



Public Services Ombudsman (Wales) Act 2005

2005 CHAPTER 10

[^{F1}PART 2A

INVESTIGATION OF COMPLAINTS RELATING TO OTHER PERSONS: SOCIAL CARE AND PALLIATIVE CARE

[^{F1}Interpretation

Textual Amendments

- F1** Pts. 2A, 2B inserted (1.11.2014) by [Social Services and Well-being \(Wales\) Act 2014 \(anaw 4\)](#), s. 199(2), [Sch. 3 para. 2](#) (with [Sch. 3 para. 3](#)); S.I. 2014/2718, art. 2(b)

34R Meaning of “care home” and “care home provider”

- (1) This section applies for the purposes of this Act.
- (2) “Care home” [^{F2}means premises at which a care home service, within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, is provided wholly or mainly to persons aged 18 or over;]
- (3) “Care home provider” means a person who [^{F3}is a service provider of a care home service within the meaning of Part 1 of that Act where the service is provided wholly or mainly to persons aged 18 or over] .
- (4) Action is to be treated as action taken by a care home provider if it is taken by—
 - (a) a person employed by that provider,
 - (b) a person acting on behalf of that provider, or
 - (c) a person to whom that provider has delegated any functions.
- (5) Action is also to be treated as action taken by a care home provider if—

Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Cross Heading: Interpretation. (See end of Document for details)

- (a) that provider provides, by means of an arrangement with another person, accommodation, nursing or [^{F4}care in a care home in Wales for an individual because of the individual's vulnerability or need,] and
- (b) the action is taken by or on behalf of the other person in carrying out the arrangement.

[“Care” has the same meaning as in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.]^{F5}

Textual Amendments

- F2** Words in s. 34R(2) substituted (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 26(a)**; S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F3** Words in s. 34R(3) substituted (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 26(b)**; S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F4** Words in s. 34R(5) substituted (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 26(c)**; S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)
- F5** S. 34R(6) inserted (2.4.2018) by [Regulation and Inspection of Social Care \(Wales\) Act 2016 \(anaw 2\)](#), s. 188(1), **Sch. 3 para. 26(d)**; S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

34S Meaning of “domiciliary care” and “domiciliary care provider”

- (1) This section applies for the purposes of this Act.
- (2) “Domiciliary care” means personal care provided in their own homes for persons who by reason of illness, infirmity or disability are unable to provide it for themselves without assistance.
- (3) “Domiciliary care provider” means a person who carries on an activity which involves the provision of domiciliary care, but it does not include an individual who—
 - (a) carries on the activity otherwise than in partnership with others,
 - (b) is not employed by a body corporate or unincorporated association to carry it on,
 - (c) does not employ any other person to carry out the activity, and
 - (d) provides or arranges the provision of domiciliary care to fewer than four persons.
- (4) Action is to be treated as action taken by a domiciliary care provider if it is taken by—
 - (a) a person employed by that provider,
 - (b) a person acting on behalf of that provider, or
 - (c) a person to whom that provider has delegated any functions.
- (5) Action is also to be treated as action taken by a domiciliary care provider if—
 - (a) that provider provides domiciliary care by means of an arrangement with another person, and
 - (b) the action is taken by or on behalf of the other person in carrying out the arrangement.

34T Meaning of “palliative care service” and “independent palliative care provider”

- (1) This section applies for the purposes of this Act.

Changes to legislation: There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Cross Heading: Interpretation. (See end of Document for details)

- (2) “Palliative care service” means a service the main purpose of which is to provide palliative care.
- (3) “Independent palliative care provider” means a person who—
 - (a) provides a palliative care service, and
 - (b) is not a Welsh health service body.
- (4) Action is to be treated as action taken by an independent palliative care provider if it is taken by—
 - (a) a person employed by that provider,
 - (b) a person acting on behalf of that provider, or
 - (c) a person to whom that provider has delegated any functions.
- (5) Action is also to be treated as action taken by an independent palliative care provider if—
 - (a) that provider provides palliative care by means of an arrangement with another person, and
 - (b) the action is taken by or on behalf of the other person in carrying out the arrangement.]

Changes to legislation:

There are currently no known outstanding effects for the Public Services Ombudsman (Wales) Act 2005, Cross Heading: Interpretation.