
WELSH STATUTORY INSTRUMENTS

2017 No. 1098

The Regulated Services (Registration) (Wales) Regulations 2017

PART 1

GENERAL

Title, commencement and application

1.—(1) The title of these Regulations is the Regulated Services (Registration) (Wales) Regulations 2017 and they come into force on 1 February 2018.

(2) These Regulations apply in relation to Wales.

Interpretation

2.—(1) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Regulation and Inspection of Social Care (Wales) Act 2016;

“applicant” (“*ymgeisydd*”) means either—

(a) the person making an application for registration as a service provider in accordance with section 6 of the Act, or

(b) the person making an application for variation of registration in accordance with section 11 of the Act;

“local authority” (“*awdurdod lleol*”) has the same meaning as in section 189 of the Act;

“Local Health Board” (“*Bwrdd Iechyd Lleol*”) has the same meaning as in section 189 of the Act;

“organisation” (“*sefydliad*”) includes a partnership, a body corporate and an unincorporated body;

“responsible individual” (“*unigolyn cyfrifol*”) has the meaning given by section 21(1) of the Act;

“service provider” (“*darparwr gwasanaeth*”) has the meaning given by section 3(1)(c) of the Act;

“the individual” (“*yr unigolyn*”) means, unless the context indicates otherwise, the child or adult who is receiving care and support.

(2) Any reference in these Regulations to a section is a reference to a section of the Act, unless otherwise indicated.

PART 2

Application for Registration as a Service Provider

Information to be provided by an applicant

3. A person who wants to provide a regulated service⁽¹⁾ must, in addition to the information set out in section 6(1)(a) to (c) provide the Welsh Ministers with the following—

- (a) the information listed in Schedule 1;
- (b) in respect of applicants for registration as the provider of a care home service, a secure accommodation service or a residential family centre service, a statement of purpose for each place at which the service is to be provided;
- (c) in respect of applicants for registration as the provider of an adoption service, a fostering service, an adult placement service or an advocacy service, a statement of purpose for each place from which the service is to be provided;
- (d) in respect of applicants for registration as the provider of a domiciliary support service, a statement of purpose for each place in relation to which the service is to be provided.

4. The statement of purpose which is required to be provided in accordance with regulation 3(b), (c) or (d) must contain the information described in Schedule 2.

Form of application

5. An application for registration as a service provider must be in the form of an on-line application which is accessed from the pages of the website maintained by the Welsh Government which have been established for the purpose of informing applicants about the procedure for registration under Part 1 of the Act.

PART 3

Application for variation of registration as a service provider

Information to be provided by a service provider for variation of registration – section 11(1)(a)(i) and (ii)

6. An application for variation of registration made pursuant to section 11(1)(a)(i) must, in addition to the information set out in section 11(3)(a)(i) and, where appropriate, section 11(3)(a)(ii), contain the following—

- (a) the information listed in Schedule 1;
- (b) in respect of applications for variation of registration to provide a care home service, a secure accommodation service or a residential family centre service, a statement of purpose for each place at which the service is to be provided;
- (c) in respect of applications for variation of registration to provide an adoption service, a fostering service, an adult placement service or an advocacy service, a statement of purpose for each place from which the service is to be provided;
- (d) in respect of applications for variation of registration to provide a domiciliary support service, a statement of purpose for each place in relation to which the service is to be provided.

(1) See section 2 of and Schedule 1 to the Act for the definition of “regulated service”.

7. An application for variation of registration made pursuant to section 11(1)(a)(ii) must, in addition to the information set out in section 11(3)(a)(i), contain the following—

- (a) the information listed in Schedule 1;
- (b) in respect of an application for variation of registration to provide a care home service, a secure accommodation service or a residential family centre service at a place which is not already specified in the provider’s registration in relation to that service, a statement of purpose for that place;
- (c) in respect of an applications for variation of registration to provide an adoption service, a fostering service, an adult placement service or an advocacy service from a place which is not already specified in the provider’s registration in relation to that service, a statement of purpose for that place;
- (d) in respect of an application for variation of registration as the provider of a domiciliary support service in relation to a place which is not already specified in the provider’s registration in relation to that service, a statement of purpose for that place.

8. The statement of purpose which is required to be provided in accordance with regulation 6(b), (c) or (d) or in accordance with regulation 7(b), (c) or (d) must contain the information described in Schedule 2.

Information to be provided by a service provider for variation – section 11(1)(a)(iii) and (iv)

9.—(1) An application for variation of registration made pursuant to section 11(1)(a)(iii) or (iv) must, in addition to the information set out in section 11(3)(a)(i), contain the following—

- (a) the proposed effective date;
- (b) the reason for making the application;
- (c) a statement as to how the service provider intends to continue to comply with the regulations made under section 27 until the service ceases to be provided;
- (d) details of any notice given about the proposed application to vary to—
 - (i) service users;
 - (ii) the local authority within whose area the regulated service is being provided;
 - (iii) the Local Health Board within whose area the regulated service is being provided;
 - (iv) any other person;
- (e) where the service provider is applying to vary the registration less than 3 months before the proposed effective date, a report as to whether the regulated service or place at, from, or in relation to which the regulated service is being provided has ceased or is likely to cease to be financially viable within the next 12 months.

(2) For the purpose of this regulation and regulation 10 “proposed effective date” means the date requested by the service provider as the date on which the variation applied for is to take effect.

Information to be provided by a service provider for variation – section 11(1)(b)

10. An application for variation of registration made pursuant to section 11(1)(b) must, in addition to the information set out in section 11(3)(a)(i), contain the following—

- (a) the proposed effective date;
- (b) the reason for making the application;
- (c) details of any changes that the service provider proposes to make in relation to the regulated service as a consequence of the variation or removal applied for, including details of—

- (i) any proposed structural changes to any premises used for the provision of the regulated service;
- (ii) any additional staffing, facilities or equipment or changes to the management that are required to ensure that the proposed changes are carried into effect;
- (d) any supporting documentation which the service provider considers will assist the Welsh Ministers in making a decision whether to approve the application to vary or remove a condition.

Information to be provided by a service provider for variation – section 11(1)(c)

11. An application for variation of registration made pursuant to section 11(1)(c) must, in addition to the information set out in section 11(3)(a)(i), contain the information listed in paragraphs 23 to 28 and paragraphs 38 to 49 of Schedule 1.

Form of application

12. An application for variation of registration as a service provider must be made in the form of an on-line application which is accessed from the pages of the website maintained by the Welsh Government which have been established for the purposes of informing service providers about the procedure for variation of registration under Part 1 of the Act.

Time limit within which application to vary must be made where there is no designated responsible individual

13. The time limit prescribed for the purposes of section 11(2) is 28 days from the date upon which there is no individual designated as responsible individual in respect of the regulated service or place at, from or in relation to which the regulated service is provided.

Huw Irranca-Davies
Minister for Children and Social Care, under
authority of the Cabinet Secretary for Health and
Social Services, one of the Welsh Ministers

14 November 2017