
WELSH STATUTORY INSTRUMENTS

2017 No. 1264

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

PART 3

General requirements on service providers

Requirements in relation to the provision of the service

6. The service provider must ensure that the service is provided with sufficient care, competence and skill, having regard to the statement of purpose.

Requirements in relation to the statement of purpose

7.—(1) The service provider must provide the service in accordance with the statement of purpose.

(2) The service provider must—

- (a) keep the statement of purpose under review, and
- (b) where appropriate, revise the statement of purpose.

(3) Unless paragraph (4) applies, the service provider must notify the persons listed in paragraph (6) of any revision to be made to the statement of purpose at least 28 days before it is to take effect.

(4) This paragraph applies in cases where it is necessary to revise the statement of purpose with immediate effect.

(5) If paragraph (4) applies, the service provider must, without delay, notify the persons listed in paragraph (6) of any revision made to the statement of purpose.

(6) The persons who must be notified of any revision to the statement of purpose in accordance with paragraph (3) or (5) are—

- (a) the service regulator,
- (b) the individuals,
- (c) the placing authority (where relevant), and
- (d) any representative, unless it is not appropriate to do so or would be inconsistent with the well-being of an individual.

(7) The service provider must provide the up to date statement of purpose to any person on request, unless it is not appropriate to do so or would be inconsistent with the well-being of an individual.

Requirements in relation to monitoring and improvement

8.—(1) The service provider must ensure that there are effective arrangements in place for monitoring, reviewing and improving the quality of care and support provided by the service.

(2) Those arrangements must include arrangements for seeking the views of—

- (a) individuals,
- (b) any representatives, unless this is not appropriate or would be inconsistent with the individual's well-being,
- (c) in the case of an individual who is a child provided with accommodation as part of a care home service, the placing authority,
- (d) service commissioners, and
- (e) staff,

on the quality of care and support provided by the service and how this can be improved.

(3) When making any decisions on plans for improvement of the quality of care and support provided by the service, the service provider must—

- (a) take into account the views of those persons consulted in accordance with paragraph (2), and
- (b) have regard to the quality of care report prepared by the responsible individual in accordance with regulation 80(4).

Requirements in relation to the responsible individual

9.—(1) This regulation does not apply to a service provider who is an individual.

(2) A service provider to whom this regulation applies must ensure that the person who is designated as the responsible individual—

- (a) is supported to carry out their duties effectively, and
- (b) undertakes appropriate training.

(3) In the event that the service provider has reason to believe that the responsible individual has not complied with a requirement imposed by the regulations in Parts 16 to 20, the provider must—

- (a) take such action as is necessary to ensure that the requirement is complied with, and
- (b) notify the service regulator.

(4) During any time when the responsible individual is unable to fulfil their duties, the service provider must ensure that there are arrangements in place for—

- (a) the effective management of the service,
- (b) the effective oversight of the service,
- (c) the compliance of the service with the requirements of the regulations in Parts 3 to 15, and
- (d) monitoring, reviewing and improving the quality of the care and support provided by the service.

(5) If the responsible individual is unable to fulfil their duties for a period of more than 28 days, the service provider must—

- (a) notify the service regulator, and
- (b) inform the service regulator of the interim arrangements.

Requirements in relation to the responsible individual where the service provider is an individual

10.—(1) This regulation applies where the service provider is an individual.

(2) If this regulation applies, the individual must undertake appropriate training for the proper discharge of his or her duties as the responsible individual.

(3) During any time when the individual is absent, he or she must ensure that there are arrangements in place for—

- (a) the effective management of the service,
- (b) the effective oversight of the service,
- (c) the compliance of the service with the requirements of the regulations in Parts 3 to 15, and
- (d) monitoring, reviewing and improving the quality of the care and support provided by the service.

(4) If the individual is unable to fulfil their duties as a responsible individual for a period of more than 28 days, he or she must—

- (a) notify the service regulator, and
- (b) inform the service regulator of the interim arrangements.

Requirements in relation to the financial sustainability of the service

11.—(1) The service provider must take reasonable steps to ensure that the service is financially sustainable for the purpose of achieving the aims and objectives set out in the statement of purpose.

(2) The service provider must maintain appropriate and up to date accounts for the service.

(3) The service provider must provide copies of the accounts to the Welsh Ministers within 28 days of being requested to do so.

(4) The Welsh Ministers may require accounts to be certified by an accountant.

Requirements to provide the service in accordance with policies and procedures

12.—(1) The service provider must ensure that the following policies and procedures are in place for the service—

Admissions and commencement of the service (see [F1Part 4], regulation 14)

Safeguarding (see Part 8, regulation 27)

Supporting individuals to manage their money (see Part 8, regulation 28)

Use of control or restraint (see Part 8, regulation 29)

Staff support and development (see Part 10, regulation 36)

Staff discipline (see Part 10, regulation 39)

Infection control (see Part 14, regulation 56)

Medication (see Part 14, regulation 58)

Complaints (see Part 15, regulation 64)

Whistleblowing (see Part 15, regulation 65)

(2) Where the service includes the provision of accommodation for children, the service provider must have a policy in place on the prevention of bullying, procedures for dealing with an allegation of bullying and a procedure to be followed when any child for whom accommodation is provided is absent without permission (see regulation 27(5)).

(3) The service provider must have such other policies and procedures in place as are reasonably necessary to support the aims and objectives of the regulated service set out in the statement of purpose.

(4) The service provider must ensure that the content of the policies and procedures which are required to be in place by virtue of paragraphs (1) to (3) is—

- (a) appropriate to the needs of individuals for whom care and support is provided,
- (b) consistent with the statement of purpose, and
- (c) kept up to date.

(5) The service provider must ensure that the service is provided in accordance with those policies and procedures.

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| F1 Words in reg. 12(1) substituted (1.4.2019) by The Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2019 (S.I. 2019/757) , regs. 1(2), 6 |
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Duty of candour

13. The service provider must act in an open and transparent way with—

- (a) individuals who are receiving care and support,
- (b) any representatives of those individuals, and
- (c) in the case of a child who is provided with accommodation, the placing authority.

Changes to legislation:

There are currently no known outstanding effects for the The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017, PART 3.