
WELSH STATUTORY INSTRUMENTS

2011 No. 1016 (W.153)

SOCIAL CARE, WALES

**The Care Homes (Wales) (Miscellaneous
Amendments) Regulations 2011**

<i>Made</i>	- - - -	<i>29 March 2011</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>31 March 2011</i>
<i>Coming into force</i>	- -	<i>1 June 2011</i>

The Welsh Ministers, in exercise of the powers conferred by sections 12(2), 22(1), 22(2)(a) and 118(5) to (7) of the Care Standards Act 2000⁽¹⁾ and having consulted such persons as they consider appropriate⁽²⁾ make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Care Homes (Wales) (Miscellaneous Amendments) Regulations 2011 and they come into force on 1 June 2011.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

“the principal Regulations” (“*y prif Reoliadau*”) means the Care Homes (Wales) Regulations 2002⁽³⁾;

“the Registration Regulations” (“*y Rheoliadau Cofrestru*”) means the Registration of Social Care and Independent Health Care (Wales) Regulations 2002⁽⁴⁾.

(1) 2000 c. 14 (“the Act”). These powers are exercisable by the “appropriate Minister”, this term is defined in section 121(1) of the Act in relation to Wales, as the National Assembly for Wales. The functions of the National Assembly for Wales under the Act were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). See section 121(1) of the Act for the definitions of “prescribed” and “regulations”.

(2) See section 22(9) of the Act for the requirement to consult.

(3) S.I.2002/324 (W.37).

(4) S.I. 2002/919 (W.107).

Amendment of the principal Regulations

3.—(1) The principal Regulations are amended in accordance with the following provisions of this regulation.

- (2) In regulation 2 (interpretation), insert in the appropriate place in the alphabetical order—
 ““required qualification” (“*cymhwyster angenrheidiol*”) means a qualification contained in a list maintained by the Welsh Ministers for the purposes of these Regulations;”.
- (3) In regulation 7 (fitness of registered provider)—
- (a) for paragraph (3)(c) substitute the following—
- “(c) full and satisfactory information or documentation is available in relation to him or her in respect of the relevant matters specified in paragraph (4).”;
- (b) renumber the existing provision in paragraph (4) and (5) as paragraph (5) and (6) respectively;
- (c) after paragraph (3) insert the following—
- “(4) The matters referred to in paragraph (3) are—
- (a) where the individual manages or intends to manage the care home—
- (i) except where paragraph (5) applies, in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 2;
- (ii) where paragraph (5) applies—
- (aa) in respect of each of the matters specified in paragraphs 1 and 3 to 6 of Schedule 2, and
- (bb) notification has been received under section 113E(4)(a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act)(5);
- (b) where the individual does not manage or intend to manage the care home—
- (i) except where paragraph (5) applies, in respect of each of the matters specified in paragraphs 1 to 5 and 6 of Schedule 2;
- (ii) where paragraph (5) applies—
- (aa) in respect of each of the matters specified in paragraphs 1, 3 to 5 and 6 of Schedule 2, and
- (bb) notification has been received under section 113E(4)(a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).”.
- (4) For paragraph (3) of regulation 8 (appointment of manager), substitute—
- “(3) If the registered provider intends to manage the care home, that individual must—
- (a) comply with the requirements specified in regulation 9 (fitness of registered manager); and
- (b) forthwith give notice to the appropriate office of the Welsh Assembly Government of the date on which such management is to begin.”.
- (5) In regulation 9 (fitness of registered manager)—
- (a) in paragraph (2)—
- (i) in sub-paragraph (b)(ii), for “skills and experience” substitute “qualifications, skills and experience”, and

- (ii) in sub-paragraph (c), for “paragraph (3)” in each place it occurs, substitute “paragraph (7)”;
- (b) renumber the existing provision in paragraph (3) as paragraph (7);
- (c) after paragraph (2) insert—
 - “(3) Subject to paragraph (4), a reference to qualifications, skills and experience includes a requirement that the person must possess a required qualification.
 - (4) Where a person, who does not hold a required qualification, was appointed as the manager of a care home before 1 June 2011, that person is not fit to manage a care home unless he or she obtains a required qualification not later than—
 - (a) 1 October 2011; or
 - (b) such later date as the Welsh Ministers agree is reasonable in all the circumstances.
 - (5) Nothing in paragraph (3) or (4) affects any requirement for a manager to possess other qualifications, skills or experience relevant to the matters set out in paragraph (2)(b).
 - (6) A person is not fit to manage a care home unless the person is registered as a manager of a care home with the Care Council for Wales not later than—
 - (a) 1 October 2011; or
 - (b) such later date as the Welsh Ministers agree is reasonable in all the circumstances.”.
- (6) In regulation 19 (fitness of workers)—
 - (a) in paragraph (2)(d)(i), for “1 to 6” substitute “1 to 5 and 6”;
 - (b) in paragraph (2)(d)(ii), for “1 and 3 to 6” substitute “1, 3 to 5 and 6”;
 - (c) in paragraph (5)(a) for “3 to 6”, substitute “3 to 5 and 6”.
- (7) In Schedule 2 (information and documents to be available in respect of persons carrying on, managing, or working at, a care home)—
 - (a) in paragraph 5, after “relevant” insert “or required”;
 - (b) after paragraph 5, insert—
 - “(5A) Where relevant, documentary evidence of registration with the Care Council for Wales.”.

Amendment of the Registration Regulations

4.—(1) The Registration Regulations are amended in accordance with the following provisions of this regulation.

(2) In Schedule 1 (information to be supplied on an application for registration as a person who carries on an establishment or agency), in Part 1 (information about the applicant)—

- (a) after paragraph 1(b), insert—
 - “(ba) where the establishment is a care home, whether the applicant is registered with the Care Council for Wales and, if so, details of his or her registration;”;
- (b) after paragraph 2(c), insert—
 - “(ca) where the establishment is a care home, whether the responsible individual is registered with the Care Council for Wales and, if so, details of his or her registration;”.

(3) In Schedule 3 (information and documents to be supplied on an application for registration as the manager of an establishment or agency), in Part 1 (information), after paragraph 2A, insert—

Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

“(2B) Where the establishment is a care home, details of the applicant’s registration with the Care Council for Wales.”.

Gwenda Thomas
Deputy Minister for Social Services, under
authority of the Minister for Health and Social
Services, one of the Welsh Ministers

29 March 2011

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Care Homes (Wales) Regulations 2002 to make it a requirement that the person who manages a care home possesses a minimum level of qualification to undertake that role and that such a person is registered with the Care Council for Wales.

They also make consequential amendments to the Registration of Social Care and Independent Health Care (Wales) Regulations 2002.