
WELSH STATUTORY INSTRUMENTS

2003 No. 781

The Residential Family Centres (Wales) Regulations 2003

PART VI

MISCELLANEOUS

Notification of death, illness and other events

26.—(1) The registered person must give notice to the appropriate office of the National Assembly without delay of the occurrence of—

- (a) the death of any resident, including the circumstances of his or her death;
- (b) the outbreak in the residential family centre of any infectious disease which in the opinion of any registered medical practitioner attending residents of the residential family centre is sufficiently serious to be so notified;
- (c) any serious accident, serious injury or serious illness sustained by a resident;
- (d) any serious incident in the residential family centre necessitating the calling of police to the residential family centre;
- (e) any child protection enquiry involving any resident, which relates to any concern arising during the period in which a person is accommodated in a residential family centre;
- (f) any allegation of misconduct by the registered person or by any person who works at the residential family centre.

(2) Any notification made in accordance with this regulation which is given orally shall be confirmed in writing.

Notice of absence

27.—(1) Where—

- (a) the registered provider if he or she is the person in day-to-day charge of the residential family centre, or
- (b) the registered manager,

proposes to be absent from the residential family centre for a continuous period of 28 days or more, the registered person must give notice in writing to the appropriate office of the National Assembly of the proposed absence.

(2) Except in the case of an emergency, the notice referred to in paragraph (1) must be given at least 28 days before the proposed absence is to start, or within such shorter period as may be agreed with the appropriate office of the National Assembly, and the notice must specify—

- (a) the length or expected length of the proposed absence;
- (b) the reason for the proposed absence;
- (c) the arrangements which have been made for the running of the residential family centre during that absence;

- (d) the name, address and qualifications of the person who will be responsible for the residential family centre during the absence; and
- (e) in the case of the absence of the registered manager, the arrangements that have been, or are proposed to be, made for appointing another person to manage the residential family centre during that absence, including the proposed date by which the appointment is to be made.

(3) Where the absence arises as a result of an emergency, the registered person must give notice of the absence within one week of its occurrence specifying the matters in sub-paragraphs (a) to (e) of paragraph (2).

(4) Where —

- (a) the registered provider if he or she is the person in day-to-day charge of the residential family centre; or
- (b) the registered manager,

has been absent from the residential family centre for a continuous period of 28 days or more, and the appropriate office of the National Assembly has not been given notice of the absence, the registered person must without delay give notice in writing to the appropriate office of the National Assembly specifying the matters mentioned in sub-paragraphs (a) to (e) of paragraph (2).

(5) The registered person must inform the appropriate office of the National Assembly of the return to work of the registered provider or (as the case may be) the registered manager not later than 7 days after the date of his or her return.

Notice of changes

28. The registered person must give notice in writing to the appropriate office of the National Assembly as soon as it is practicable to do so if any of the following events takes place or is proposed to take place —

- (a) a person other than the registered person carries on or manages the residential family centre;
- (b) a person ceases to carry on or manage the residential family centre;
- (c) where the registered person is an individual, he or she changes his or her name;
- (d) where the registered provider is an organisation —
 - (i) the name or address of the organisation is changed;
 - (ii) there is any change of director, manager, secretary or other similar officer of the organisation;
 - (iii) there is to be any change of responsible individual;
- (e) where the registered provider is an individual, a trustee in bankruptcy is appointed;
- (f) where the registered provider is a company, a receiver, manager, liquidator or provisional liquidator is appointed in respect of the registered provider; or
- (g) where a registered provider is in a partnership whose business includes carrying on a residential family centre, a receiver or manager is, or is likely to be, appointed for the partnership.
- (h) the premises of the residential family centre are to be significantly altered or extended, or additional premises are acquired.

Appointment of liquidators etc.

29.—(1) Any person to whom paragraph (2) applies must —

- (a) forthwith notify the appropriate office of the National Assembly of his or her appointment indicating the reasons for it;
 - (b) appoint a manager to take full-time day-to-day charge of the residential family centre in any case where there is no registered manager; and
 - (c) within 28 days of his or her appointment, notify the appropriate office of the National Assembly of his or her intentions regarding the future operation of the residential family centre.
- (2) This paragraph applies to any person appointed as —
- (a) the receiver or manager of the property of a company which is a registered provider of a residential family centre;
 - (b) a liquidator or provisional liquidator of a company which is the registered provider of a residential family centre;
 - (c) the receiver or manager of the property of a partnership whose business includes carrying on a residential family centre; or
 - (d) the trustee in bankruptcy of a registered provider of a residential family centre.

Death of registered person

30.—(1) If more than one person is registered in respect of a residential family centre, and a registered person dies, the other registered person must without delay notify the appropriate office of the National Assembly of the death in writing.

(2) If only one person is registered in respect of a residential family centre, and that person dies, his or her personal representatives must notify the appropriate office of the National Assembly in writing —

- (a) without delay of the death; and
- (b) within 28 days of their intentions regarding the future operation of the residential family centre.

(3) The personal representatives of a deceased registered provider may carry on the residential family centre without being registered in respect of it —

- (a) for a period not exceeding 28 days;
- (b) for any further period as may be determined in accordance with paragraph (4).

(4) The appropriate office of the National Assembly may extend the period specified in paragraph (3)(a) by such further period, not exceeding one year, as the appropriate office of the National Assembly shall determine and shall notify any such determination to the personal representatives in writing.

(5) The personal representatives must appoint a person to take full-time day-to-day charge of the residential family centre during any period in which in accordance with paragraph (3), they carry on the residential family centre without being registered in respect of it.

Offences

31.—(1) A contravention or failure to comply with any of the provisions of regulations 4 to 28 shall be an offence.

(2) The appropriate office of the National Assembly may bring proceedings against a person who was once, but no longer is, a registered person, in respect of a failure to comply with regulation 19.

Compliance with regulations

32. Where there is more than one registered person in respect of a residential family centre, anything which is required under these Regulations to be done by the registered person shall, if done by one of the registered persons, not be required to be done by any of the other registered persons.

Fees

33.—(1) The Registration of Social Care and Independent Healthcare (Fees)(Wales) Regulations 2002⁽¹⁾ are amended in accordance with the following provisions of this regulation.

(2) In the paragraph headed “Arrangement of Regulations”, the following line shall be added at the end — “11. Annual fee — residential family centres.”

(3) In regulation 2(1),

- (a) in the definition of “establishment” after the words “children’s home,” there shall be added “residential family centre,”
- (b) in the definition of “statement of purpose” there shall be added “(e) in relation to residential family centres, the written statement required to be compiled in relation to the residential family centre in accordance with regulation 4(1) of the Residential Family Centres (Wales) Regulations 2003;”

(4) After regulation 10 (Annual fee — boarding schools and colleges), there shall be inserted the following regulation —

“Annual fee — residential family centres

11.—(1) The annual fee in respect of a residential family centre which shall be paid by the registered provider shall be the sum of the amounts identified in sub-paragraphs (a) and (b) —

- (a) £400;
- (b) £50 multiplied by the relevant number, except that if the product of that multiplication is a negative number the product of the multiplication shall instead be deemed to be zero for the purposes of the summation performed under this paragraph.

(2) The relevant number for the purposes of paragraph (1) in respect of a residential family centre is the number of approved places at the centre, minus the number three.

(3) In the case of a residential family centre providing accommodation for any family on the date on which the Residential Family Centres (Wales) Regulations 2003 come into force the annual fee shall first be payable on 1st March 2004 and, in all other cases, on the date of the establishment of the residential family centre.

(4) Thereafter the annual fee shall be payable every year on the anniversary of the date on which it was first payable.”

Transitional Provisions

34.—(1) This regulation applies to any person who carries on a residential family centre and duly makes an application for registration before 31st December 2003 under Part II of the 2000 Act (“the unregistered provider”).

(2) Section 11(1), (5) and (6) of the 2000 Act will not apply to an unregistered provider in respect of the establishment —

(1) S.I.2002/921 as amended by the Inspection of Boarding Schools and Colleges (Powers and Fees) (Wales) Regulation 2002 (S.I. 2002/3161).

- (a) until such time as the application is granted, either unconditionally or subject only to conditions which have been agreed in writing between the provider and the National Assembly; or
- (b) if the application is granted subject to conditions which have not been so agreed, or refused —
 - (i) if no appeal is brought, until the expiration of the period of 28 days after service on the provider of the National Assembly's decision; or
 - (ii) if an appeal is brought, until it is determined or abandoned.
- (3) This paragraph applies where —
 - (a) the National Assembly applies to a justice of the peace for an order that section 11(1),(5) and (6) of the 2000 Act should apply to an unregistered provider and that paragraph (2) of this regulation should cease to apply to that unregistered provider; and
 - (b) it appears to the justice that, unless the order is made, there will be a serious risk to a person's life, health or well-being.
- (4) Where paragraph (3) applies —
 - (a) the justice may make the order referred to in that paragraph;
 - (b) section 11 of the 2000 Act will apply to the unregistered provider,and paragraph (2) of this regulation shall cease to apply to the unregistered provider, from the time when the order is made.
- (5) Section 20(2), (4) and (5) of the 2000 Act will apply to any application made to a justice under paragraph (3), and to any order made under paragraph (4), as if the application or order (as the case may be) were made under section 20(1) of the 2000 Act and applied to the unregistered provider.