

---

WELSH STATUTORY INSTRUMENTS

---

**2002 No. 325**

**Private and Voluntary Health Care (Wales) Regulations 2002**

PART III

CONDUCT OF HEALTH CARE ESTABLISHMENTS

CHAPTER 3

MANAGEMENT

**Visits by registered provider**

**25.**—(1) Where the registered provider is an individual who does not manage the establishment, that individual shall visit the establishment in accordance with this regulation.

(2) Where the registered provider is an organisation, the establishment shall be visited in accordance with this regulation by—

- (a) the responsible individual;
- (b) another of the directors or other persons responsible for the management of the organisation who is suitable to visit the establishment; or
- (c) an employee of the organisation who has appropriate qualifications, skills and experience for the purpose and who is not directly concerned with the conduct of the establishment.

(3) Visits under paragraph (1) or (2) shall take place at least every three months and may be unannounced.

(4) The person carrying out the visit shall—

- (a) interview, with their consent and in private (if necessary, by telephone), such of the patients and their representatives and such employees as appear to be necessary in order to form an opinion of the standard of treatment and other services provided in or for the purposes of the establishment;
- (b) inspect the premises and records of any complaints; and
- (c) prepare a written report on the conduct of the establishment.

(5) The registered provider shall supply a copy of the report required to be made under paragraph (4)(c) to—

- (a) the National Assembly;
- (b) the registered manager; and
- (c) in the case of a visit under paragraph (2), to each of the directors or other persons responsible for the management of the organisation.

## **Financial position**

**26.**—(1) The registered provider shall carry on the establishment in such manner as is likely to ensure that the establishment will be financially viable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The registered person shall, if the National Assembly so requests, provide it with such information and documents as it may require for the purpose of considering the financial viability of the establishment, including—

- (a) the annual accounts of the establishment, certified by an accountant; or
- (b) the annual accounts of the organisation which is the registered provider of the establishment, certified by an accountant, together with accounts relating to the establishment itself.

(3) The registered person shall also provide the National Assembly with such other information as it may require in order to consider the financial viability of the establishment, including—

- (a) a reference from a bank expressing an opinion as to the registered provider's financial standing;
- (b) information as to the financing and financial resources of the establishment ;
- (c) where the registered provider is a company, information as to any of its associated companies; and
- (d) a certificate of insurance for the registered provider in respect of liability which may be incurred by the provider in relation to the establishment in respect of death, injury, public liability, damage or other loss.

(4) In this regulation, one company is associated with another if one of them has control of the other, or both are under the control of the same person.