



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 1

REGULATION OF SOCIAL CARE SERVICES

CHAPTER 2

REGISTRATION ETC. OF SERVICE PROVIDERS

Responsible individuals

22 Cancellation of designation of a responsible individual

- (1) The Welsh Ministers may cancel a responsible individual's designation only on one or more of the following grounds—
 - (a) they have reason to believe the individual no longer satisfies the requirements of section 21(2);
 - (b) they have reason to believe the individual has been convicted of, or has been given a caution in respect of, a relevant offence in connection with a regulated service provided by the service provider;
 - (c) they are no longer satisfied that the individual is a fit and proper person to be a responsible individual (see section 9);
 - (d) they have reason to believe that the individual has not complied with a requirement imposed on the individual by regulations under section 28(1).
- (2) In subsection (1)(b), “relevant offence” has the same meaning as in section 15.
- (3) If the Welsh Ministers propose to cancel a responsible individual's designation they must give the individual an improvement notice.
- (4) An improvement notice given under subsection (3) must specify—

Changes to legislation: There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, Section 22. (See end of Document for details)

- (a) the reason why the Welsh Ministers propose to cancel the responsible individual's designation,
 - (b) either—
 - (i) action that they think the individual must take, or
 - (ii) information they think the individual must provide,
 in order to satisfy them that the individual's designation should not be cancelled, and
 - (c) a time limit within which the action must be taken or the information must be provided.
- (5) If the Welsh Ministers are not satisfied that—
- (a) action specified in an improvement notice has been taken, or
 - (b) information so specified has been provided,
- within the time limit specified in the notice they may give a notice of cancellation.
- (6) The Welsh Ministers may give a notice of cancellation of a responsible individual's designation without taking the steps mentioned in subsections (3) to (5) if they have reasonable cause to believe that unless the designation is cancelled a person will or may be exposed to a risk of harm.
- (7) A notice of cancellation must be given to—
- (a) the responsible individual, and
 - (b) the service provider who designated the individual.
- (8) An individual ceases to be designated as a responsible individual when the notice of cancellation is given to the service provider.
- (9) A notice of cancellation must—
- (a) give reasons for the decision,
 - (b) explain the right of appeal conferred by section 26,
 - (c) explain the requirement on the service provider to apply for variation of registration (see section 11(1)(c)), and
 - (d) state the time limit prescribed under section 11(2) (prescribed time limit for applying to designate a new responsible individual).
- (10) In subsection (6), “harm” means abuse or impairment of—
- (a) physical or mental health, or
 - (b) physical, intellectual, emotional, social or behavioural development,
- and in a case where the harm relates to the impairment of a child's health or development, the child's health or development is to be compared with that which could reasonably be expected of a similar child.

Modifications etc. (not altering text)

C1 Pt. 1 applied (with modifications) (31.3.2024) by [The Special School Residential Services \(Service Providers and Responsible Individuals\) \(Wales\) Regulations 2024 \(S.I. 2024/388\)](#), regs. 1(2), **79(3)**

Commencement Information

II S. 22 in force at 2.4.2018 by [S.I. 2017/1326](#), **art. 2(3)(d)**

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