

Recent developments in children's social care law and policy relating to Wales

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1. Legislation and government guidance

New regulations, guidance and codes of practice on adoption and fostering services

Following the introduction of the [Regulation and Inspection of Social Care \(Wales\) Act 2016](#), that governs the regulation and inspection of social care services in Wales, it was necessary to update the regulations and guidance relating to providers of adoption and fostering services.

Adoption

Three new sets of revised regulations on adoption were brought into force on 29 April 2019:

- [Adoption Support Services \(Wales\) Regulations 2019 \(2019/286 W 66\)](#);
- [Local Authority Adoption Services \(Wales\) Regulations 2019 \(2019/291 W 69\)](#);
- [Regulated Adoption Services \(Service Providers and Responsible Individuals\) \(Wales\) Regulations 2019 \(2019/762 W 145\)](#).

These replace former adoption regulations made between 2003 and 2007.

A fourth set of regulations is scheduled to come into effect on 1 January 2020:

- The Adoption Agencies (Wales) (Amendments) Regulations 2019, amend (but do not replace) the Adoption Agencies (Wales) Regulations 2005. (These are available in draft [here](#))

A [Code of Practice](#) has been issued to local authority adoption services. This has the same status as statutory guidance and sets out how local authorities and their managers should meet the regulations' requirements.

Similar [statutory guidance](#) has been issued to voluntary adoption agencies.

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Fostering

The provision of fostering services is, from 29 April 2019, regulated by:

- [The Fostering Panels \(Establishment and Functions\) \(Wales\) Regulations 2018 \(2018 No. 1333 W 260\)](#)
- [Local Authority Fostering Services \(Wales\) \(Amendment\) Regulations 2019 \(2019 No. 545 W119\)](#)
- [Regulated Fostering Services \(Service Providers and Responsible Individuals\) \(Wales\) Regulations 2019 \(2019 No. 169 W42\).](#)

These replace the Fostering Service Wales Regulations (2003).

A [code of practice](#) has been issued to local authority fostering services.

[Statutory guidance](#) has been issued to non-local authority fostering agencies and their managers.

‘Working Together’ to protect children

The former ‘Working Together’ guidance for all agencies involved in child protection (from 2008) was replaced during 2018 with a Code of Practice under the Social services and Well-being (Wales) Act 2014, Volume 5, [Working Together to Safeguard People Volume 5, Handling Individual Cases of Children at Risk](#).

The All-Wales Child Protection Procedures are being revised but have not yet been agreed or published.

Advocacy for children and young people who are looked after

[The Regulated Advocacy](#) Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019 SI No.165 (W. 41) set out the assistance that a young person should be given if they are making a complaint about the local authority, including their rights to independent advocacy. These also came into force on 29 April 2019.

Children (Abolition of Reasonable Punishment Defence) Bill

This Bill is currently going through the National Assembly. It aims to remove the common law defence available to a parent of ‘reasonable punishment’ to a criminal charge of assault. It is not introducing new criminal offence but will make the legal protection against assault the same for children and adults. Although it is anticipated that the Bill will be passed in autumn 2019, it will not be coming into force immediately, as there will first be a publicity programme about supporting parents and professionals to understand the purpose of the legislation. There is a great deal of material about the Bill here -

<https://gov.wales/children-abolition-defence-reasonable-punishment-wales-bill>

The Mental Capacity (Amendment) Act 2019

This Act covers England and Wales and was passed in May 2019 but is not due to be brought into force until 2020. It replaces the deprivation of liberty safeguards with liberty protection safeguards, which will extend to 16 and 17 year olds.

Education

The [Additional Educational Needs and Education Tribunals Act 2018](#), which changes the law about special education, is due to come into force in over a three year period from September 2020. Guidance and factsheets are available.

2. Other guidance and new resources

Information for and with looked-after children

A series '[Getting more Involved](#)' has been published by Children in Wales with care experienced children. These include project updates for professionals.

Factsheet on sibling contact

The National Adoption Service and the Legal Centre for Children have produced a factsheet, '[Contact and what it means for you](#)' for children and young people who are looked after, explaining their rights to contact with their brothers and sisters, when they are living in different places.

Special guardianship

The Family Justice Council has issued [new interim guidance](#) to courts about dealing with special guardianship applications

This guidance only refers to English regulations. The Wales equivalent of Reg 24 is Reg 26 of The Care Planning, Placement and Case Review (Wales) Regulations 2015 No. 1818 (W. 261).

Recommendations to achieve best practice in the child protection and family justice systems

A consultation process is taking place until 30 September 2019 on a number of proposals made by a working group convened by the President of the Family Division, intended to address the problems in the family courts caused by high numbers of applications. The working group includes representatives from services in Wales. The proposals include several changes in local authority and court practice, and can be accessed [here](#).

‘Evidence Matters in Family Justice’

[This guide](#), comprising a handbook and practice briefings, is published by Social Care Wales. It helps social workers incorporate research into decision making and present it effectively in family court proceedings.

Private law disputes in family courts

[New Cafcass guidance](#) for practitioners on family court cases involving domestic abuse and other issues in private law applications was published on 28 August 2019.