

REGULATION AND INSPECTION OF SOCIAL CARE (WALES) ACT 2016

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Regulation of Social Care Services

Chapter 2 – Registration etc. of service providers

Section 16 - Improvement notices and Section 17 - notice of decision following improvement notice

60. **Section 16** provides for a notice of intention to vary or cancel and gives the provider an opportunity to rectify things. In accordance with section 16(3)(c) an improvement notice will specify a time limit within which the actions identified as being necessary by the Welsh Ministers must be undertaken in order to avoid cancellation.
61. If the Welsh Ministers are not satisfied that the action has been taken at the end of that time limit, the Welsh Ministers are able to do one of three things. They may immediately proceed to making a decision to cancel or vary the registration. If the Welsh Ministers do this then they must issue a decision notice and explain to the provider the right of appeal conferred by section 26. In circumstances where the Welsh Ministers decide that there has been satisfactory compliance they cannot proceed to cancel and must provide a notice to the provider informing them of this.
62. Alternatively, there may be cases where, after the time limit has expired, the Welsh Ministers are of the view that certain actions have been taken but not all or that the actions have been taken but they are not confident that compliance with the regulatory requirements has been achieved by the provider. Section 17(3)(b) provides the Welsh Ministers with a power to specify a date following which they propose to cancel or vary if they are still not satisfied that action specified in the improvement notice has been taken. At the end of that further period, if the Welsh Ministers are of the view that there is continued non-compliance and wish to proceed to cancel they must carry out an inspection (subsection (5)). If the Welsh Ministers wish to proceed to cancel following that inspection then they must issue a decision notice to cancel or vary.
63. A provider will have a right of appeal against a decision by the Welsh Ministers to cancel or vary (see section 26).
64. The following diagram illustrates the improvement notice procedure:

Improvement notice procedure

