



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 1

REGULATION OF SOCIAL CARE SERVICES

CHAPTER 4

GENERAL FUNCTIONS

38 Register of service providers

- (1) The Welsh Ministers must maintain a register of service providers.
- (2) An entry in the register in respect of a service provider must show the following information—
 - (a) the regulated services that the service provider is registered to provide;
 - (b) the places at, from or in relation to which the provider is registered to provide those services;
 - (c) the name of the responsible individual registered in respect of each such place;
 - (d) the date on which the provider's registration took effect in respect of each such regulated service and place;
 - (e) details of any other conditions imposed on the service provider's registration;
 - (f) a summary of any inspection report relating to the service provider which has been published under section 36(3)(a);
 - (g) such other information as may be prescribed.
- (3) The Welsh Ministers must publish the register and make it available for public inspection free of charge, in such manner, and at such times, as they think appropriate (but see subsection (5)(a)).

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- (4) The Welsh Ministers must comply with any reasonable request made by a person for a copy of, or an extract from, the register (but see subsection (5)(b)).
- (5) The Welsh Ministers may—
 - (a) omit prescribed information from the published register in prescribed circumstances;
 - (b) refuse to comply with a request made under subsection (4) in prescribed circumstances.

39 Notifying local authorities of certain action taken under this Part

- (1) The Welsh Ministers must notify each local authority of—
 - (a) the cancellation of the registration of a service provider;
 - (b) the variation of the registration of a service provider by removing from the registration—
 - (i) a regulated service, or
 - (ii) a place at, from or in relation to which the provider is providing a regulated service;
 - (c) the making of an order by a justice of the peace under section 23 (urgent cancellation or variation by removing a service or place);
 - (d) the cancellation of a designation of a responsible individual under section 22;
 - (e) proceedings brought against a person in respect of an offence under this Part or under regulations made under it;
 - (f) a penalty notice given under section 52;
 - (g) any other thing that may occur by virtue of this Part or regulations made under it as may be prescribed.
- (2) A notification under this section must contain such other information as may be prescribed.
- (3) In subsection (1) the reference to “local authority” includes a reference to—
 - (a) a county council in England,
 - (b) a district council for an area in England for which there is no county council,
 - (c) a London borough council,
 - (d) the Common Council of the City of London, and
 - (e) the Council of the Isles of Scilly.

40 Charging fees

- (1) The Welsh Ministers may by regulations make provision requiring a fee to be paid by a person—
 - (a) making an application for registration as a service provider (see section 6);
 - (b) making an application to vary a registration (see section 11);
 - (c) to allow the person to continue to be registered as a service provider for such period as may be specified in the regulations;
 - (d) for a copy of an inspection report (see section 36(3)(c));
 - (e) for a copy of the register published under section 38(3), or an extract of it.
- (2) Regulations under subsection (1) may include provision—

- (a) specifying the amount of any fee or permitting the Welsh Ministers to determine the amount of any fee (subject to any limits or other factors as may be specified in the regulations);
 - (b) specifying circumstances in which a fee, which would otherwise be payable under the regulations, is not payable;
 - (c) specifying the time by which a fee is to be payable or specifying factors by which that time is to be determined by the Welsh Ministers;
 - (d) about the consequences of failing to pay a fee (which may include refusal to register, or cancellation of registration).
- (3) Before making regulations under subsection (1) the Welsh Ministers must take reasonable steps to consult—
- (a) persons who the Welsh Ministers think may be required to pay a fee by virtue of the regulations, and
 - (b) such other persons as they think appropriate.
- (4) A fee payable by virtue of regulations made under subsection (1) may, without prejudice to any other method of recovery, be recovered summarily as a civil debt.

41 Engagement with the public

- (1) The Welsh Ministers must—
- (a) make information about the exercise of their regulatory functions available for the public, and
 - (b) prepare and publish a statement of their policy with respect to involving the public in the exercise of those functions (whether by consultation or other means).
- (2) The Welsh Ministers—
- (a) may revise a statement of policy and must publish the revised statement, or
 - (b) may publish a new statement of policy.
- (3) A statement of policy (or revised statement) must, in particular, address—
- (a) the involvement of the public in inspections carried out under Chapter 3, and
 - (b) the involvement of carers (within the meaning of section 3 of the 2014 Act) in the exercise of the Welsh Ministers' regulatory functions.
- (4) The Welsh Ministers must lay a copy of a published statement of policy (or revised statement) before the National Assembly for Wales.
- (5) The Welsh Ministers must have regard to the most recent policy statement published under this section when exercising their regulatory functions.

42 Annual report on regulatory functions

- (1) As soon as is reasonably practicable after the end of a financial year, the Welsh Ministers must prepare and publish an annual report about the exercise of their regulatory functions in respect of that financial year.
- (2) The annual report must include details of—
- (a) how the Welsh Ministers have exercised those functions during the year,
 - (b) the extent to which they have, in the exercise of those functions—

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- (i) achieved the objectives referred to in section 4, and
 - (ii) had regard to the most recent statement of policy published under section 41, and
 - (c) how the duties mentioned in subsection (4) affected the exercise of those functions during the year.
- (3) The annual report may include any other information the Welsh Ministers think appropriate.
- (4) The duties referred to in subsection (2)(c) are the Welsh Ministers' duties under—
- (a) section 149 of the [Equality Act 2010 \(c.15\)](#) (public sector equality duty),
 - (b) section 1(1) of the [Rights of Children and Young Persons \(Wales\) Measure 2011 \(nawm 2\)](#) (duty to have due regard to the United Nations Convention on the Rights of the Child),
 - (c) section 7(1) of the 2014 Act (duty to have due regard to the United Nations Principles for Older Persons when exercising functions relating to adult social services), and
 - (d) Part 4 of the [Welsh Language \(Wales\) Measure 2011 \(nawm 1\)](#) (standards).
- (5) The Welsh Ministers must lay a copy of a published annual report before the National Assembly for Wales.