
WELSH STATUTORY INSTRUMENTS

2011 No. 1016

**The Care Homes (Wales) (Miscellaneous
Amendments) Regulations 2011**

Amendment of the principal Regulations

3.—(1) The principal Regulations are amended in accordance with the following provisions of this regulation.

- (2) In regulation 2 (interpretation), insert in the appropriate place in the alphabetical order—
““required qualification” (“*cymhwyster angenrheidiol*”) means a qualification contained in a list maintained by the Welsh Ministers for the purposes of these Regulations;”.
- (3) In regulation 7 (fitness of registered provider)—
- (a) for paragraph (3)(c) substitute the following—
“(c) full and satisfactory information or documentation is available in relation to him or her in respect of the relevant matters specified in paragraph (4).”;
- (b) renumber the existing provision in paragraph (4) and (5) as paragraph (5) and (6) respectively;
- (c) after paragraph (3) insert the following—
“(4) The matters referred to in paragraph (3) are—
- (a) where the individual manages or intends to manage the care home—
- (i) except where paragraph (5) applies, in respect of each of the matters specified in paragraphs 1 to 6 of Schedule 2;
- (ii) where paragraph (5) applies—
- (aa) in respect of each of the matters specified in paragraphs 1 and 3 to 6 of Schedule 2, and
- (bb) notification has been received under section 113E(4)(a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act)(1);
- (b) where the individual does not manage or intend to manage the care home—
- (i) except where paragraph (5) applies, in respect of each of the matters specified in paragraphs 1 to 5 and 6 of Schedule 2;
- (ii) where paragraph (5) applies—
- (aa) in respect of each of the matters specified in paragraphs 1, 3 to 5 and 6 of Schedule 2, and
- (bb) notification has been received under section 113E(4)(a) of the Police Act 1997 that the individual is not included on a specified adults' list (within the meaning of section 113E of that Act).”.
- (4) For paragraph (3) of regulation 8 (appointment of manager), substitute—

- “(3) If the registered provider intends to manage the care home, that individual must—
- (a) comply with the requirements specified in regulation 9 (fitness of registered manager); and
 - (b) forthwith give notice to the appropriate office of the Welsh Assembly Government of the date on which such management is to begin.”.

(5) In regulation 9 (fitness of registered manager)—

 - (a) in paragraph (2)—
 - (i) in sub-paragraph (b)(ii), for “skills and experience” substitute “qualifications, skills and experience”, and
 - (ii) in sub-paragraph (c), for “paragraph (3)” in each place it occurs, substitute “paragraph (7)”;
 - (b) renumber the existing provision in paragraph (3) as paragraph (7);
 - (c) after paragraph (2) insert—
 - “(3) Subject to paragraph (4), a reference to qualifications, skills and experience includes a requirement that the person must possess a required qualification.
 - (4) Where a person, who does not hold a required qualification, was appointed as the manager of a care home before 1 June 2011, that person is not fit to manage a care home unless he or she obtains a required qualification not later than—
 - (a) 1 October 2011; or
 - (b) such later date as the Welsh Ministers agree is reasonable in all the circumstances.
 - (5) Nothing in paragraph (3) or (4) affects any requirement for a manager to possess other qualifications, skills or experience relevant to the matters set out in paragraph (2)(b).
 - (6) A person is not fit to manage a care home unless the person is registered as a manager of a care home with the Care Council for Wales not later than—
 - (a) 1 October 2011; or
 - (b) such later date as the Welsh Ministers agree is reasonable in all the circumstances.”.

(6) In regulation 19 (fitness of workers)—

 - (a) in paragraph (2)(d)(i), for “1 to 6” substitute “1 to 5 and 6”;
 - (b) in paragraph (2)(d)(ii), for “1 and 3 to 6” substitute “1, 3 to 5 and 6”;
 - (c) in paragraph (5)(a) for “3 to 6”, substitute “3 to 5 and 6”.

(7) In Schedule 2 (information and documents to be available in respect of persons carrying on, managing, or working at, a care home)—

 - (a) in paragraph 5, after “relevant” insert “or required”;
 - (b) after paragraph 5, insert—
 - “(5A) Where relevant, documentary evidence of registration with the Care Council for Wales.”.