
EXPLANATORY NOTE

(This note is not part of the Order)

Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) establishes a new system of regulation and inspection of social care services in Wales, which replaces the system that was established under the Care Standards Act 2000.

Section 2 of and Schedule 1 to the Act specify the services which are “regulated services” for the purposes of the Act.

A person who is registered as a provider of regulated services is referred to as a “service provider” and regulations made under section 27 of the Act impose requirements on service providers in respect of the regulated services they provide.

Section 6 of the Act requires a service provider to designate an individual as the “responsible individual” in respect of each place at, from, or in relation to which a regulated service is to be provided and regulations made under section 28 of the Act impose requirements on the responsible individual in relation to the regulated services for which they are responsible.

Section 52 of the Act gives the Welsh Ministers (acting as the service regulator) the power to give a penalty notice to a person instead of bringing proceedings for an offence, but only in relation to those offences that are prescribed in regulations. This power is subject to the limitations specified in section 52(2) of the Act.

Regulation 3 and the first column in the table in the Schedule prescribe the offences for which the Welsh Ministers may give a penalty notice. The second column in that table contains a description of the offence.

Regulation 4 and the third column in the table in the Schedule specify the amount of the penalty payable in respect of each of the prescribed offences. The amounts payable are expressed as multiples of the amount corresponding to level 4 on the standard scale (and range between multiples of one to two and a half times).

Regulations 5 and 6 make provision about the time by which a penalty notice must be paid and specify the way in which a payment may be made.

Regulation 7 makes provision about the period during which proceedings may not be instituted for the offence to which the penalty notice relates.

Regulation 8 makes provision about the circumstances in which a penalty notice once given may be withdrawn, the consequences of such withdrawal, and specifies when proceedings may be instituted or continued in respect of the offence to which the penalty notice relates.

Regulation 9 sets out the requirements for the content of a penalty notice.

Regulation 10 sets out the record-keeping requirements of the service regulator in respect of any penalty notice that it gives.

The Welsh Ministers’ Code of Practice on the carrying on of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.