
WELSH STATUTORY INSTRUMENTS

2002 No. 324

The Care Homes (Wales) Regulations 2002

PART II

REGISTERED PERSONS

Fitness of registered provider

- 7.—(1) A person shall not carry on a care home unless he or she is fit to do so.
- (2) A person is not fit to carry on a care home unless the person—
- (a) is an individual who satisfies the requirements set out in paragraph (3); or
 - (b) is an organisation and—
 - (i) it has given notice to the appropriate office of the National Assembly of the name, address and position in the organisation of an individual (in these Regulations referred to as “the responsible individual” (“*yr unigolyn cyfrifol*”)) who is a director, manager, secretary or other officer of the organisation and is responsible for supervising the management of the care home; and
 - (ii) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that—
- (a) he or she is of suitable integrity and good character to carry on, or (as the case may be) be responsible for supervising the management of, the care home;
 - (b) he or she is physically and mentally fit to carry on, or (as the case may be) be responsible for supervising the management of, the care home; and
 - (c) full and satisfactory information or documentation is available in relation to him or her—
 - (i) except where paragraph (4) applies, in respect of each matter specified in paragraphs 1 to 6 of Schedule 2;
 - (ii) where paragraph (4) applies, in respect of each matter specified in paragraphs 1 and 3 to 7 of Schedule 2.
- (4) This paragraph applies where any certificate or information on any matters specified in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997⁽¹⁾ has not been brought into force.
- (5) A person is not fit to carry on a care home if—
- (a) he or she has been adjudged bankrupt or sequestration of his or her estate has been awarded and (in either case) he or she has not been discharged and the bankruptcy order has not been annulled or rescinded; or
 - (b) he or she has made a composition or arrangement with his or her creditors and has not been discharged in respect of it.

(1) 1997 c. 50. Sections 113 and 115, as amended, have not yet been brought into force. See further the footnotes to paragraph 2 of Schedule 2 to these regulations.

Appointment of manager

8.—(1) The registered provider shall appoint an individual to manage the care home if—

- (a) there is no registered manager in respect of the care home; and
- (b) the registered provider—
 - (i) is an organisation;
 - (ii) is not a fit person to manage a care home; or
 - (iii) is not, or does not intend to be, in full-time day-to-day charge of the care home.

(2) Where the registered provider appoints a person to manage the care home he shall forthwith give notice to the appropriate office of the National Assembly of—

- (a) the name of the person so appointed; and
- (b) the date on which the appointment is to take effect.

(3) If the registered provider is to manage the care home he or she shall forthwith give notice to the appropriate office of the National Assembly of the date on which such management is to begin.

Fitness of registered manager

9.—(1) A person shall not manage a care home unless he or she is fit to do so.

(2) A person shall not be fit to manage a care home unless—

- (a) he or she is of suitable integrity and good character to manage the home;
- (b) having regard to the size of the care home, the statement of purpose, and the number and needs of the service users—
 - (i) he or she is physically and mentally fit to manage the care home; and
 - (ii) he or she has the skills and experience necessary to manage the care home; and
- (c) full and satisfactory information or documentation is available in relation to him or her—
 - (i) except where paragraph (3) applies, in respect of each matter specified in paragraphs 1 to 6 of Schedule 2;
 - (ii) where paragraph (3) applies, in respect of each matter specified in paragraphs 1 and 3 to 7 of Schedule 2.

(3) This paragraph applies where any certificate or information on any matters specified in paragraph 2 of Schedule 2 is not available to an individual because any provision of the Police Act 1997(2) has not been brought into force.

Registered person — general requirements

10.—(1) The registered provider and the registered manager shall, having regard to the size of the care home, the statement of purpose, and the number and needs of the service users, carry on or manage the care home (as the case may be) with sufficient care, competence and skill.

(2) If the registered provider is—

- (a) an individual, he or she shall undertake; or
- (b) an organisation, it shall ensure that the responsible individual undertakes,

from time to time such training as is appropriate to ensure that he or she has the experience and skills necessary for carrying on the care home.

(2) 1997 c. 50. Sections 113 and 115, as amended, have not yet been brought into force. See further the footnotes to paragraph 2 of Schedule 2 to these regulations.

(3) The registered manager shall undertake from time to time such training as is appropriate to ensure that he or she has the experience and skills necessary for managing the care home.

Notification of offences

11. Where the registered person or the responsible individual is convicted of any criminal offence, whether in Wales or elsewhere, he or she shall forthwith give notice in writing to the appropriate office of the National Assembly of—

- (a) the date and place of the conviction;
- (b) the offence of which he or she was convicted; and
- (c) the penalty imposed in respect of the offence.