

WELSH STATUTORY INSTRUMENTS

2019 No. 762

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

PART 1

General

Title and commencement

1.—(1) The title of these Regulations is the Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019.

(2) These Regulations come into force on 29 April 2019.

Commencement Information

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

Interpretation

2.—(1) In these Regulations—

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

“the 2002 Act” (“*Deddf 2002*”) means the Adoption and Children Act 2002 ^{M1};

“adoption agency” (“*asiantaeth fabwysiadu*”) means an adoption society or a local authority adoption service;

“adoption society” (“*cymdeithas fabwysiadu*”) has the meaning given in section 2(5) of the 2002 Act, which is a voluntary organisation within the meaning of that Act;

“adoption support agency” (“*asiantaeth cymorth mabwysiadu*”) has the meaning given in section 8 of the 2002 Act;

“adoption support plan” (“*cynllun cymorth mabwysiadu*”) means the plan which sets out the adoption support services the local authority has decided to provide for the child and the adoptive family, how these will be provided and by whom (if applicable);

“adoption support services” (“*gwasanaethau cymorth mabwysiadu*”) has the meaning given in section 2(6) of the 2002 Act and regulation 3 of the Adoption Support Services (Wales) Regulations 2019 ^{M2};

“adoptive child” (“*plentyn mabwysiadol*”) has the meaning given in regulation 2 of the Adoption Support Services (Wales) Regulations 2019;

“adoptive parent” (“*rhiant mabwysiadol*”) has the meaning given in regulation 2 of the Adoption Support Services (Wales) Regulations 2019;

“approved by the service” (“*a gymeradwywyd gan y gwasanaeth*”) means approved by the service as suitable to be an adoptive parent in accordance with the Adoption Agencies (Wales) Regulations 2005 ^{M3};

“care and support plan” (“*cynllun gofal a chymorth*”) means a plan for the child made under section 54 or section 83 of the 2014 Act ^{M4};

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

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...

“DBS certificate” (“*tystysgrif GDG*”) means a certificate of a type referred to in paragraph 2 or 3 of Schedule 1;

“the Disclosure and Barring Service” (“*y Gwasanaeth Datgelu a Gwahardd*”) and “DBS” (“*GDG*”) mean the body formed by section 87(1) of the Protection of Freedoms Act 2012 ^{M5};

“employee” (“*cyflogai*”) has the same meaning as in section 230(1) of the Employment Rights Act 1996 ^{M6};

“guardian” (“*gwarcheidwad*”) has the meaning given to it in section 5 of the Children Act 1989 ^{M7};

“individual” (“*unigolyn*”) means, unless the context indicates otherwise—

- (a) in the case of an adoption society in the course of arranging an adoption or after an adoption has been arranged—
 - (i) a child who may be adopted, their parent or guardian;
 - (ii) a person wishing to adopt a child, or
 - (iii) an adopted person, their parent, birth parent or former guardian, who is receiving support of the type which an adoption society is required to provide in accordance with the Adoption Agencies (Wales) Regulations 2005 or the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005 ^{M8};
- (b) in the case of an adoption support agency, or an adoption society in the course of providing adoption support services, any person who is receiving adoption support services;

[^{F2}“integrated care board” (“*bwrdd gofal integredig*”) means an integrated care board established under Chapter A3 of Part 2 of the National Health Service Act 2006;]

“local authority adoption service” (“*gwasanaeth mabwysiadu awdurdod lleol*”) has the meaning given in regulation 2(1) of the Local Authority Adoption Services (Wales) Regulations 2019 ^{M9};

“local authority in England” (“*awdurdod lleol yn Lloegr*”) means—

- (a) a county council in England,
- (b) a district council for an area in England for which there is no county council,
- (c) a London borough council, or
- (d) the Common Council of the City of London;

F3
...

[^{F4}“NHS England” (“*GIG Lloegr*”) means the body corporate established under section 1H of the National Health Service Act 2006;]

“placement plan” (“*cynllun lleoliad*”) has the meaning given in regulation 36(2) of the Adoption Agencies (Wales) Regulations 2005;

“reasonable adjustments” (“*addasiadau rhesymol*”) means such reasonable adjustments as would be required under the Equality Act 2010 ^{M10};

“regulated adoption service” (“*gwasanaeth mabwysiadu rheoleiddiedig*”) means an adoption service which is regulated under the Act;

“related person” (“*person perthynol*”) has the meaning given in regulation 2 of the Adoption Support Services (Wales) Regulations 2019;

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

“the service” (“*y gwasanaeth*”), unless otherwise indicated, means an adoption service ^{M11} which is provided in relation to a specified area;

“service provider” (“*darparwr gwasanaeth*”) means an adoption service provider who is registered under section 7 of the Act;

“the service regulator” (“*y rheoleiddiwr gwasanaethau*”) means the Welsh Ministers in the exercise of their regulatory functions ^{M12};

“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;

“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;

“the statement of purpose” (“*y datganiad o ddiben*”) means the document containing the information which must be provided in accordance with regulation 3(c) of and Schedule 2 to the Regulated Services (Registration) (Wales) Regulations 2017 ^{M13} for the place in relation to which the service is to be provided ^{M14};

“worker” (“*gweithiwr*”) has the same meaning as in section 230(3) of the Employment Rights Act 1996.

(2) In these Regulations, where used in relation to the support provided to an “individual” as defined in this regulation, “support” includes—

(a) the support which an adoption society is required to provide to individuals in the course of arranging an adoption, or after an adoption has been arranged, in accordance with the Adoption Agencies (Wales) Regulations 2005 or the Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005, or

(b) the adoption support services which may be provided by an adoption society or adoption support agency.

Textual Amendments

- F1** Words in [reg. 2\(1\)](#) omitted (1.7.2022) by virtue of [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), regs. 1(2), **96(2)(a)**
- F2** Words in [reg. 2\(1\)](#) inserted (1.7.2022) by [The Health and Care Act 2022 \(Consequential and Related Amendments and Transitional Provisions\) Regulations 2022 \(S.I. 2022/634\)](#), regs. 1(2), **96(2)(b)**
- F3** Words in [reg. 2\(1\)](#) omitted (6.11.2023) by virtue of [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), regs. 1(1), **100(2)(a)**

- F4** Words in [reg. 2\(1\)](#) inserted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), regs. 1(1), [100\(2\)\(b\)](#)

Commencement Information

- I2** [Reg. 2](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Marginal Citations

- M1** [2002 c. 38](#).
M2 [S.I. 2019/286 \(W.66\)](#).
M3 [S.I. 2005/1313 \(W. 95\)](#).
M4 “The 2014 Act” is defined in section 189 of the Act as the Social Services and Well-being (Wales) Act 2014 (dccc 4).
M5 [2012 c. 9](#).
M6 [1996 c. 18](#).
M7 [1989 c. 41](#).
M8 [S.I. 2005/2689 \(W. 189\)](#).
M9 [S.I. 2019/291 \(W.69\)](#).
M10 [2010 c. 15](#), [section 20](#).
M11 “adoption service” has the meaning given in paragraph 4 of Schedule 1 to the Act.
M12 “Regulatory functions” is defined in section 3(1)(b) of the Act.
M13 [S.I. 2017/1098 \(W. 278\)](#).
M14 [Regulation 3\(c\)](#) of the Regulated Services (Registration) (Wales) Regulations 2017 requires a person who wants to provide an adoption service to provide a statement of purpose for each place from which the service is to be provided.

PART 2

Exceptions

Exceptions

3.—(1) The following services are not to be treated as an adoption service, despite paragraph 4 of Schedule 1 to the Act (regulated services: definitions, adoption service)—

- (a) the provision of a service in relation to adoption by a person, in the course of a legal activity (within the meaning of the Legal Services Act 2007 ^{M15}), who is—
 - (i) an authorised person for the purposes of that Act, or
 - (ii) a European lawyer (within the meaning of the European Communities (Services of Lawyers) Order 1978 ^{M16});
- (b) the provision of services to enable groups of adoptive children, adoptive parents and birth parents or former guardians of an adoptive child to discuss matters relating to adoption;
- (c) the provision of respite care to an adoptive child or an adoptive parent by a care home service or domiciliary support service in respect of which a person is registered under chapter 2 of Part 1 of the Act;
- (d) the provision of respite care in relation to an adoptive child consisting of child minding or day care within the meaning in Part 2 of the Children and Families (Wales) Measure 2010 ^{M17} and in respect of which a person is registered for child minding or day care under that Part of that Measure;
- (e) the provision of adoption support services by a person who provides those services—

- (i) otherwise than in partnership with others, and
 - (ii) under a contract for services with—
 - (aa) a regulated adoption service, or
 - (bb) a local authority adoption service.
- (2) In paragraph (1)(e), a person does not include the plural and is not a corporate body.

Commencement Information

I3 [Reg. 3](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Marginal Citations

M15 [2007 c. 29](#).

M16 [S.I. 1978/1910](#).

M17 [2010 nawm 1](#)

PART 3

General requirements on service providers

Requirements in relation to the provision of the service

4. 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

I4 [Reg. 4](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Requirements in relation to the statement of purpose

5.—(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, and
- (c) any representatives, 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

I5 [Reg. 5](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Requirements in relation to monitoring and improvement

6.—(1) The service provider must ensure that there are effective arrangements in place for monitoring, reviewing and improving the quality of 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) any local authority or local authority in England which has arranged for the provision of adoption support services by the service;
 - (d) staff,

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

(3) When making any decisions on plans for improvement of the quality of 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 service report prepared by the responsible individual in accordance with regulation 49(4).

Commencement Information

I6 [Reg. 6](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Requirements in relation to the responsible individual

7.—(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 11 to 15, 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 imposed by the regulations in Parts 3 to 10, and
- (d) monitoring, reviewing and improving the quality of support 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.

Commencement Information

I7 [Reg. 7](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

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

8.—(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 Parts 3 to 10, and
- (d) monitoring, reviewing and improving the quality of support provided.

(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.

Commencement Information

I8 [Reg. 8](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Requirements in relation to the financial sustainability of the service

9.—(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

I9 [Reg. 9](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Requirements to provide the service in accordance with policies and procedures

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

- (a) commencement of the service (see regulation 12);
- (b) safeguarding (see regulation 20);
- (c) supporting and developing staff (see regulation 24);
- (d) staff discipline (see regulation 27);
- (e) complaints (see regulation 33);
- (f) whistleblowing (see regulation 34).

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

(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 support 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

I10 [Reg. 10](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Duty of candour

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

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

Commencement Information

I11 [Reg. 11](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

PART 4

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

Suitability of the service

12.—(1) The service provider must not provide support for an individual unless the provider has determined that the service is suitable to meet the individual's need for support.

(2) The service provider must have in place a policy and procedures on commencement of the service.

(3) The determination under paragraph (1) must take into account—

- (a) any up to date plan;
- (b) any health or other relevant assessments;
- (c) the individual's views, wishes and feelings;
- (d) any risks to the individual's well-being;
- (e) any risks to the well-being of other individuals to whom support is provided;
- (f) the individual's religious persuasion, racial origin, cultural and linguistic background, sexual orientation and gender identity;
- (g) any reasonable adjustments which the service provider could make to enable the individual's need for support to be met;
- (h) the service provider's policy and procedures on commencement of the service.

(4) In a case where the individual does not have a plan, the service provider must assess the individual's need for support.

(5) The assessment required by paragraph (4) must be carried out by a person who—

- (a) has the skills, knowledge and competence to carry out the assessment, and
- (b) has received training in the carrying out of assessments.

(6) In making the determination in paragraph (1), the service provider must involve the individual and any representative. But the service provider is not required to involve a representative if—

- (a) the individual is an adult or a child aged 16 or over and the individual does not wish the representative to be involved, or
- (b) involving the representative would not be consistent with the individual's well-being.

(7) In this regulation “plan” may include—

- (a) an adoption support plan,
- (b) a care and support plan, or
- (c) a placement plan.

Commencement Information

I12 Reg. 12 in force at 29.4.2019, see [reg. 1\(2\)](#)

PART 5

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

Information about the service

- 13.**—(1) The service provider must prepare a written guide to the service.
- (2) The guide must be—
- (a) dated, reviewed at least annually and updated as necessary;
 - (b) in an appropriate language, style, presentation and format, having regard to the statement of purpose for the service;
 - (c) given to any individual who is receiving support;
 - (d) made available to others on request, unless this is not appropriate or would be inconsistent with the well-being of an individual.
- (3) The guide must contain information about—
- (a) how to raise a concern or make a complaint;
 - (b) the availability of advocacy services;
 - (c) the role and contact details for the Children's Commissioner for Wales.
- (4) The service provider must ensure that an individual receives such assistance as is necessary to enable the individual to understand the information contained in the guide.

Commencement Information

I13 [Reg. 13](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Service agreement

- 14.**—(1) The service provider must ensure that every individual who receives support is given a signed copy of any agreement relating to—
- (a) the support provided to the individual;
 - (b) any other services provided to the individual.
- (2) The service provider must ensure that the individual receives such assistance as is necessary to enable the individual to understand the information contained in any such agreement.

Commencement Information

I14 [Reg. 14](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

PART 6

Requirements on service providers as to the standards of support to be provided

Standards of support – overarching requirements

15.—(1) The service provider must ensure that support is provided in a way which protects, promotes and maintains the safety and well-being of individuals.

(2) The service provider must ensure that support is provided in a way which—

- (a) maintains good personal and professional relationships with individuals and staff, and
- (b) encourages and assists staff to maintain good personal and professional relationships with individuals.

Commencement Information

I15 Reg. 15 in force at 29.4.2019, see [reg. 1\(2\)](#)

Information

16.—(1) The service provider must put arrangements in place to ensure that an individual has the information they need to make or participate in assessments, plans and day to day decisions about the way support is provided to them.

(2) Information provided must be available in the appropriate language, style, presentation and format, having regard to—

- (a) the nature of the service as described in the statement of purpose;
- (b) the level of the individual's understanding and ability to communicate;
- (c) in the case of a child, the child's age.

(3) The service provider must ensure that the individual receives such assistance as is necessary to enable them to understand the information provided.

Commencement Information

I16 Reg. 16 in force at 29.4.2019, see [reg. 1\(2\)](#)

Language and communication

17. The service provider must take reasonable steps to meet the language and communication needs of an individual.

Commencement Information

I17 Reg. 17 in force at 29.4.2019, see [reg. 1\(2\)](#)

Respect and sensitivity

18.—(1) The service provider must ensure that individuals are treated with respect and sensitivity.

(2) This includes, but is not limited to—

- (a) respecting the individual's privacy and dignity;
- (b) respecting the individual's rights to confidentiality;
- (c) promoting the individual's autonomy and independence;
- (d) having regard to any relevant protected characteristics (as defined in section 4 of the Equality Act 2010) of the individual.

Commencement Information

I18 Reg. 18 in force at 29.4.2019, see [reg. 1\(2\)](#)

PART 7

Requirements on service providers –safeguarding

Safeguarding - overarching requirement

19. The service provider must provide the service in a way which ensures that individuals are safe and are protected from abuse, neglect and improper treatment.

Commencement Information

I19 Reg. 19 in force at 29.4.2019, see [reg. 1\(2\)](#)

Safeguarding policies and procedures

20.—(1) The service provider must have policies and procedures in place—

- (a) for the prevention of abuse, neglect and improper treatment, and
- (b) for responding to any allegation or evidence of abuse, neglect or improper treatment.

(2) In this regulation, such policies and procedures are referred to as safeguarding policies and procedures.

(3) The service provider must ensure that their safeguarding policies and procedures are operated effectively.

(4) In particular, where there is an allegation or evidence of abuse, neglect or improper treatment, the service provider must—

- (a) act in accordance with their safeguarding policies and procedures,
- (b) take immediate action to ensure the safety of all individuals for whom support is provided,
- (c) make appropriate referrals to other agencies, and
- (d) keep a record of any evidence or the substance of any allegation, any action taken and any referrals made.

Commencement Information

I20 Reg. 20 in force at 29.4.2019, see [reg. 1\(2\)](#)

Interpretation of Part 7

21. In this Part—

“abuse” (“*camdriniaeth*”) means physical, sexual, psychological, emotional or financial abuse and, in relation to a child, any other harm.

For the purposes of this definition—

(a) “financial abuse” (“*camdriniaeth ariannol*”) includes—

- (i) having money or other property stolen;
- (ii) being defrauded;
- (iii) being put under pressure in relation to money or other property;
- (iv) having money or other property misused;

(b) “harm” (“*niwed*”) has the same meaning as in section 197(1) of the 2014 Act;

“improper treatment” (“*triniaeth amhriodol*”) includes discrimination or unlawful restraint, including inappropriate deprivation of liberty under the terms of the Mental Capacity Act 2005^{M18},

“neglect” (“*esgeulustod*”) has the same meaning as in section 197(1) of the 2014 Act.

Commencement Information

I21 Reg. 21 in force at 29.4.2019, see [reg. 1\(2\)](#)

Marginal Citations

M18 2005 c. 9.

PART 8

Requirements on service providers as to staffing

Staffing - overarching requirements

22.—(1) The service provider must ensure that at all times a sufficient number of suitably qualified, trained, skilled, competent and experienced staff are deployed to work at the service, having regard to—

- (a) the statement of purpose for the service,
- (b) the individuals' need for support,
- (c) assisting individuals to meet their need for support,
- (d) the need to safeguard and promote the health and welfare of children, and
- (e) the requirements of these Regulations.

(2) The service provider must ensure that suitable arrangements are made for the support and development of staff.

Commencement Information

I22 Reg. 22 in force at 29.4.2019, see [reg. 1\(2\)](#)

Fitness of staff

23.—(1) The service provider must not—

- (a) employ a person under a contract of employment to work at the service unless that person is fit to do so;
- (b) allow a volunteer to work at the service unless that person is fit to do so;
- (c) allow any other person to work at the service in a position in which that person may, in the course of duties, have regular contact with individuals who are receiving support or with other persons who are vulnerable unless that person is fit to do so.

(2) For the purposes of paragraph (1), a person is not fit to work at the service unless—

- (a) the person is of suitable integrity and good character;
- (b) the person has the qualifications, skills, competence and experience necessary for the work that person is to perform;
- (c) the person is able by reason of their health, after reasonable adjustments are made, to properly perform the tasks which are intrinsic to the work for which that person is employed or engaged;
- (d) the person has provided full and satisfactory information or documentation, as the case may be, in respect of each of the matters specified in Part 1 of Schedule 1 and this information or documentation is available at the service for inspection by the service regulator;
- (e) where the person is employed by the service provider to manage the service, from 1 April 2022, the person is registered as a social care manager^{M19} with SCW^{M20}.

(3) An appropriate DBS certificate must be applied for by, or on behalf of the service provider, for the purpose of assessing the suitability of a person for the post referred to in paragraph (1). But this requirement does not apply if the person working at the service is registered with the Disclosure and Barring Service update service (referred to in this regulation as “the DBS update service”).

(4) Where a person being considered for a post referred to in paragraph (1) is registered with the DBS update service, the service provider must check the person's DBS certificate status for the purpose of assessing the suitability of that person for that post.

(5) Where a person appointed to a post referred to in paragraph (1) is registered with the DBS update service, the service provider must check the person's DBS certificate status at least annually.

(6) Where a person appointed to a post referred to in paragraph (1) is not registered with the DBS update service, the service provider must apply for a new DBS certificate in respect of that person within three years of the issue of the certificate applied for in accordance with paragraph (3) and thereafter further such applications must be made at least every three years.

(7) If any person working at the service is no longer fit to work at the service as a result of one or more of the requirements in paragraph (2) not being met, the service provider must—

- (a) take necessary and proportionate action to ensure that the relevant requirements are complied with;
- (b) where appropriate, inform—
 - (i) the relevant regulatory or professional body;
 - (ii) the Disclosure and Barring Service.

Commencement Information

I23 Reg. 23 in force at 29.4.2019, see [reg. 1\(2\)](#)

Marginal Citations

M19 See section 79(1)(b) of the Act for the definition of a “social care manager”.

M20 See section 67(3) of the Act for the definition of Social Care Wales as “SCW”.

Supporting and developing staff

24.—(1) The service provider must have a policy in place for the support and development of staff.

(2) The service provider must ensure that any person working at the service (including a person allowed to work as a volunteer)—

- (a) receives an induction appropriate to their role;
- (b) is made aware of their own responsibilities and those of other staff;
- (c) receives appropriate supervision and appraisal;
- (d) receives core training appropriate to the work to be performed by them;
- (e) receives specialist training as appropriate;
- (f) receives support and assistance to obtain such further training as is appropriate to the work they perform.

(3) The service provider must ensure that any person employed to work at the service as a manager is supported to maintain their registration with SCW.

Commencement Information

I24 [Reg. 24](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Compliance with code of practice

25. The service provider must adhere to the code of practice on the standards of conduct and practice expected of persons employing or seeking to employ social care workers, which is required to be published by SCW under section 112(1)(b) of the Act.

Commencement Information

I25 [Reg. 25](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Information for staff

26.—(1) The service provider must ensure that all persons working at the service (including any person allowed to work as a volunteer) are provided with information about the service and the way it is provided.

(2) The service provider must ensure that there are arrangements in place to make staff aware of any codes of practice about the standards of conduct expected of social care workers, which are required to be published by SCW under section 112(1)(a) of the Act.

Commencement Information

I26 [Reg. 26](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Disciplinary procedures

- 27.—(1) The service provider must put in place and operate a disciplinary procedure.
- (2) The disciplinary procedure must include—
- (a) provision for the suspension, and the taking of action short of suspension, of an employee, in the interests of the safety or well-being of individuals;
 - (b) provision that a failure on the part of an employee to report an incident of abuse, or suspected abuse, to an appropriate person, is grounds on which disciplinary proceedings may be instituted.
- (3) For the purpose of paragraph (2)(b), an appropriate person is—
- (a) the service provider,
 - (b) the responsible individual,
 - (c) an officer of the service regulator,
 - (d) an officer of the local authority for the area where the service is provided,
 - (e) in the case of an incident of abuse or suspected abuse of a child, an officer of the National Society for the Prevention of Cruelty to Children, or
 - (f) a police officer,

as the case may be.

Commencement Information

I27 [Reg. 27](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

PART 9

Requirements on service providers as to premises

Overarching requirement

28. The service provider must ensure that the premises are suitable for the service, having regard to the statement of purpose for the service.

Commencement Information

I28 [Reg. 28](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Adequacy of premises

29. The service provider must ensure that the premises used for the operation of the service have adequate facilities for—

- (a) the supervision of staff;
- (b) the secure storage of records.

Commencement Information

I29 [Reg. 29](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

PART 10

Other requirements on service providers

Records

- 30.**—(1) The service provider must keep and maintain the records specified in Schedule 2.
- (2) The service provider must—
- (a) ensure that records specified in Schedule 2 are accurate and up to date;
 - (b) keep the records securely;
 - (c) make suitable arrangements for the records to continue to be kept securely in the event the service closes;
 - (d) make the records available to the service regulator on request;
 - (e) where an adoption order has been made in relation to a child, retain records relating to the child and the child's adopter for at least 100 years from the date of the adoption order;
 - (f) where adoption support services are provided to an individual, retain records relating to the individual for at least 100 years from the date of the last entry;
 - (g) in a case which does not fall within sub-paragraph (e) or (f) retain—
 - (i) records relating to adults for 3 years from the date of the last entry;
 - (ii) records relating to children for 15 years from the date of the last entry;
 - (h) ensure that individuals who use the service—
 - (i) can have access to their records, and
 - (ii) are made aware they can access their records.

Commencement Information

I30 Reg. 30 in force at 29.4.2019, see [reg. 1\(2\)](#)

Notifications

- 31.**—(1) The service provider must notify the service regulator of the events specified in Part 1 of Schedule 3.
- (2) In the case of a service provided by an adoption society, the service provider must notify—
- (a) the Local Health Board, or [^{F5}integrated care board] and [^{F6}NHS England], of the events specified in Part 2 of Schedule 3;
 - (b) the placing agency of the event specified in Part 4 of Schedule 3;
 - (c) the area authority of the events specified in Part 5 of Schedule 3;
 - (d) the placing authority of the events specified in Part 6 of Schedule 3;
 - (e) the police of the event specified in Part 9 of Schedule 3.
- (3) In the case of a service provided by an adoption support agency or an adoption society which provides adoption support services the service provider must notify—
- (a) the Local Health Board, or [^{F7}integrated care board] and the [^{F8}NHS England] , of the event specified in Part 3 of Schedule 3;
 - (b) the placing authority of the events specified in Part 7 of Schedule 3;

- (c) the relevant authority of the event specified in Part 8 of Schedule 3;
- (d) the police of the event specified in Part 9 of Schedule 3.
- (4) The notifications required by this regulation must include details of the event.
- (5) Unless otherwise stated, notifications must be made without delay and in writing.
- (6) Notifications must be made in such manner and in such form as may be required by the service regulator.
- (7) In this regulation—
 - (a) “Local Health Board”, “[^{F9}integrated care board]” and [^{F10}“NHS England”] means the Local Health Board, or the [^{F9}integrated care board] and [^{F11}NHS England] in whose area the child—
 - (i) is placed for adoption by the service, or
 - (ii) who has died or sustained serious accident or injury in the course of receiving adoption support services was living at the time of the incident;
 - (b) “area authority” means the local authority or local authority in England for the area in which a child is placed, or is to be placed, where this is different from the placing authority;
 - (c) “placing agency” means the adoption agency that placed the child for adoption with the prospective adopter;
 - (d) “placing authority” means, in relation to a child who is or was looked after by a local authority or local authority in England, that local authority;
 - (e) “relevant authority” means the local authority in whose area the service is located and any other local authority on behalf of whom the service is providing adoption support services to that child by virtue of section 3(4)(a) of the 2002 Act.

Textual Amendments

- F5** Words in reg. 31(2)(a) substituted (1.7.2022) by The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), regs. 1(2), **96(3)(a)**
- F6** Words in reg. 31(2)(a) substituted (6.11.2023) by The Health and Care Act 2022 (Further Consequential Amendments) (No. 2) Regulations 2023 (S.I. 2023/1071), regs. 1(1), **100(3)(a)**
- F7** Words in reg. 31(3)(a) substituted (1.7.2022) by The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), regs. 1(2), **96(3)(b)**
- F8** Words in reg. 31(3)(a) substituted (6.11.2023) by The Health and Care Act 2022 (Further Consequential Amendments) (No. 2) Regulations 2023 (S.I. 2023/1071), regs. 1(1), **100(3)(b)**
- F9** Words in reg. 31(7)(a) substituted (1.7.2022) by The Health and Care Act 2022 (Consequential and Related Amendments and Transitional Provisions) Regulations 2022 (S.I. 2022/634), regs. 1(2), **96(3)(c)**
- F10** Words in reg. 31(7)(a) substituted (6.11.2023) by The Health and Care Act 2022 (Further Consequential Amendments) (No. 2) Regulations 2023 (S.I. 2023/1071), regs. 1(1), **100(3)(c)(i)**
- F11** Words in reg. 31(7)(a) substituted (6.11.2023) by The Health and Care Act 2022 (Further Consequential Amendments) (No. 2) Regulations 2023 (S.I. 2023/1071), regs. 1(1), **100(3)(c)(ii)**

Commencement Information

- I31** Reg. 31 in force at 29.4.2019, see **reg. 1(2)**

Conflicts of interest

32. The service provider must have effective arrangements in place to identify, record and manage potential conflicts of interest.

Commencement Information

I32 [Reg. 32](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Complaints policy and procedure

33.—(1) The service provider must have a complaints policy in place and ensure that the service is operated in accordance with that policy.

(2) The service provider must have effective arrangements in place for dealing with complaints including arrangements for—

- (a) identifying and investigating complaints,
- (b) giving an appropriate response to a person who makes a complaint, if it is reasonably practicable to contact that person,
- (c) ensuring that appropriate action is taken following an investigation, and
- (d) keeping records relating to the matters in sub-paragraphs (a) to (c).

(3) The service provider must provide a summary of complaints, responses and any subsequent action taken to the service regulator within 28 days of being requested to do so.

(4) The service provider must—

- (a) analyse information relating to complaints and concerns, and
- (b) having regard to that analysis, identify any areas for improvement.

Commencement Information

I33 [Reg. 33](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Whistleblowing

34.—(1) The service provider must have arrangements in place to ensure that all persons working at the service (including any person allowed to work as a volunteer) are able to raise concerns about matters that may adversely affect the health, safety or well-being of persons for whom the service is provided.

(2) These arrangements must include—

- (a) having a whistleblowing policy in place and acting in accordance with that policy, and
- (b) establishing arrangements to enable and support people working at the service to raise such concerns.

(3) The service provider must ensure that the arrangements required under this regulation are operated effectively.

(4) When a concern is raised, the service provider must ensure that—

- (a) the concern is investigated,
- (b) appropriate steps are taken following an investigation, and
- (c) a record is kept relating to the matters in sub-paragraphs (a) and (b).

Commencement Information

I34 [Reg. 34](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

PART 11

Requirements on responsible individuals for ensuring effective management of the service

Supervision of the management of the service

35. The responsible individual must supervise the management of the service.

Commencement Information

I35 [Reg. 35](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Duty to appoint a manager

36.—(1) The responsible individual must appoint a person to manage the service. But this requirement does not apply if the conditions in paragraph (2) or (3) apply.

(2) The conditions are—

- (a) the service provider is an individual,
- (b) the service provider proposes to manage the service,
- (c) the service provider is fit to manage the service,
- (d) subject to paragraph (6), the service provider is registered as a manager with SCW, and
- (e) the service regulator agrees to the service provider managing the service.

(3) The conditions are—

- (a) the service provider is a partnership, body corporate or unincorporated body,
- (b) the service provider proposes that the individual designated as the responsible individual for the service is to be appointed to manage the service,
- (c) that individual is fit to manage the service,
- (d) subject to paragraph (6), that individual is registered as a manager with SCW, and
- (e) the service regulator agrees to that individual managing the service.

(4) For the purposes of paragraph (2)(c), the service provider is not fit to manage the service unless the requirements of regulation 23(2) (fitness of staff) are met in respect of the service provider.

(5) The duty in paragraph (1) is not discharged if the person appointed to manage the service is absent for a period of more than three months.

(6) The condition in paragraphs (2)(d) and (3)(d) only applies after 1 April 2022.

Commencement Information

I36 [Reg. 36](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Fitness requirements for appointment of manager

37.—(1) The responsible individual must not appoint a person to manage the service unless that person is fit to do so.

(2) For the purposes of paragraph (1), a person is not fit to manage the service unless the requirements of regulation 23(2) (fitness of staff) are met in respect of that person.

Commencement Information

I37 [Reg. 37](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Restrictions on appointing a manager for more than one service

38.—(1) The responsible individual must not appoint a person to manage more than one service, unless paragraph (2) applies.

(2) This paragraph applies if—

- (a) the service provider has applied to the service regulator for permission to appoint a manager for more than one service, and
- (b) the service regulator is satisfied that the proposed management arrangements—
 - (i) will not have an adverse impact on the provision of the service, and
 - (ii) will provide reliable and effective oversight of each service.

Commencement Information

I38 [Reg. 38](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Duty to report the appointment of manager to service provider

39. On the appointment of a manager in accordance with regulation 36(1), the responsible individual must give notice to the service provider of—

- (a) the name of the person appointed, and
- (b) the date on which the appointment is to take effect.

Commencement Information

I39 [Reg. 39](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Duty to report the appointment of manager to SCW and the service regulator

40.—(1) On the appointment of a manager in accordance with regulation 36(1), the responsible individual must give notice to SCW and the service regulator of—

- (a) the name, date of birth and SCW registration number of the person appointed, and
- (b) the date on which the appointment is to take effect.

(2) In a case where the service provider is an individual and the service regulator has agreed to the service provider managing the service, the service provider must give notice to SCW of—

- (a) the name, date of birth and SCW registration number of the service provider, and
- (b) the date from which the service provider is to manage the service.

Commencement Information

I40 [Reg. 40](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Arrangements when manager is absent

41.—(1) The responsible individual must put suitable arrangements in place to ensure that the service is managed effectively at any time when there is no manager or when the manager is not present at the service.

(2) If there is no manager or the manager is not present at the service for a period of more than 28 days, the responsible individual must—

- (a) notify the service provider and the service regulator, and
- (b) inform them of the arrangements which have been put in place for the effective management of the service.

Commencement Information

I41 [Reg. 41](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Visits

42.—(1) The responsible individual must—

- (a) visit the premises from which the service is provided,
- (b) meet with members of staff who are employed to provide a service from each place in respect of which the responsible individual is designated, and
- (c) meet with individuals or any representatives of individuals for whom a service is being provided from each such place.

(2) The frequency of such visits and meetings is to be determined by the responsible individual having regard to the statement of purpose, but must be at least every 3 months.

Commencement Information

I42 [Reg. 42](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

PART 12

Requirements on responsible individuals for ensuring effective oversight of the service

Oversight of adequate resources

43.—(1) The responsible individual must report to the service provider on the adequacy of the resources available to provide the service in accordance with the requirements of these Regulations.

- (2) Such reports must be made on a quarterly basis.
- (3) But this requirement does not apply where the service provider is an individual.

Commencement Information

I43 Reg. 43 in force at 29.4.2019, see [reg. 1\(2\)](#)

Other reports to the service provider

- 44.**—(1) The responsible individual must, without delay, report to the service provider—
- (a) any concerns about the management or provision of the service;
 - (b) any significant changes to the way the service is managed or provided;
 - (c) any concerns that the service is not being provided in accordance with the statement of purpose for the service.
- (2) But this requirement does not apply where the service provider is an individual.

Commencement Information

I44 Reg. 44 in force at 29.4.2019, see [reg. 1\(2\)](#)

Engagement with individuals and others

- 45.**—(1) The responsible individual must put suitable arrangements in place for obtaining the views of—
- (a) individuals,
 - (b) any representatives of those individuals,
 - (c) any local authority or local authority in England which has arranged for the provision of support by the service, and
 - (d) staff employed at the service,
- on the quality of support provided and how this can be improved.
- (2) The responsible individual must report the views obtained so that these views can be taken into account by the service provider when making any decisions on plans for improvement of the quality of support provided by the service.

Commencement Information

I45 Reg. 45 in force at 29.4.2019, see [reg. 1\(2\)](#)

PART 13

Requirements on responsible individuals for ensuring compliance of the service

Duty to ensure there are systems in place to record incidents and complaints

46. The responsible individual must ensure that there are effective systems in place to record incidents, complaints and matters on which notifications must be made in accordance with regulations 31 and 53.

Commencement Information

I46 Reg. 46 in force at 29.4.2019, see [reg. 1\(2\)](#)

Duty to ensure there are systems in place for keeping of records

47. The responsible individual must ensure that there are effective systems in place in relation to the keeping of records, which include systems for ensuring the accuracy and completeness of records which are required to be kept by regulation 30.

Commencement Information

I47 Reg. 47 in force at 29.4.2019, see [reg. 1\(2\)](#)

Duty to ensure policies and procedures are up to date

48. The responsible individual must put suitable arrangements in place to ensure that the service provider's policies and procedures are kept up to date, having regard to the statement of purpose.

Commencement Information

I48 Reg. 48 in force at 29.4.2019, see [reg. 1\(2\)](#)

PART 14

Requirements on responsible individuals for monitoring, reviewing and improving the quality of the service

Quality of service review

49.—(1) The responsible individual must put suitable arrangements in place to establish and maintain a system for monitoring, reviewing and improving the quality of the service.

(2) The system established under paragraph (1) must make provision for the quality of the service to be reviewed as often as required but at least every 6 months.

(3) As part of any review undertaken, the responsible individual must make arrangements for—

- (a) considering the outcome of the engagement with individuals and others, as required by regulation 45 (engagement with individuals and others);
- (b) analysing the aggregate data on incidents, notifiable incidents, safeguarding matters, whistleblowing, concerns and complaints;
- (c) reviewing any action taken in relation to complaints;
- (d) considering the outcome of any audit of the accuracy and completeness of records.

(4) On completion of a review of the quality of service in accordance with this regulation, the responsible individual must prepare a report to the service provider which must include—

- (a) an assessment of the standard of support provided, and
- (b) recommendations for the improvement of the service.

(5) But the requirement in paragraph (4) does not apply where the service provider is an individual.

Commencement Information

I49 Reg. 49 in force at 29.4.2019, see [reg. 1\(2\)](#)

Statement of compliance with the requirements as to standards of support

50.—(1) The responsible individual must prepare the statement required to be included in the annual return under section 10(2)(b) of the Act, in so far as it relates to the place or places in respect of which the responsible individual has been designated.

(2) When preparing the statement, the responsible individual must have regard to the assessment of the standard of support which is contained in a report prepared in accordance with regulation 49(4).

Commencement Information

I50 Reg. 50 in force at 29.4.2019, see [reg. 1\(2\)](#)

PART 15

Other requirements on responsible individuals

Support for staff raising concerns

51.—(1) The responsible individual must ensure that the provider's whistleblowing policy is being complied with and that the arrangements to enable and support people working at the service to raise such concerns are being operated effectively.

Commencement Information

I51 Reg. 51 in force at 29.4.2019, see [reg. 1\(2\)](#)

Duty of candour

52. The responsible individual must act in an open and transparent way with—

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

Commencement Information

I52 Reg. 52 in force at 29.4.2019, see [reg. 1\(2\)](#)

Notifications

53.—(1) The responsible individual must notify the service regulator of the events specified in Schedule 4.

(2) The notifications required by paragraph (1) must include details of the event.

(3) Unless otherwise stated, notifications must be made without delay and in writing.

(4) Notifications must be made in such manner and in such form as may be required by the service regulator.

Commencement Information

I53 Reg. 53 in force at 29.4.2019, see [reg. 1\(2\)](#)

PART 16

Offences

Offences – service providers

54.—(1) It is an offence for a service provider to fail to comply with a requirement of any of the provisions specified in paragraph (2) ^{M21}.

(2) The provisions specified for the purposes of paragraph (1) are the provisions of regulations—

- (a) 5(3) (requirements in relation to statement of purpose);
- (b) 5(5) (requirements in relation to statement of purpose);
- (c) 9(3) (requirements in relation to financial sustainability of the service);
- (d) 10(1) (requirements to provide the service in accordance with policies and procedures);
- (e) 13(1) (information about the service);
- (f) 13(2) (information about the service);
- (g) 13(3) (information about the service);
- (h) 14(1) (service agreement);
- (i) 23(1) (fitness of staff);
- (j) 26(1) (information for staff);
- (k) 30(1) (records);
- (l) 30(2) (records);
- (m) 31(1) (notifications);
- (n) 31(2) (notifications);
- (o) 31(3) (notifications);
- (p) 31(5) (notifications).

(3) A service provider commits an offence if the provider fails to comply with a requirement of any of the provisions specified in paragraph (4) and such failure results in—

- (a) avoidable harm (whether of a physical or psychological nature) to an individual,
- (b) an individual being exposed to a significant risk of such harm occurring, or
- (c) in a case of theft, misuse or misappropriation of money or property, any loss by an individual of the money or property concerned.

(4) The provisions specified for the purposes of paragraph (3) are the provisions of regulations—

- (a) 4 (requirements in relation to the provision of the service);
- (b) 5(1) (requirements in relation to the statement of purpose);

- (c) 10(4) (requirements to provide the service in accordance with policies and procedures);
- (d) 12(1) (requirement to ensure suitability of the service);
- (e) 12(3) (requirement to ensure suitability of the service);
- (f) 15(1) (standards of support – overarching requirements);
- (g) 19 (safeguarding – overarching requirement);
- (h) 22 (staffing – overarching requirements).

Commencement Information

I54 Reg. 54 in force at 29.4.2019, see [reg. 1\(2\)](#)

Marginal Citations

M21 For penalties upon conviction for an offence under this regulation, see [section 51\(1\)](#) of the Act.

Offences – responsible individuals

55.—(1) It is an offence for the responsible individual to fail to comply with a requirement of any of the provisions specified in paragraph (2) ^{M22}.

(2) The provisions specified for the purposes of paragraph (1) are the provisions of regulations—

- (a) 36(1) (duty to appoint a manager);
- (b) 37(1) (fitness requirements for appointment of manager);
- (c) 40(1) (duty to report the appointment of manager to SCW and the service regulator);
- (d) 40(2) (duty to report the appointment of manager to SCW and the service regulator);
- (e) 42(1) (visits);
- (f) 42(2) (visits);
- (g) 43(1) (oversight of adequacy of resources);
- (h) 43(2) (oversight of adequacy of resources, frequency of reports);
- (i) 44(1) (other reports to the service provider);
- (j) 49(4) (quality of service review);
- (k) 50(1) (statement of compliance with the requirements as to standards of support);
- (l) 53(1) (notifications);
- (m) 53(3) (notifications).

Commencement Information

I55 Reg. 55 in force at 29.4.2019, see [reg. 1\(2\)](#)

Marginal Citations

M22 For penalties upon conviction for an offence under this regulation, see [section 51\(1\)](#) of the Act.

PART 17

Service providers who are liquidated etc. or who have died

Appointment of liquidators etc.

- 56.** An appointed person ^{M23} must—
- (a) without delay, give written notification to the service regulator of their appointment and the reasons for their appointment;
 - (b) within 28 days of their appointment, notify the service regulator of their intentions regarding the future operation of the service.

Commencement Information

I56 Reg. 56 in force at 29.4.2019, see [reg. 1\(2\)](#)

Marginal Citations

M23 See [section 30](#) of the Act for the definition of “appointed person”.

Death of service provider

57.—(1) Where a service provider who is an individual has died, the personal representatives of the individual must—

- (a) without delay, give written notification of the death to the service regulator;
- (b) within 28 days of the death, notify the service regulator of their intentions regarding the future operation of the service.

(2) The personal representatives of the individual may act in the capacity of the service provider for a period not exceeding 28 days or for such longer period (not exceeding one year) as the service regulator may agree.

(3) Where the personal representatives are acting in the capacity of the service provider in accordance with paragraph (2), Part 1 of the Act applies with the following modifications—

- (a) section 5 (requirement to register) does not apply;
- (b) section 21(2) (responsible individuals) is to be read as if after paragraph (a), there is inserted—

“(aa) where the personal representatives of a service provider who has died are acting in the capacity of the service provider, be one of the personal representatives;”.

(4) In this regulation, “the service” means the service or services which the service provider who has died was registered to provide at the time of their death.

Commencement Information

I57 Reg. 57 in force at 29.4.2019, see [reg. 1\(2\)](#)

PART 18

Regulations under section 21(5) of the Act

Designation of responsible individual by Welsh Ministers

58. The Welsh Ministers (instead of a service provider) may designate an individual to be a responsible individual, despite the requirements of section 21(2) of the Act not being met in respect of the individual, in the following circumstances—

- (a) the service provider is an individual who has died and the personal representatives of the service provider have notified the service regulator that they do not intend to make an application under section 11(1)(c) of the Act;
- (b) the service provider is an individual and they have notified the service regulator—
 - (i) that they are no longer able to comply with their duties as a responsible individual, and
 - (ii) the reasons for this being the case;
- (c) the service provider is a corporate body or partnership and they have notified the service regulator—
 - (i) that the individual designated by the service provider as the responsible individual is no longer able to comply with their duties as a responsible individual,
 - (ii) the reasons for this being the case, and
 - (iii) that there is no other individual who is eligible to be a responsible individual and who is able to comply with the duties of a responsible individual.

Commencement Information

I58 Reg. 58 in force at 29.4.2019, see [reg. 1\(2\)](#)

Julie Morgan
Deputy Minister for Health and Social Services
under authority of the Minister for Health and
Social Services, one of the Welsh Ministers

Changes to legislation:

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