
WELSH STATUTORY INSTRUMENTS

2019 No. 165

**The Regulated Advocacy Services (Service Providers
and Responsible Individuals) (Wales) Regulations 2019**

PART 2

General requirements on service providers

Requirements in relation to the provision of the service

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

Commencement Information

11 [Reg. 3](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Requirements in relation to the statement of purpose

4.—(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) service commissioners, 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.

Commencement Information

I2 Reg. 4 in force at 29.4.2019, see **reg. 1(2)**

Requirements in relation to monitoring and improvement

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

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

- (a) individuals,
- (b) any representatives, unless this is not appropriate or would be inconsistent with the individual's well-being,
- (c) service commissioners, and
- (d) staff,

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

(3) When making any decisions on plans for improvement of the quality of the advocacy, 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 service report prepared by the responsible individual in accordance with regulation 50(4).

Commencement Information

I3 Reg. 5 in force at 29.4.2019, see **reg. 1(2)**

Requirements in relation to the responsible individual

6.—(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 36 to 54, 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 [F1Parts 2 to 15], and
- (d) monitoring, reviewing and improving the quality of the advocacy provided.

(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 made to comply with paragraph (4).

Textual Amendments

F1 Words in [reg. 6\(4\)\(c\)](#) substituted (1.7.2019) by [The Regulated Advocacy Services \(Service Providers and Responsible Individuals\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1062\)](#), regs. 1, [2\(a\)](#)

Commencement Information

I4 Reg. 6 in force at 29.4.2019, see reg. 1(2)

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

7.—(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 the individual's duties as the responsible individual.

(3) During any time when the individual is absent, the individual 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 [^{F2}Parts 2 to 15], and
- (d) monitoring, reviewing and improving the quality of the advocacy 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, the individual must—

- (a) notify the service regulator; and
- (b) inform the service regulator of the interim arrangements made to comply with paragraph (3).

Textual Amendments

F2 Words in [reg. 7\(3\)\(c\)](#) substituted (1.7.2019) by [The Regulated Advocacy Services \(Service Providers and Responsible Individuals\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/1062\)](#), regs. 1, [2\(b\)](#)

Commencement Information

I5 Reg. 7 in force at 29.4.2019, see reg. 1(2)

Requirements in relation to the financial sustainability of the service

8.—(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.

Commencement Information

16 [Reg. 8](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Requirements to provide the service in accordance with policies and procedures

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

- Commencement of the service (see Part 3, regulation 11)
- Confidentiality (see Part 6, regulation 19)
- Safeguarding (see Part 7, regulation 21)
- Staff support and development (see Part 8, regulation 25)
- Staff discipline (see Part 8, regulation 28)
- Complaints (see Part 10, regulation 34)
- Whistleblowing (see Part 10, regulation 35).

(2) The service provider must have such other policies and procedures in place as are reasonably necessary to support the aims and objectives of the service.

(3) 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) and (2) is—

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

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

Commencement Information

17 [Reg. 9](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Duty of candour

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

- (a) individuals,
- (b) any representatives of those individuals.

Commencement Information

18 [Reg. 10](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Changes to legislation:

There are currently no known outstanding effects for the The Regulated Advocacy Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019, PART 2.