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WELSH STATUTORY INSTRUMENTS

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**2017 No. 1264 (W. 295)**

**SOCIAL CARE, WALES**

**The Regulated Services (Service Providers and  
Responsible Individuals) (Wales) Regulations 2017**

*Made* - - - - *12 December 2017*

*Coming into force* *2 April 2018*

**THE REGULATED SERVICES (SERVICE PROVIDERS AND  
RESPONSIBLE INDIVIDUALS) (WALES) REGULATIONS 2017**

**PART 1**

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1. Title, commencement, application and interpretation

**PART 2**

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3. Domiciliary support services
4. Residential family centre services
5. Meaning of family or personal relationship

**PART 3**

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7. Requirements in relation to the statement of purpose
8. Requirements in relation to monitoring and improvement
9. Requirements in relation to the responsible individual
10. Requirements in relation to the responsible individual where the service provider is an individual
11. Requirements in relation to the financial sustainability of the service
12. Requirements to provide the service in accordance with policies and procedures
13. Duty of candour

*Status: This is the original version (as it was originally made).*

#### PART 4

Requirements on service providers as to the steps to be taken before agreeing to provide care and support

14. Suitability of the service

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15. Personal plan
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17. Records of personal plans
18. Provider assessment

#### PART 6

Requirements on service providers as to the information to be provided to individuals on commencement of the provision of care and support

19. Information about the service
20. Service agreement

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21. Standards of care and support - overarching requirements
22. Continuity of care
23. Information
24. Language and communication
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26. Safeguarding - overarching requirement
27. Safeguarding policies and procedures
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29. The appropriate use of control and restraint
30. Prohibition on the use of corporal punishment
31. Deprivation of liberty
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Requirements on service providers as to staffing

34. Staffing - overarching requirements
35. Fitness of staff

- 36. Supporting and developing staff
- 37. Compliance with employer's code of practice
- 38. Information for staff
- 39. Disciplinary procedures

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- 40. Application of regulations in this Part
- 41. Delineation of travel time and care time
- 42. Offering domiciliary care workers on non-guaranteed hours contracts the choice of alternative contractual arrangements

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Requirements on service providers as to premises, facilities and equipment

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- 44. Premises – accommodation-based services only
- 45. Single occupancy and shared rooms - adults
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- 51. Additional requirements – room sizes
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- 55. Supplies
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- 61. Notification with respect to children admitted into, or discharged from, a place at which accommodation is provided to children
- 62. Notification with respect to the death of a child accommodated in a secure children's home
- 63. Conflicts of interest (including prohibitions)
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## PART 16

Requirements on responsible individuals for ensuring effective management of the service

- 66. Supervision of management of the service
- 67. Duty to appoint a manager
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- 69. Restrictions on appointing manager for more than one service
- 70. Duty to report the appointment of manager to service provider
- 71. Duty to report appointment of manager to the workforce and service regulators
- 72. Arrangements when manager is absent
- 73. Visits

## PART 17

Requirements on responsible individuals for ensuring effective oversight of the service

- 74. Oversight of adequacy of resources
- 75. Other reports to the service provider
- 76. Engagement with individuals and others

## PART 18

Requirements on responsible individuals for ensuring the compliance of the service

- 77. Duty to ensure there are systems in place to record incidents and complaints
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- 79. Duty to ensure policies and procedures are up to date

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- 80. Quality of care review
- 81. Statement of compliance with the requirements as to standards of care and support

## PART 20

Other requirements on responsible individuals

- 82. Support for staff raising concerns
- 83. Duty of candour
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## PART 21

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- 85. Offences – service providers
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## PART 22

Service providers who are liquidated etc. or who have died

- 87. Appointment of liquidators etc.
- 88. Death of service provider

## PART 23

Regulations under section 21(5) of the Act

- 89. Designation of responsible individual by Welsh Ministers  
Signature

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## SCHEDULE

### 1

PART 1 — Information and documents to be available in respect of persons working in regulated services

- 1. Proof of identity including a recent photograph.
- 2. Where required for the purposes of an exempted question in...
- 3. Where required for the purposes of an exempted question asked...
- 4. Two written references, including a reference from the last employer,...
- 5. Where a person has previously worked in a position whose...
- 6. Documentary evidence of any relevant qualification.
- 7. Where relevant, documentary evidence of registration with Social Care Wales....
- 8. A full employment history, together with a satisfactory written explanation...
- 9. Evidence of satisfactory linguistic ability for the purposes of providing...
- 10. Details of registration with or membership of any professional body....

PART 2 — Interpretation of Part 1

- 11. For the purposes of paragraphs 2 and 3 of Part...

## SCHEDULE

### 2

PART 1 — Records to be kept in respect of all regulated services

- 1. In respect of each individual, records of—
- 2. A record of any charges by the service provider to...
- 3. A record of all medicines kept in the service for...
- 4. A record of all money or other valuables deposited by...
- 5. A record of the following events that occur in the...
- 6. A record of every fire practice, drill or test of...
- 7. A record of all complaints made by individuals or their...
- 8. A record of all persons working at the service, which...
- 9. A copy of the duty roster of persons working at...

PART 2 — Additional records to be kept in respect of care home services, secure accommodation services and residential family centre services

- 10. A record of any furniture brought by an individual into...
- 11. A record of any of the following events that occur...

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12. A record of all visitors to the service, including the...  
 SCHEDULE Notifications by the service provider  
 3
- PART 1 — Notifications to the service regulator in respect of all services
1. Any revision to the statement of purpose, 28 days prior...
  2. Service provider (individual or organisation) changes their name.
  3. Where the service provider is a company, any change in...
  4. Where the service provider is an individual, the appointment of...
  5. Where the service provider is a body corporate or partnership,...
  6. Where the service provider is a partnership, death of one...
  7. Where the service provider is a partnership, any change in...
  8. Expected absence of the responsible individual for 28 days or...
  9. The unexpected absence of the responsible individual, no later than...
  10. Unexpected absence of the responsible individual for 28 days or...
  11. Return from absence of the responsible individual.
  12. The responsible individual ceases, or proposes to cease, being the...
  13. Any abuse or allegation of abuse in relation to an...
  14. Service provider, responsible individual or appointed manager convicted of a...
  15. Any allegation of misconduct by a member of staff.
  16. Any occurrence of a category 3 or 4 pressure ulcer,...
  17. Serious accident, injury to or illness of an individual.
  18. The outbreak of any infectious disease.
  19. Any incident reported to the police.
  20. Any events which prevent, or could prevent, the provider from...
  21. Where accommodation is provided, the death of an individual and...
  22. Any request to a supervisory body in relation to the...
  23. The premises are, or are proposed to be, significantly altered...
  24. Additional premises are, or are proposed to be acquired.
  25. Any proposal to change the address of the principal office,...
- PART 2 — Additional notifications to the service regulator where care and support is provided to children
26. Any referral to the DBS pursuant to the Safeguarding Vulnerable...
  27. Where the service provider, responsible individual or appointed manager is...
  28. Instigation and subsequent outcome of any child protection enquiry involving...
  29. Any allegation that a child accommodated by the service has...
  30. Incident of child sexual exploitation or suspected child sexual exploitation...
  31. Any incident where an accommodated child goes missing or has...
- PART 3 — Notifications to the placing authority where a care home service is provided to children
32. Any abuse or allegation of abuse in relation to a...
  33. Serious accident, injury to or illness of a child accommodated...
  34. Any occurrence of a category 3 or 4 pressure ulcer,...
  35. The outbreak of any infectious disease.
  36. Any incident reported to the police.
  37. The death of a child accommodated by the service and...
  38. Any referral to the DBS pursuant to the Safeguarding Vulnerable...
  39. An allegation that a child accommodated by the service has...
  40. Any incident where an accommodated child goes missing or has...

- 41. Instigation and subsequent outcome of any child protection enquiry involving...
- 42. Any incident of child sexual exploitation or suspected child exploitation....
  - PART 4 — Notifications to the local authority in whose area the home is situated where a care home service is provided to children
- 43. Death of a child and the circumstances.
- 44. Any incident of child sexual exploitation or suspected child exploitation....
- 45. Any incident where an accommodated child goes missing or has...
  - PART 5 — Notifications to the appropriate police officer where a care home service is provided to children
- 46. Any incident of child sexual exploitation or suspected child exploitation....
  - PART 6 — Notifications to the health board in whose area the home is situated where a care home service is provided to children
- 47. The outbreak of any infectious disease.
- 48. The death of a child and the circumstances.
- SCHEDULE 4
  - Notifications by the responsible individual
  - 1. The appointment of a manager (see regulation 7(1)).
  - 2. The expected absence of the appointed manager for 28 days...
  - 3. The unexpected absence of the appointed manager, no later than...
  - 4. The unexpected absence of appointed manager for 28 days or...
  - 5. Return from absence of appointed manager.
  - 6. Interim arrangements where the manager is absent for longer than...
  - 7. Someone other than the appointed manager is proposing to manage...
  - 8. The appointed manager ceases, or proposes to cease, managing the...

Explanatory Note