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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations amend the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (“the 2017 Regulations”). The 2017 Regulations set out the regulatory requirements which apply to providers of certain services regulated under the Regulation and Inspection of Social Care (Wales) Act 2016. These are care home services, secure accommodation services, residential family centre services and domiciliary support services.

Regulation 3 amends the 2017 Regulations to identify the types of regulated services to which those Regulations apply. Regulation 4 makes a number of amendments to regulation 2 of the 2017 Regulations dealing with circumstances when a person is exempted from the requirement to register as the provider of a care home service. Some of these amendments are adjustments to avoid the exceptions in regulation 2(1)(e), (f) and (i) ceasing to apply if the children for whom care and accommodation are provided include a child who is disabled. In the case of a service providing accommodation and care to children for one of the purposes specified in regulation 2(1)(i) of the 2017 Regulations, the effect of the amendment is to exempt from the requirement to register services provided for up to 28 days wholly or mainly for disabled children where prior notification has been given to Welsh Ministers.

The amendment in regulation 4(c) creates a further exception to the definition of care home service in circumstances where care and accommodation are provided to children. The new exception will exempt a person who provides care and accommodation in their own home to a single child (or sibling group) for 28 days or fewer per year from being required to register.

Regulation 5 amends regulation 3 of the 2017 Regulations to stipulate that nursing care provided by a registered nurse does not come within the scope of activity of a domiciliary support service. It creates a separate exception for care and support services provided by a Local Health Board where this is related to a need for nursing care.

Regulation 8 adds a requirement to regulation 28 of the 2017 Regulations concerning a service provider’s policy and procedures for children’s savings.

Regulation 9 amends regulation 35 of the 2017 Regulations to postpone until 1 April 2020 the requirement that the manager of a regulated service must be registered with Social Care Wales in the case of managers of agencies which were registered as nurses agencies under Part 2 of the Care Standards Act 2000 prior to 2 April 2018 but were not also registered as domiciliary care agencies.

Regulations 10 to 12 make amendments to Part 13 of the 2017 Regulations which deals with the circumstances where additional requirements about the standard of premises apply to new services. The amendments clarify how the additional requirements apply in the case of extensions built on to existing premises of an accommodation-based service.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these regulations.