WELSH STATUTORY INSTRUMENTS

2006 No. 3251

The Care Standards Act 2000 and the Children Act 1989 (Regulatory Reform and Complaints) (Wales) Regulations 2006

Amendment of the Adult Placement Schemes (Wales) Regulations 2004

8. The Adult Placement Schemes (Wales) Regulations 2004(**1**) are amended as follows —

(a) Substitute regulation 22 (Review of quality of scheme's operation) with—

"**Review of Quality of Care**

22.—(1) The registered person must make suitable arrangements to establish and maintain a system for monitoring, reviewing and improving the quality of care given to each adult placed under the adult placement scheme.

(2) The system established under paragraph (1) must make provision for —

(a) the quality of care to be reviewed at least annually; and

(b) the registered person to obtain the views of —

(i) relevant adults;

(ii) representatives of relevant adults;

(iii) any local authority which has arranged for the placement of an adult with an adult placement carer;

(iv) adult placement carers; and

(v) staff employed by the scheme,

on the quality of care provided, as part of any review undertaken.

(3) Following a review of the quality of care, the registered person must within 28 days prepare a report of that review and make a copy of the available report in an appropriate format when requested by —

(a) relevant adults;

(b) representatives of relevant adults;

(c) any local authority which has arranged for the placement of an adult with an adult placement carer;

(d) adult placement carers;

(e) staff employed by the scheme; and

(f) the National Assembly.

(**1**) S.I. 2004 No. 1756 (W.188).

Assessment of Service

22A.—(1) The National Assembly can at any time request the registered person to undertake an assessment of the quality of the operation of the scheme including the quality of the accommodation and care provided to relevant adults by the scheme.

(2) Within 28 days of receiving a request under paragraph (1) the registered person must supply to the appropriate office of the National Assembly the assessment in the form required by the National Assembly.

(3) The registered person must take reasonable steps to ensure that the assessment is not misleading nor inaccurate.

Compliance Notification

22B.—(1) The National Assembly can at any time notify the registered person of the action that in the National Assembly's view the registered person must take to ensure compliance with the Act and any regulations made under it.

(2) The National Assembly can specify the timescale within which the registered person must take the action required under paragraph (1).

(3) The registered person must notify the appropriate office of the National Assembly of the completion of any action required under paragraph (1).".

(b) Substitute regulation 21 (Complaints) with—

"**Complaints**

21.—(1) The registered person must prepare and follow a written procedure ("the complaints procedure") for considering complaints made to the registered person by a relevant adult or person acting on the relevant adult's behalf or an adult placement carer.

(2) The complaints procedure must be appropriate to the needs of relevant adults.

(3) The complaints procedure must include provision for the consideration of complaints made about the registered person.

(4) The registered person must ensure that the following persons are aware of the existence of the complaints procedure and take all reasonable steps to give a copy of the complaints procedure in an appropriate format or such format as may be requested to —

(a) relevant adults;

(b) representatives of relevant adults; and

(c) any local authority which has arranged for the placement of an adult with an adult placement carer.

(5) The registered person must ensure that the adult placement carers and the staff employed for the purposes of the scheme are informed about, given a copy of and appropriately trained in the operation of the complaints procedure.

(6) The complaints procedure must include —

(a) the name, address and telephone number of the appropriate office of the National Assembly; and

(b) the procedure, if any, that has been notified to the registered person by the National Assembly for the making of complaints to the National Assembly.

(7) The complaints procedure must include provision for the local resolution of complaints at an early stage where appropriate.

(8) Where the complaints procedure includes provision for a formal consideration, this provision must be approved by the National Assembly.

(9) The approval of the National Assembly under (8) will only be given where the complaints procedure includes provision for the formal consideration to be undertaken by a person who is independent of the management of the scheme.

Handling Complaints

21A.—(1) The complaints procedure prepared under regulation 21 must be operated in accordance with the principle that the welfare of the relevant adult is safeguarded and promoted and account must be taken of the ascertainable wishes and feelings of the relevant adult.

(2) When a complaint is made, the registered person must advise the complainant of their right to at any time complain to the National Assembly or, where relevant, to the local authority which has arranged for the placement of an adult with an adult placement carer.

(3) The registered person must inform the complainant of the availability of any advocacy services which the registered person believes may be of assistance to the complainant.

(4) The registered person can in any case where it is appropriate to do so, and with the agreement of the complainant, make arrangements for conciliation, mediation or other assistance for the purposes of resolving the complaint.

(5) The registered person must keep a written record of any complaint, the outcome of the investigation and any action taken in response.

(6) The registered person must supply to the appropriate office of the National Assembly at its request a statement containing a summary of the complaints made during the preceding twelve months and the action taken in response to each complaint.

Local Resolution

21B.—(1) Complaints that are dealt with locally must be resolved by the registered person as soon as reasonably practicable and in any event within 14 days.

(2) Where the complaint is resolved under paragraph (1), the registered person must confirm in writing to the complainant the agreed resolution.

(3) The registered person must, at the request of the National Assembly or any local authority who has arranged for the placement of an adult with an adult placement carer, confirm the local resolution of a complaint.

(4) The time limit in paragraph (1) may be extended for up to a further 14 days with the agreement of the complainant.

Formal Consideration

21C.—(1) Complaints that are dealt with by way of formal consideration must be resolved as soon as reasonably practicable and in any event within 35 days of the request for formal consideration.

(2) The outcome of a formal consideration must be confirmed in writing by the registered person to the complainant and must summarise the nature and substance of the complaint, the investigation undertaken, the conclusions and the action to be taken as a result.

(3) The registered person must send a copy of a written response to a complaint to the appropriate office of the National Assembly and any local authority which has arranged for the placement of an adult with an adult placement carer.

(4) The time limit in paragraph (1) may be extended with the agreement of the complainant.

(5) If the complaint has not been resolved within 35 days of the request for formal consideration, the registered person must notify the appropriate office of the National Assembly of the complaint and reasons for the delay in resolution.

Complaints subject to concurrent consideration

21D.—(1) Where a complaint relates to any matter—

(a) about which the complainant has stated in writing that he or she intends to take proceedings in any court or tribunal, or

(b) about which the registered person is taking or is proposing to take disciplinary proceedings, or

(c) about which the registered person has been notified that an investigation is being conducted by any person or body in contemplation of criminal proceedings, or

(d) about which a meeting involving other bodies including the police has been convened to discuss issues relating to the protection of children or vulnerable adults, or

(e) about which the registered person has been notified that there are current investigations in contemplation of proceedings under section 59 of the Care Standards Act 2000, the registered person must consider, in consultation with the complainant and any other person or body which they consider appropriate to consult, how the complaint should be handled. Such complaints shall be referred to for the purposes of this regulation as "complaints subject to concurrent consideration".

(2) The consideration of complaints subject to concurrent consideration may be discontinued if at any time it appears to the registered person that to continue would compromise or prejudice the other consideration.

(3) Where the registered person decides to discontinue the consideration of a complaint under paragraph (2) the registered person must give notice of that decision to the complainant.

(4) Where the registered person discontinues the consideration of any complaint under paragraph (2), consideration can be resumed at any time.

(5) Where the consideration of a complaint has been discontinued under paragraph (2) the registered person must ascertain the progress of the concurrent consideration and notify the complainant when it has been concluded.

(6) The registered person must resume consideration of any complaint where the concurrent consideration is discontinued or completed and the complainant requests that the complaint be considered under these Regulations.".