
WELSH STATUTORY INSTRUMENTS

2017 No. 1264

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

PART 1

General

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017.

(2) These Regulations come into force on 2 April 2018 and apply in relation to Wales.

(3) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Regulation and Inspection of Social Care (Wales) Act 2016;

“the 2014 Act” (“*Deddf 2014*”) means the Social Services and Well-being (Wales) Act 2014 ^{F1};

“care and support plan” (“*cynllun gofal a chymorth*”) means a plan under section 54 or section 83 of the 2014 Act;

^{F2}

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

“child who is looked after by a local authority” (“*plentyn sy'n derbyn gofal gan awdurdod lleol*”) has the same meaning as in section 74 of the 2014 Act;

^{F2}

“general practitioner” (“*ymarferydd cyffredinol*”) means a registered medical practitioner ^{F3} who—

(a) provides primary medical services under Part 4 of the National Health Service (Wales) Act 2006 ^{F4}, or

(b) provides services which correspond to services provided under Part 4 of the National Health Service (Wales) Act 2006, otherwise than in pursuance of that Act;

“health care professional” (“*proffesiynolyn gofal iechyd*”) means a person who is registered as a member of any profession to which section 60(2) of the Health Act 1999 ^{F5} applies;

[^{F6}“nurse” (“*nyrs*”) means a qualified nurse or qualified midwife registered with the Nursing and Midwifery Council in accordance with article 5 of the Nursing and Midwifery Order 2001;]

“personal outcomes” (“*canlyniadau personol*”)—

(a) in relation to an adult, means the outcomes that the adult wishes to achieve in day to day life;

(b) in relation to a child, means—

(i) the outcomes that the child wishes to achieve, or

- (ii) the outcomes that any persons with parental responsibility wish to achieve in relation to the child;

“personal plan” (“*cynllun personol*”) means the plan required to be prepared in accordance with regulation 15(1);

“placing authority” (“*awdurdod lleoli*”) in relation to a child provided with accommodation as part of a care home service or a secure accommodation service, means—

- (a) in the case of a child who is looked after by a local authority or local authority in England, that local authority;
- (b) in the case of a child who is not looked after by a local authority or local authority in England—
 - (i) if the child is being provided with accommodation by a voluntary organisation, that voluntary organisation;
 - (ii) if the child is accommodated in a qualifying school under arrangements made by a local authority (whether in the exercise of education functions within the meaning of section 579(1) of the Education Act 1996 ^{F7} or otherwise), that local authority;
 - (iii) in any other case, the child's parent;

and for the purposes of this definition “qualifying school” (“*ysgol gymhwysol*”) means a school which is a care home service by virtue of the application of paragraph 1(3) of Schedule 1 to the Act;

“provider assessment” (“*asesiad darparwr*”) means the assessment which is required to be carried out by the service provider under regulation 18;

“reasonable adjustments” (“*addasiadau rhesymol*”) means such reasonable adjustments as would be required under the Equality Act 2010 ^{F8};

“registered dental practitioner” (“*ymarferydd deintyddol cofrestredig*”) means a person registered in the dentists register kept under the Dentists Act 1984 ^{F9} who—

- (a) provides primary dental services under Part 5 of the National Health Service (Wales) Act 2006, or
- (b) provides services which correspond to services provided under Part 5 of the National Health Service (Wales) Act 2006, otherwise than in pursuance of that Act;

[^{F6}“registered professional” (“*proffesiynolyn cofrestredig*”) has the meaning given in paragraph 1 of Schedule 3 to the Health Professions Order 2001;]

[^{F10}“regulated services” (“*gwasanaethau rheoleiddiedig*”) means care home services, domiciliary support services, secure accommodation services or residential family centre services;]

“representative” (“*cynrychiolydd*”) means any person having legal authority, or the consent of the individual to act on the individual's behalf;

“service commissioner” (“*comisiynydd y gwasanaeth*”) means the local authority or NHS body which is responsible for making arrangements with the provider for care and support to be provided to an individual;

“service provider” (“*darparwr gwasanaeth*”) has the same meaning as in section 3(1)(c) of the Act;

“staff” (“*staff*”) includes—

- (a) persons employed by the service provider to work at the service as an employee or a worker, and
- (b) persons engaged by the service provider under a contract for services,

but does not include persons who are allowed to work as volunteers.

For the purpose of this definition, “employee” (“*cyflogai*”) and “worker” (“*gweithiwr*”) have the same meanings as in section 230 of the Employment Rights Act 1996 ^{F11};

“the individual” (“*yr unigolyn*”) means, unless the context indicates otherwise, the child or adult who is receiving care and support;

“the responsible individual” (“*yr unigolyn cyfrifol*”) has the same meaning as in section 21(1) of the Act;

“the service” (“*y gwasanaeth*”) means—

- (a) in relation to a care home service, a secure accommodation service or a residential family centre service, the service which is provided at a specified location;
- (b) in relation to a domiciliary support service, the service which is provided in relation to a specified area.

For the purpose of this definition—

- (i) “specified location” (“*lleoliad penodedig*”) means a location specified in a condition to the service provider's registration as a place at which the service is to be provided ^{F12};
- (ii) “specified area” (“*ardal benodedig*”) means an area specified in a condition to the service provider's registration as a place in relation to which the service is to be provided.

But this definition does not apply to references to “the service” (“*y gwasanaeth*”) in Part 22;

“the service regulator” (“*y rheoleiddiwr gwasanaethau*”) means the Welsh Ministers in the exercise of their regulatory functions ^{F13};

“the statement of purpose” (“*y datganiad o ddiben*”) means the statement of purpose for the place at, from or in relation to which the service is provided ^{F14};

“the workforce regulator” (“*rheoleiddiwr y gweithlu*”) means Social Care Wales.

F1 2014 anaw 4.

F2 Words in reg. 1(3) omitted (1.11.2022) by virtue of [The Regulated Services \(Service Providers and Responsible Individuals\) \(Wales\) \(Amendment\) and \(Coronavirus\) \(Revocation\) Regulations 2022](#) (S.I. 2022/1074), regs. 1(2), 3

F3 The definition of a “registered medical practitioner” in Schedule 1 to the [Interpretation Act 1978](#) (c. 30) was substituted by S.I. 2002/3135, Schedule 1, paragraph 10 with effect from 16 November 2009.

F4 2006 c. 42.

F5 1999 c. 8.

F6 Words in reg. 1(3) inserted (1.4.2020) by [The Regulation and Inspection of Social Care \(Wales\) Act 2016 and Regulated Services \(Miscellaneous Amendments\) Regulations 2020](#) (S.I. 2020/389), regs. 1(2), 11

F7 1996 c. 56.

F8 2010 c. 15.

F9 1984 c. 24.

F10 Words in reg. 1(3) inserted (1.4.2019) by [The Regulated Services \(Service Providers and Responsible Individuals\) \(Wales\) \(Amendment\) Regulations 2019](#) (S.I. 2019/757), regs. 1(2), 3

F11 1996 c. 18.

F12 Section 7(3)(a)(i) of the Act provides that the grant of an application under section 6 of the Act must be subject to a condition specifying the places at, from or in relation to which the service provider is to provide a regulated service.

F13 “Regulatory functions” is defined in section 3(1)(b) of the Act.

- F14** Regulation 3 of the [Regulated Services \(Registration\) \(Wales\) Regulations 2017](#) requires a person who wants to provide a care home service, secure accommodation service or residential family centre service to provide a statement of purpose for each place at which the service is to be provided; a person who wants to provide an adoption service, a fostering service, an adult placement services or an advocacy service must provide a statement of purpose for each place from which the service is to be provided; a person who wants to provide a domiciliary support service must provide a statement of purpose for each place in relation to which the service is to be provided.

Changes to legislation:

There are currently no known outstanding effects for the The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017, PART 1.