Status: *Point in time view as at 29/04/2019.*
Changes to legislation: *There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, SCHEDULE 1. (See end of Document for details)*

SCHEDULE 1

(as introduced by section 2(2))

REGULATED SERVICES: DEFINITIONS

Care home services

1 (1) A "care home service" is the provision of accommodation, together with nursing or care at a place in Wales, to persons because of their vulnerability or need.

(2) But accommodation together with nursing or care provided at the following places does not constitute a care home service—

(a) a hospital;

(b) a school (but see sub-paragraph (3));

(c) a residential family centre;

(d) a place providing a secure accommodation service;

(e) a place providing accommodation for an adult arranged as part of an adult placement service.

(3) Accommodation together with nursing or care provided at a school does constitute a care home service if, at the time accommodation is provided for children at the school—

(a) accommodation has been provided at the school or under arrangements made by the school's proprietor for at least one child for more than 295 days in any period of 12 months falling within the previous 24 months, or

(b) such accommodation is intended to be provided for at least one child for more than 295 days in any period of 12 months falling within the following 24 months.

(4) The provision of accommodation and care to a child by a parent, relative or foster parent does not constitute a care home service **[**[F1]unless paragraph 5A of Schedule 7 to the Children Act 1989 applies (fostering treated as care home service where fostering limit exceeded)**]**.

(5) In sub-paragraph (2)(b), "school" has the meaning given by section 4 of the Education Act 1996 (c.56).

(6) In sub-paragraph (4), "parent" means a person who has parental responsibility for a child (within the meaning given by section 3 of the Children Act 1989 (c.41)).

(7) For the purposes of sub-paragraph (4) a person is a foster parent in relation to a child if the person—

(a) is a local authority foster parent, or

(b) fosters the child privately.

Textual Amendments

F1 Words in Sch. 1 para. 1(4) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 58(a)

Commencement Information

I1 Sch. 1 para. 1 in force at 2.4.2018 by S.I. 2017/1326, **art. 2(3)(b)** (with art. 7(a))

Status: *Point in time view as at 29/04/2019.*
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Secure accommodation services

2 A "secure accommodation service" is the provision of accommodation for the purpose of restricting the liberty of children at residential premises in Wales where care and support is provided to those children.

Commencement Information

I2 Sch. 1 para. 2 in force at 2.4.2018 by S.I. 2017/1326, **art. 2(3)(b)**

Residential family centre services

3 (1) A "residential family centre service" is the provision of accommodation for children and their parents at a place in Wales where—

(a) the parents' capacity to respond to the children's needs and to safeguard their well-being is monitored or assessed, and

(b) the parents are given such care and support as is thought necessary.

(2) In sub-paragraph (1), "parent" in relation to a child, means any person who is looking after the child.

Commencement Information

I3 Sch. 1 para. 3 in force at 2.4.2018 by S.I. 2017/1326, **art. 2(3)(b)**

Adoption services

4 An "adoption service" is a service provided in Wales by—

(a) an adoption society within the meaning of the Adoption and Children Act 2002 (c.38) which is a voluntary organisation within the meaning of that Act **[**[F2](but see section 2(4) of the Adoption and Children Act 2002 (c. 38) (no application for registration to be made under Part 1 of this Act if an adoption society is an unincorporated body))**]**, or

(b) an adoption support agency within the meaning given by section 8 of that Act.

Textual Amendments

F2 Words in Sch. 1 para. 4(a) inserted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), **regs. 2(1)**, 58(b)

Modifications etc. (not altering text)

C1 Sch. 1 para. 4 restricted (29.4.2019) by The Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019 (S.I. 2019/762), regs. 1(1), **3**

Commencement Information

I4 Sch. 1 para. 4 in force at 29.4.2019 by S.I. 2019/864, **art. 2(3)(a)**

Fostering services

5 A "fostering service" means any service provided in Wales by a person other than a local authority which consists of or includes—

(a) the placement of children with local authority foster parents, or

(b) exercising functions in connection with such placement.

Commencement Information

I5 Sch. 1 para. 5 in force at 29.4.2019 by S.I. 2019/864, **art. 2(3)(a)**

Adult placement services

6 (1) An "adult placement service" means a service carried on (whether or not for profit) by a local authority or other person for the purposes of placing adults with an individual in Wales under a carer agreement (and includes any arrangements for the recruitment, training and supervision of such individuals).

(2) In sub-paragraph (1) "carer agreement" means an agreement for the provision by an individual of accommodation at the individual's home together with care and support for up to three adults.

Commencement Information

I6 Sch. 1 para. 6 in force at 29.4.2019 by S.I. 2019/864, **art. 2(3)(a)**

Advocacy services

7 (1) An "advocacy service" is a service specified for the purposes of this paragraph by regulations made by the Welsh Ministers.

(2) A service may be specified as an advocacy service only if, and to the extent that, the following requirements are satisfied in relation to the service.

(3) The first requirement is that the service is a service which is carried on (whether or not for profit) for the purpose of representing the views of individuals, or assisting individuals to represent those views, in respect of matters relating to those individuals' needs for care and support (including matters relating to assessing whether those needs exist).

(4) The second requirement is that the service is not carried on by a person, in the course of a legal activity (within the meaning of the Legal Services Act 2007 (c.29)), who is—

(a) an authorised person for the purposes of that Act, or

(b) a European lawyer (within the meaning of the European Communities (Services of Lawyers) Order (S.I. 1978/1910)).

(5) Before making regulations under sub-paragraph (1) the Welsh Ministers must consult any persons they think appropriate.

(6) But the requirement to consult does not apply to regulations which—

(a) amend other regulations made under that sub-paragraph, and

(b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.

Commencement Information

I7 Sch. 1 para. 7 in force at 29.4.2019 by S.I. 2019/864, **art. 2(3)(a)**

Domiciliary support services

8 (1) A "domiciliary support service" is the provision of care and support to a person who by reason of vulnerability or need (other than vulnerability or need arising only because the person is of a young age) is unable to provide it for him or herself and is provided at the place in Wales where the person lives (including making arrangements for or providing services in connection with such provision).

(2) But the provision of care and support does not constitute a domiciliary support service if—

(a) it is provided by an individual without the involvement of an undertaking acting as an employment agency or employment business (within the meaning given to those expressions by section 13 of the Employment Agencies Act 1973 (c.35)), and who works wholly under the direction and control of the person receiving the care and support, or

(b) it is provided—

(i) at a place where a care home service, secure accommodation service, residential family centre service or accommodation arranged as part of an adult placement service is provided, or

(ii) at a hospital.

(3) A person who introduces individuals who provide a domiciliary support service to individuals who may wish to receive it but has no ongoing role in the direction or control of the care and support provided is not to be treated as providing a domiciliary support service (regardless of whether or not the introduction is for profit).

Commencement Information

I8 Sch. 1 para. 8 in force at 2.4.2018 by S.I. 2017/1326, **art. 2(3)(b)** (with art. 7(b))

Interpretation

9 In this Schedule—

"hospital" ("*ysbyty*") means—

(a) a health service hospital within the meaning given by the National Health Service (Wales) Act 2006 (c.42),

(b) an independent hospital within the meaning given by the Care Standards Act 2000 (c.14), and

(c) an independent clinic within the meaning given by the Care Standards Act 2000;

"local authority foster parent" ("*rhiant maeth awdurdod lleol*") has the meaning given by the 2014 Act.

Commencement Information

I9 Sch. 1 para. 9 in force at 29.4.2019 by S.I. 2019/864, **art. 2(3)(a)**

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