

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 27 - Regulations about regulated services, Section 28 -, regulations about responsible individuals and Section 29 - guidance about regulations under sections 27 and 28

82. Regulations made pursuant to section 27 will form the basis of regulation by the Welsh Ministers. Subsection (2) requires that regulations made under subsection (1) must include requirements as to the standard of care and support that must be provided by a service provider. Subsection (3) requires that those standards will be linked to the well being outcomes statement issued by the Welsh Ministers pursuant to section 8 of the 2014 Act and have regard to the importance of the well-being of individuals who receive care and support via the regulated service in question. Regulations may also impose other requirements on providers. Some examples are: a requirement to have a manager who is “fit” together with the criteria for fitness of both manager and staff; a requirement to prepare a statement of purpose; a requirement to keep records and accounts and notifications of incidents.
83. Regulations made pursuant to section 28 will set out the duties that are to be placed on the responsible individual. Those duties may, for example, include a requirement to appoint a suitable and fit manager and to report that appointment to whatever part of the service provider’s organisation has overall control of the body (i.e. the board of directors or similar in the case of a company; to the partners in the case of a partnership or to the Director of Social Services in the case of a local authority). The regulations could also require a responsible individual to supervise the management of a service. Other examples of the requirements that may be imposed by regulations under this section are—
- requirements to check the accuracy of record keeping,
 - requirements to undertake regular inspections of places where a service is provided,
 - a requirement to complete the relevant section of the service providers annual report prepared in accordance with section 10 and to sign a declaration of truth in respect of that section of the report,
 - a requirement to report, in a timely manner any concerns the responsible individual may have about the regulated service to the board of directors, partnership or the Director of Social Services.

*These notes refer to the Regulation and Inspection of Social Care
(Wales) Act 2016 (c.2) which received Royal Assent on 18 January 2016*

84. Linked to regulations under this section is the power in section 46 to make provision for failure to comply with a particular requirement in the regulations to be a criminal offence.
85. [Section 29](#) of the Act places a duty on providers to have regard to guidance published by the Welsh Ministers under this section .