



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 1

REGULATION OF SOCIAL CARE SERVICES

CHAPTER 1

INTRODUCTION

1 Overview of Part 1

In this Part—

- (a) this Chapter defines some key terms including what is meant by a “regulated service” in this Act, and sets out the general objectives of the Welsh Ministers in relation to the regulation of such services;
- (b) Chapter 2 sets out the Welsh Ministers’ functions in relation to registering persons who provide regulated services, including provision about varying and cancelling registrations and provision about notifications and appeals;
- (c) Chapter 3 sets out the Welsh Ministers’ powers to require information and to carry out inspections;
- (d) Chapter 4 confers some general functions on the Welsh Ministers in relation to regulated services;
- (e) Chapter 5 makes provision for offences and penalties;
- (f) Chapter 6 amends the Social Services and [Well-being \(Wales\) Act 2014 \(anaw 4\)](#) to make provision in respect of the social services functions of local authorities (on which, see Schedule 2 to the 2014 Act) including, in particular, provision about—
 - (i) annual reports by local authorities;

Status: This is the original version (as it was originally enacted).

- (ii) powers for the Welsh Ministers to conduct reviews of the way in which those functions are exercised;
- (iii) powers allowing for the inspection of premises used in connection with the exercise of those functions;
- (iv) powers for the Welsh Ministers to require information relating to the exercise of those functions;
- (v) offences in connection with inspections or requirements to provide information;
- (vi) powers for the Welsh Ministers to regulate the exercise of those local authority functions which relate to looked after and accommodated children;
- (g) Chapter 7 makes provision for the Welsh Ministers to monitor the financial sustainability of certain service providers and to prepare and publish reports about the stability of the market for social care services in Wales.

2 Meaning of “regulated service”

- (1) In this Act, “regulated service” means—
 - (a) a care home service,
 - (b) a secure accommodation service,
 - (c) a residential family centre service,
 - (d) an adoption service,
 - (e) a fostering service,
 - (f) an adult placement service,
 - (g) an advocacy service,
 - (h) a domiciliary support service, and
 - (i) any other service comprising the provision of care and support in Wales as may be prescribed.
- (2) Schedule 1 makes further provision about the meaning of terms used in subsection (1).
- (3) The Welsh Ministers may by regulations prescribe things which, despite Schedule 1, are not to be treated as regulated services for the purposes of this Act.
- (4) Before making regulations under this section the Welsh Ministers must consult such persons as they think appropriate.

3 Other key terms

- (1) In this Act—
 - (a) “care” means care relating to—
 - (i) the day to day physical tasks and needs of the person cared for (for example, eating and washing), and
 - (ii) the mental processes related to those tasks and needs (for example, the mental process of remembering to eat and wash);
 - (b) “regulatory functions” means the Welsh Ministers’ functions under—
 - (i) this Part,
 - (ii) sections 94A and 149A to 161B of the 2014 Act, and
 - (iii) section 15 of the [Adoption and Children Act 2002 \(c.38\)](#) (inspection of premises relating to adoption services),

but any function of making, confirming or approving subordinate legislation (as defined by section 158(1) of the [Government of Wales Act 2006 \(c.32\)](#)) is not a regulatory function;

- (c) “service provider” means a person registered under section 7 to provide a regulated service;
 - (d) “support” means counselling, advice or other help, provided as part of a plan prepared for the person receiving support by—
 - (i) a service provider or other person providing care and support to the person, or
 - (ii) a local authority (even if the authority does not provide care and support to the person).
- (2) References in this Act to “care and support” are to be read as references to—
- (a) care,
 - (b) support, or
 - (c) both care and support.
- (3) The Welsh Ministers may by regulations prescribe things which, despite subsection (1) (a) and (d), are not to be treated as care and support for the purposes of this Act.

4 General objectives

The general objectives of the Welsh Ministers in exercising their functions under this Part are—

- (a) to protect, promote and maintain the safety and well-being of people who use regulated services, and
- (b) to promote and maintain high standards in the provision of regulated services.