Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 1

REGULATION OF SOCIAL CARE SERVICES

CHAPTER 3

INFORMATION AND INSPECTIONS

35 Powers of inspector to interview and examine persons

(1) If an inspector thinks it necessary or expedient for the purposes of carrying out an inspection, the inspector may require any person to be interviewed by the inspector in private.

(2) But an inspector may not interview in private a person falling within subsection (3) without the person's consent.

(3) The following persons fall within this subsection—

(a) a person to whom the service provider provides (or has provided) care and support;

(b) an individual with parental responsibility for the person;

(c) a relative of the person;

(d) the person's carer;

(e) a donee of a lasting power of attorney over the person.

(4) An inspector may examine in private a person to whom the service provider provides (or has provided) care and support if—

(a) the inspector is a registered medical practitioner or registered nurse,

(b) the inspector thinks the examination is necessary or expedient for the purposes of assessing the effect of any such care and support on the well-being of the person, and

(c) the person consents to the examination.

(5) For the purposes of subsections (1) and (4), an interview or examination is to be treated as conducted in private despite the presence of a third party if—

(a) the person being interviewed or examined wants the third party to be present and the inspector does not object, or

(b) the inspector wants the third party to be present and the person being interviewed or examined consents.

(6) Where an inspector conducts an interview or examination under this section, the inspector must, if requested to do so by—

(a) the person being interviewed or examined, or

(b) an individual accompanying that person,

produce a document showing the inspector's authorisation under section 33 and, in the case of an examination, a document showing that the inspector is a registered medical practitioner or registered nurse.

(7) In this section—

"carer" ("*gofalwr*") has the meaning given by section 3 of the 2014 Act;

"child" ("*plentyn*") means a person who is aged under 18;

"donee of a lasting power of attorney" ("*rhoddai atwrneiaeth arhosol*") has the same meaning as in Part 1 of the Mental Capacity Act 2005 (c.9);

"parental responsibility" ("*cyfrifoldeb rhiant*") has the meaning given by section 3 of the Children Act 1989 (c.41);

"relative" ("*perthynas*"), in relation to a person, means that person's parent, grandparent, child, grandchild, brother, half-brother, sister, half-sister, uncle, aunt, nephew or niece (including any person who is or has been in that relationship by virtue of a marriage or civil partnership or an enduring family relationship).