

This note is an attempt to clarify the law (in the form of regulations and statutory guidance /codes of practice) in respect of the qualifications and experience required to undertake the work of a fostering services provider.

The current position in England

The Children Act 1989 Vol 4 Guidance and Regulations (2011) state that every foster carer should be allocated an **‘appropriately qualified social worker’** from the fostering service for the purposes of supervision etc. The only way a social worker can be ‘appropriately qualified’ is with a social work qualification. This applies to England only.

Historically in Wales

Upon the Fostering Services (Wales) Regulations 2003 coming into force, Welsh regulations separated from those in England and, of course, have remained separate. Although there was never any statutory guidance to accompany the 2003 regulations there were National Minimum Standards.

Regulation 19 FS(W)R 2003: The fostering service provider must ensure....**‘a sufficient number of suitably qualified, competent and experienced persons working for purposes of the fostering service’.**

National Minimum Standards 2003: Standard 17.1 states that there should be an **‘adequate number of sufficiently experienced and qualified staff’.**

Standard 22.3 states that **‘Each approved foster carer is supervised by a named, appropriately qualified social worker’**

Standard 15.6 states **‘Any social work staff involved in assessment and approval of foster carers are qualified social workers, have experience of foster care and family placement work and are trained in assessment.’**

The current position in Wales

The 2003 regulations and NMS were revoked in 2018 with the introduction of the Local Authority Fostering Services (Wales) regulations 2018 and its Code of Practice (for LA FSP’s) and separate regulations and statutory guidance for IFA’s.

Regulation 29(2)(b) LAFS(W)R 2018: A person is not fit to work at the service unless—

(a)...

(b)The person has the **qualifications, skills, competence and experience necessary** for the work they are to perform,

(c)...

The Code of Practice adds nothing to the regulations to provide clarity.

The question for us in Wales

What are the **‘qualifications, skills, competence and experience necessary’** for performing the tasks of a local authority fostering service provider?

The wording of the regulations denotes that all four criteria should be met, not just one, two or even three of them. Therefore, there must be a qualification. As the regulations do not specifically state that someone should be a qualified social worker, does that mean that other qualifications may be relevant and will suffice?

Is there another qualification (other than a social work qualification) that provides and equips a person with:

- An understanding of the workings and expectations placed upon a local authority social services department
- An understanding of current law, policy and practice in relation to the fostering task and all aspects of children looked after
- An understanding of safeguarding requirements and the explicit expectations placed upon them with regard to this role
- An ability to provide rigorous assessment of applicants wishing to be foster parents
- An ability to ensure that foster parents are appropriately supervised
- An ability to provide support, training, and information to foster carers with a knowledge of child development, attachment theory and trauma informed practice
- An ability to liaise and work with a number of other professionals, and in particular social workers and Independent Reviewing Officers for the children placed with foster carers

Some other qualifications (nursing / teaching) may provide some knowledge and experience, but the social work qualification is the only one that provides all.

Conclusion

In England, the task of supervising social worker is required to be undertaken by those holding a social work qualification.

In Wales, the NMS previously set out expectations that the supervising social worker role was undertaken by a qualified social worker. The requirements of the role have not reduced or lessened and indeed it could be argued that they have increased in complexity and expectation.

The necessary qualification’ for performing the tasks undertaken by a local authority fostering service provider should, therefore, be a social work qualification.

Sarah Coldrick, Legal Consultant & Sarah Thomas, Service Manager (17th Nov 2020)