

EXPLANATORY NOTES

REGULATION AND INSPECTION OF SOCIAL CARE (WALES) ACT 2016

INTRODUCTION

POLICY BACKGROUND

GENERAL OVERVIEW OF THE ACT

COMMENTARY ON SECTIONS

PART 1 – REGULATION OF SOCIAL CARE SERVICES

Chapter 1 - Introduction

Section 2 - Meaning of “regulated service”

Schedule 1 - Regulated services: definitions

Section 3 - Other key terms

Chapter 2 – Registration etc. of service providers

Section 5 - Requirement to register

Section 6 - Application for registration as a service provider

Section 7 - Grant or refusal of registration as a service provider

Section 8 - Duration of domiciliary support visits

Section 9 - Fit and proper person: relevant considerations

Section 10 - Annual return

Section 11 - Application for variation of registration as a service provider

Section 12 - Grant or refusal for application for variation

Section 13 - Variation without application

Section 14 - Applications for cancellation of registration as a service provider

Section 15 - Cancellation without application

Section 16 - Improvement notices and Section 17 - notice of decision following improvement notice

Section 18 - Notice of proposal and Section 19 - notice of decision following notice of proposal

Section 21 - Responsible individuals and Section 22 - cancellation of designation of a responsible individual

Section 23 - Urgent cancellation or variation of services or places

Section 25 - Urgent variation of registration: other conditions

Section 26 - Appeals

Section 27 - Regulations about regulated services, Section 28 -, regulations about responsible individuals and Section 29 - guidance about regulations under sections 27 and 28

Chapter 3: Sections 32-37 - Information and inspections

Chapter 4: Sections 38-42 - General functions

Chapter 5: Sections 43-55 – Offences and penalties

Chapter 6: Sections 56-58 – Local authority social services

Section 56 - Reports by local authorities and general duty of the Welsh Ministers and Section 57 - reviews, investigations and inspections

Section 58 - Regulation of local authority functions relating to looked after and accommodated children

Chapter 7: Sections 59-63 – Market oversight

PART 3 - SOCIAL CARE WALES

Sections 67-78

PART 4 – SOCIAL CARE WORKERS

Section 79 - Meaning of “social care worker” etc.

Sections 80 – 91 - The register, Registration in the social worker part or an added part of the register, “Appropriately qualified,” Dealing with applications for registration or renewal, Visiting social workers and Information to be contained on the register

Applications for registration - sections 82 - 85

Condition 1: appropriately qualified

Social workers

Social Care workers

Condition 2: “fit to practise”

Condition 3: intention to practise

Granting or refusing applications

Sections 92 – 94 - Removal of entries from the register

Sections 95 – 100 - Restoring an entry to the register

Sections 101 – 105 - Appeals to a registration appeals panel and appeals to the tribunal

Sections 106 – 111 - Notifying the registrar of changes to information etc., duty to publish the register etc. and protection of title “social worker” etc.

PART 5 – SOCIAL CARE WORKERS: STANDARDS OF CONDUCT, EDUCATION ETC.

Section 112 - Codes of practice

Section 113 - Continuing professional development

Section 114 - Approval of courses etc.

Section 115 - Inspection in connection with certain courses

Section 116 - Other functions of Social Care Wales in respect of education and training

PART 6 –SOCIAL CARE WORKERS: FITNESS TO PRACTISE

Chapter 1 – Grounds of impairment

Section 117 - Fitness to practise

Chapter 2 - Preliminary procedures

Sections 118 – 124 - Preliminary consideration of allegations etc.

Sections 125 – 130 – Investigation

Sections 131 – 133 - Review

These notes refer to the Regulation and Inspection of Social Care (Wales) Act 2016 (c.2)

Chapter 3: Sections 134 – 142 - Disposal of fitness to practise cases

Chapter 4: Sections 143 – 149 – Interim orders and review of interim orders

Chapter 5: Sections 150 – 157 – Review proceedings

Chapter 6: Appeals and referrals to the tribunal

Section 158 - Appeals against decisions of a fitness to practise panel

Chapter 7: Sections 159 – 164 - General and supplementary

**PART 7 – ORDERS PROHIBITING WORK IN SOCIAL CARE:
UNREGISTERED PERSONS**

Sections 165-173 - Orders prohibiting work in social care: unregistered persons

PART 8 – SOCIAL CARE WALES: DUTY TO ESTABLISH PANELS ETC.

**PART 9 – CO-OPERATION AND JOINT WORKING BY THE REGULATORY
BODIES ETC.**

RECORD OF PROCEEDINGS IN NATIONAL ASSEMBLY FOR WALES