
WELSH STATUTORY INSTRUMENTS

2004 No. 1756

The Adult Placement Schemes (Wales) Regulations 2004

PART IV —

CONDUCT OF ADULT PLACEMENT SCHEMES

General conduct of adult placement scheme

19.—(1) The registered person must make suitable arrangements to ensure that the scheme is conducted, and that accommodation and personal care is provided —

- (a) so as to ensure the safety of relevant adults;
- (b) so as to ensure that a placement is not made in an emergency unless that is in the interests of the relevant adult;
- (c) so as to safeguard relevant adults against abuse or neglect;
- (d) so as to promote the independence of relevant adults;
- (e) so as to ensure the safety and security of relevant adults' property;
- (f) in a manner which respects the privacy, dignity and wishes of relevant adults and the confidentiality of information relating to them; and
- (g) with due regard to the sex, sexual orientation, religious persuasion, racial origin, cultural and linguistic background and any disability of relevant adults, and to the way in which they wish to conduct their lives.

(2) The registered person must, in relation to the conduct of the adult placement scheme —

- (a) maintain good personal and professional relationships with staff of the adult placement scheme, adult placement carers and relevant adults;
- (b) encourage and assist staff to maintain good personal and professional relationships with both adult placement carers and relevant adults; and
- (c) encourage and assist adult placement carers to maintain good personal and professional relationships with relevant adults.

(3) The registered person must make appropriate arrangements to ensure that the views of relevant adults are taken into account in the conduct of the scheme.

Records

20.—(1) The registered person must ensure that the records specified in Schedule 4 and personal files are maintained and that they are —

- (a) kept up to date, in good order and in a secure manner;
- (b) at all times available for inspection at the principal office of the scheme by any person authorised by the National Assembly to enter and inspect the premises of the adult placement scheme; and
- (c) retained for a period of not less than three years beginning on the date of the last entry.

(2) The registered person must ensure that a copy of each adult's plan and a detailed record of the personal care and other services provided to the adult during a placement are kept within the home of the adult placement carer and that they are kept up to date, in good order and in a secure manner.

Complaints

21.—(1) The registered person must prepare and follow a written procedure (referred to in these Regulations as “the complaints procedure”) for considering complaints made to it by an adult placement carer, a relevant adult or a person acting on behalf of a relevant adult.

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

(3) The registered person must ensure that any complaint made under the complaints procedure is fully investigated.

(4) The registered person must, as soon as is reasonably practicable but in any event within 28 days of the date on which the complaint was received, inform the person who made the complaint of the action (if any) that is to be taken.

(5) The registered person must supply a copy of the complaints procedure to —

- (a) every adult whom it has placed under the scheme; and
- (b) on request, to any relevant adult or person acting on behalf of a relevant adult.

(6) Where a copy of the complaints procedure is to be supplied in accordance with paragraph (5) to a person who is blind or whose vision is impaired, the registered person must, if it is practicable to do so, supply, in addition to the written copy, a version of the procedure in a form which is suitable for that person.

(7) The copy of the complaints procedure must include —

- (a) the name and address of the appropriate office of the National Assembly; and
- (b) the procedure (if any) which has been notified by the National Assembly to the registered person for the making of complaints to the National Assembly in relation to the scheme.

(8) 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 of the action that was taken in response to each complaint.

Review of quality of scheme's operation

22.—(1) The registered person must establish and maintain a system for —

- (a) reviewing at appropriate intervals; and
- (b) improving

the quality of the operation of the scheme, including the quality of the accommodation and care provided in placements.

(2) The registered person must supply to the appropriate office of the National Assembly a report in respect of any review conducted for the purposes of paragraph (1), and make a copy of the report available, on request, to adult placement carers, relevant adults and their representatives.

(3) The system must provide for consultation with adult placement carers and with relevant adults and their representatives.

Visits by registered provider

23.—(1) Where the registered provider is an individual who does not manage the scheme, he or she must visit the principal office of the scheme in accordance with this regulation.

(2) Where the registered provider is an organisation, the principal office of the scheme must be visited in accordance with this regulation by —

- (a) the responsible individual;
- (b) a director or other person responsible for the management of the scheme, provided that the director or other person is suitable to visit the office; or
- (c) an employee or member of the organisation who is not directly concerned with the conduct of the scheme, provided that the person is suitable to visit the office.

(3) Visits under paragraph (1) or (2) must take place at least once every six months.

(4) The registered person must assist adult placement carers with whom it has placed an adult and such adults to provide their views about the scheme for the purposes of visits carried out under this regulation.

(5) The person carrying out the visit must —

- (a) interview such adult placement carers and relevant adults and their representatives who wish to be interviewed for the purposes of the visit, and the interview must take place in private if the carer or adult so requests;
- (b) inspect the premises of the office, its record of events kept under paragraph 4 of Schedule 4 and its record of complaints kept under paragraph 5 of Schedule 4; and
- (c) prepare a written report on the conduct of the scheme.

(6) An interview referred to in paragraph (5)(a) must take place in the home of the adult placement carer if the carer or adult so wishes.

(7) The registered provider must supply a copy of the report required to be made under paragraph (5)(c) to —

- (a) the registered manager of the scheme who must keep the report at the principal office of the scheme; and
- (b) in the case of a visit under paragraph (2) to each of the directors or other persons responsible for the management of the organisation.

Fitness of workers

24.—(1) The registered person must ensure that no person works for the purposes of the scheme unless the person is fit to do so.

(2) For the purposes of paragraph (1), a person is not fit to work for the purposes of a scheme unless —

- (a) he or she is of integrity and good character;
- (b) he or she has the qualifications, skills, competence and experience necessary for the work he or she is to perform;
- (c) he or she is physically and mentally fit for the purposes of the work he or she is to perform; and
- (d) full and satisfactory information or documentation is available in relation to him or her in respect of the matters specified in Schedule 3.

Staff and their training

25.—(1) The registered person must, having regard to the nature of the scheme, the statement of purpose and the number and needs of relevant adults, ensure that —

- (a) at all times there are an appropriate number of suitably qualified, skilled, and experienced staff;

- (b) appropriate information and advice is provided to staff, and further information and advice is made available to them at their reasonable request, in respect of such of the needs of relevant adults as may be met by the scheme; and
 - (c) suitable assistance is provided to staff.
- (2) The registered person must ensure that each member of staff —
- (a) receives training and appraisal which is appropriate to his or her work; and
 - (b) is enabled from time to time to obtain further qualifications appropriate to his or her work.

Staff handbook and code of conduct

26.—(1) The registered person must prepare a staff handbook and provide a copy of it to every member of staff.

- (2) The handbook prepared in accordance with paragraph (1) must include a statement as to —
- (a) the conduct expected of members of staff, and disciplinary action which may be taken against them;
 - (b) the role and responsibilities of members of staff and adult placement carers;
 - (c) record keeping requirements;
 - (d) recruitment procedures; and
 - (e) training and career development opportunities and requirements.

Financial position

27.—(1) The registered provider must manage the scheme in such manner as is likely to ensure that it will be financially viable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) If the registered provider is not a local authority, the provider must provide to the National Assembly such information as it may require in order to consider the financial viability of the scheme, including —

- (a) the annual accounts of the scheme, certified by an accountant;
 - (b) a reference from a bank expressing an opinion as to the registered provider's financial standing;
 - (c) information as to the financing and financial resources of the scheme;
 - (d) where the registered provider is a company, information as to any of its associated companies; and
 - (e) a certificate of insurance for the registered provider in respect of any liability which may be incurred by the provider in relation to the scheme in respect of death, injury, public liability, damage or other loss.
- (3) If the registered provider is not a local authority, the provider must —
- (a) ensure that adequate accounts are maintained in respect of the scheme and kept up to date;
 - (b) ensure that the accounts give details of the running costs of the scheme, including rent, payments under a mortgage and expenditure on salaries and wages of staff; and
 - (c) supply a copy of the accounts to the National Assembly at its request.

Notification of incidents

28.—(1) The registered person must notify the appropriate office of the National Assembly if an incident described in paragraph (2) takes place, and the notification must be given within 24 hours

of the registered person being informed, or otherwise becoming aware, that such an incident has taken place.

- (2) The incidents are —
 - (a) any serious injury sustained by a relevant adult in the scheme premises or when in the care of an adult placement carer;
 - (b) any incident which —
 - (i) occurs in the scheme premises or in connection with a placement, and
 - (ii) is reported to, or investigated by, the police; and
 - (c) any allegation of misconduct by the registered person, a member of staff or an adult placement carer.
- (3) Any notification under this regulation which is given orally shall be confirmed in writing.
- (4) The registered person must ensure that members of staff are required to inform the registered person forthwith of the occurrence of any of the incidents described in paragraph (2).

Notice of absence

- 29.**—(1) Where —
- (a) a registered provider who manages the scheme; or
 - (b) a registered manager,

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

(2) Except in the case of an emergency, the notice referred to in paragraph (1) must be given no later than one month before the absence commences, or within such shorter period as may be agreed with the National Assembly, and the notice must specify —

- (a) the length or expected length of the proposed absence;
- (b) the reason for the absence;
- (c) the arrangements which have been made for the running of the scheme during the absence; and
- (d) the name, address and qualifications of the person who will be responsible for the scheme during the absence.

(3) Where an absence referred to in paragraph (1) arises as the result of an emergency, the registered person shall give notice of the absence within one week of the emergency's occurrence specifying the matters in paragraph (2)(a) to (d).

- (4) Where —
- (a) a registered provider who manages the scheme; or
 - (b) a registered manager,

has been absent from the scheme 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 forthwith give notice in writing to that office specifying the matters in paragraph (2)(a) to (d).

(5) The registered person must notify the appropriate office of the National Assembly of the return to duty of the registered provider or (as the case may be) the registered manager no later than seven days after the date of return.

Notice of changes

30. 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—

- (a) a person other than the registered person provides or manages, or proposes to provide or manage, the scheme;
- (b) a person ceases to provide or manage the scheme;
- (c) the name or address of the principal office of the scheme is, or is proposed to be, changed;
- (d) where the registered provider is an organisation which is not a local authority —
 - (i) there is, or is proposed to be, any change of director, manager, secretary or other similar officer of the organisation;
 - (ii) there is, or is proposed to be, any change in the identity of the responsible individual;
 - (iii) there is, or is proposed to be, any change in the ownership of the organisation;
- (e) where the registered provider is an individual, a trustee in bankruptcy for the individual is, or is likely to be, appointed or a composition or arrangement with the individual's creditors is, or is proposed to be, made;
- (f) where the registered provider is a company, a receiver, manager, liquidator, or provisional liquidator is, or is likely to be, appointed;
- (g) where the registered provider is in a partnership whose business includes providing a scheme, a receiver or manager is, or is likely to be, appointed for the partnership.

Appointment of liquidators etc.

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

- (a) forthwith notify the appropriate office of the National Assembly of that appointment indicating the reasons for it;
- (b) appoint a manager to take full time day to day charge of the scheme in any case where there is no manager; and
- (c) within 28 days of appointment, notify the appropriate office of the National Assembly of the intended future operation of the scheme.

(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 scheme;
- (b) the liquidator or provisional liquidator of a company which is the registered provider of a scheme;
- (c) the receiver or manager of the property of a partnership whose business includes the provision of a scheme;
- (d) the trustee in bankruptcy of a registered provider of a scheme.