
WELSH STATUTORY INSTRUMENTS

2004 No. 219

The Domiciliary Care Agencies (Wales) Regulations 2004

PART III

CONDUCT OF DOMICILIARY CARE AGENCIES

Arrangements for the provision of personal care

14.—(1) The registered person shall, after consultation with the service user, or if consultation with the service user is not practicable, after consultation with a person acting on behalf of the service user, prepare a written plan (“the service delivery plan”) which shall —

- (a) be consistent with any plan for the care of the service user prepared by a local authority;
- (b) specify the service user’s needs in respect of which personal care is to be provided; and
- (c) specify how those needs are to be met by the provision of personal care.

(2) The registered person shall —

- (a) make the service delivery plan available to —
 - (i) the service user, and
 - (ii) any person acting on behalf of a service user who was consulted in its preparation or revision;
- (b) keep the service delivery plan under review;
- (c) where appropriate, and after consultation with the service user, or if consultation with the service user is not practicable, after consultation with a person acting on behalf of the service user, revise the service delivery plan; and
- (d) notify the service user of any such revision.

(3) The registered person shall, so far as is practicable, ensure that the personal care which the agency arranges to be provided to any service user meets the service user’s needs specified in the service delivery plan.

(4) The registered person shall, for the purpose of providing personal care to service users, so far as is practicable —

- (a) ascertain and take into account their wishes and feelings;
- (b) provide them with comprehensive information and suitable choices as to the personal care that may be provided to them; and
- (c) encourage and enable them to make decisions with respect to such personal care.

(5) The registered person shall ensure that arrangements made for the provision of personal care to a service user —

- (a) specify the procedure to be followed after an allegation of abuse, neglect or other harm has been made, ensuring that appropriate steps are taken immediately to reduce the risk of any abuse, neglect or other harm;

- (b) specify the circumstances in which a domiciliary care worker may administer or assist in the administration of the service user's medication, and the procedures to be adopted in such circumstances;
 - (c) include suitable arrangements to assist the service user with mobility in his or her home, where required; and
 - (d) specify the procedure to be followed where a domiciliary care worker acts as agent for, or receives money from, a service user.
- (6) The registered person shall make suitable arrangements for the recording, handling, safe keeping, safe administration and disposal of medicines used in the course of the provision of personal care to service users.
- (7) The registered person shall make suitable arrangements, including training of staff, to ensure that domiciliary care workers operate a safe system of working, including in relation to lifting and moving service users.
- (8) The registered person shall make suitable arrangements, by training staff or by other measures, to prevent service users being harmed or suffering abuse or being placed at risk of harm or abuse.
- (9) The registered person shall ensure that no service user is subject to physical restraint unless restraint of the kind employed is the only practicable means of securing the welfare of that or any other service user and there are exceptional circumstances.
- (10) On any occasion on which a service user is subject to physical restraint by a person who works as a domiciliary care worker for the purposes of the agency, the registered person shall record the circumstances including the nature of the restraint.