their area—

(a) in the first year of the private fostering arrangement, at intervals of not more than six weeks; and

(b) in any second or subsequent year, at intervals of not more than 12 weeks.

(2) In addition to visits carried out in accordance with paragraph (1) the local authority must arrange for every child who is privately fostered in their area to be visited by an officer when reasonably requested to do so by the child, the private foster carer, a parent of the child or any other person with parental responsibility for the child.

(3) When carrying out a visit under this regulation the officer must speak to the child alone unless the officer considers it inappropriate.

(4) When carrying out a visit under this regulation the officer must establish such matters listed in Schedule 3 as appear to the officer to be relevant.

(5) The officer must make a written report to the local authority after each visit carried out in accordance with this regulation.

(6) For the purposes of this regulation, the private fostering arrangement is deemed to begin when the local authority become aware of it.

Notification of change of circumstances

9.—(1) A private foster carer must notify the appropriate local authority of—

(a) any change in his or her address;

(b) any person who ceases to be part of, or employed at, his or her household;

(c) any further offence of which the private foster carer or a person who is part of or employed at his or her household has been convicted;

(d) any further disqualification imposed on him or her or a person who is part of, or employed at, his or her household under section 68 of the Act; and

(e) any person who begins to be part of or employed at the private foster carer's household, and any offence of which that person has been convicted, and any disqualification or prohibition imposed on him or her under section 68 or 69 of the Act or under any previous enactment of either of those sections.

(2) A notification under paragraph (1) must be given—

(a) in advance if practicable;

(b) in any other case, not more than 48 hours after the change of circumstances.

(3) If the private foster carer's new address is in the area of another local authority, or of a local authority in England, Scotland or Northern Ireland, the authority to whom the notification is given under this regulation must pass on to the authority for the area—

(a) the name and new address of the private foster carer;

(b) the name of the child who is being privately fostered; and

(c) the name and address of the child's parents or any other person who has parental responsibility for the child.

(4) The parent of a privately fostered child, and any other person who has parental responsibility for the child, who knows that the child is being privately fostered, must notify the appropriate local authority of any change to that person's own address.

Notification of the end of a private fostering arrangement

10.—(1) Subject to paragraphs (2) and (3), any person who has been privately fostering a child, but has ceased to do so must notify the appropriate local authority within 48 hours and must include in the notification the name and address of the person into whose care the child was received and that person's relationship with the child.

(2) Where a person has been privately fostering a child but has ceased to do so because of the death of the child that person must in the notification indicate that that is the reason.

(3) Paragraph (1) will not apply where the private foster carer intends to resume the private fostering arrangement after an interval of not more than 27 days but if—

(a) the private foster carer subsequently abandons his or her intention; or

(b) the interval expires without the private foster carer having given effect to his or her intention,

the private foster carer must notify the local authority within 48 hours of abandoning his or her intention or, as the case may be, the expiry of the interval.

(4) Any parent of a privately fostered child, and any other person who has parental responsibility for the child, who has given notification to the local authority under regulation 3(2) or (3) must notify the appropriate local authority of the ending of the private fostering arrangement and must include in the notification the name and address of the person into whose care the child was received and that person's relationship with the child.

Form of notifications

11. Any notification required under these Regulations must be given in writing and may be sent by post.