



# Social Services and Well-being (Wales) Act 2014

2014 anaw 4

## PART 6

### LOOKED AFTER AND ACCOMMODATED CHILDREN

#### *Regulations about looked after children*

#### **93 Regulations providing for approval of local authority foster parents**

- (1) Regulations under section 87 may, for example, make provision—
  - (a) for securing that a child is not placed with a local authority foster parent unless that person is for the time being approved as a local authority foster parent by such local authority [<sup>F1</sup>or other persons] as may be specified;
  - (b) establishing a procedure under which any person in respect of whom a qualifying determination has been made may apply to the Welsh Ministers for a review of that determination by a panel constituted by the Welsh Ministers.
- (2) A determination is a qualifying determination if—
  - (a) it relates to the issue of whether a person should be approved, or should continue to be approved, as a local authority foster parent, and
  - (b) it is of a specified description.
- (3) Regulations made under subsection (1)(b) may include provision as to—
  - (a) the duties and powers of a panel;
  - (b) the administration and procedures of a panel;
  - (c) the appointment of members of a panel (including the number, or any limit on the number, of members who may be appointed and any conditions for their appointment);
  - (d) the payment of fees to members of a panel;

*Changes to legislation: Social Services and Well-being (Wales) Act 2014, Section 93 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes*

- (e) the duties of any person in connection with a review conducted under the regulations;
  - (f) the monitoring of any such reviews.
- (4) Regulations made by virtue of subsection (3)(e) may impose a duty to pay to the Welsh Ministers such amount as the Welsh Ministers may determine; but such a duty may not be imposed upon a person who has applied for a review of a qualifying determination.
- (5) The Welsh Ministers must secure that, taking one financial year with another, the aggregate of the amounts which become payable to them under regulations made by virtue of subsection (4) does not exceed the cost to them of performing their independent review functions.
- (6) The Welsh Ministers may make an arrangement with an organisation under which independent review functions are performed by the organisation on their behalf.
- (7) If the Welsh Ministers make such an arrangement with an organisation, the organisation must perform their functions under the arrangement in accordance with any general or specific direction given by the Welsh Ministers.
- (8) The arrangement may include provision for payments to be made to the organisation by the Welsh Ministers.
- (9) Payments made by the Welsh Ministers in accordance with such provision are to be taken into account in determining (for the purpose of subsection (5)) the cost to the Welsh Ministers of performing their independent review functions.
- (10) A direction under subsection (7)—
- (a) must be in writing;
  - (b) may be varied or revoked by a later direction.
- (11) In this section—
- “financial year” (“*blwyddyn ariannol*”) means a period of twelve months ending with 31 March;
  - “independent review function” (“*swyddogaeth adolygu annibynnol*”) means a function conferred or imposed on the Welsh Ministers by regulations made by virtue of subsection (1)(b);
  - “organisation” (“*sefydliad*”) includes the Secretary of State, a public body and a private or voluntary organisation.

#### Textual Amendments

- F1** Words in s. 93(1)(a) inserted (6.4.2016) by [The Social Services and Well-being \(Wales\) Act 2014 \(Consequential Amendments\) Regulations 2016 \(S.I. 2016/413\)](#), regs. 2(1), **302**

#### Commencement Information

- I1** S. 93 in force at 6.4.2016 by [S.I. 2016/412](#), **art. 2** (with [art. 4](#), [Schs. 1, 2](#))

**Changes to legislation:**

Social Services and Well-being (Wales) Act 2014, Section 93 is up to date with all changes known to be in force on or before 19 April 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations.

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**Changes and effects yet to be applied to the whole Act associated Parts and Chapters:**

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 162(4)(ga) inserted by [2022 asc 1 Sch. 4 para. 30\(2\)\(b\)](#)
- s. 163(4A) inserted by [2014 c. 23 s. 75\(10\)](#) (Effect inserting (4) not applied at s. 163 as it appears to relate to s. 194 in view of the title of the section as cited i.e. "ordinary residence". In s. 194 another (4), identically worded, is inserted on the same date by S.I. 2016/413, regs. 2(1), 316(a))