



# Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

## REGULATION AND INSPECTION OF SOCIAL CARE (WALES) ACT 2016

### PART 1

#### REGULATION OF SOCIAL CARE SERVICES

#### CHAPTER 1

#### INTRODUCTION

- 1 Overview of Part 1
- 2 Meaning of “regulated service”
- 3 Other key terms
- 4 General objectives

#### CHAPTER 2

#### REGISTRATION ETC. OF SERVICE PROVIDERS

##### *Requirement to register*

- 5 Requirement to register

##### *Application for, variation of and cancellation of registration*

- 6 Application for registration as a service provider
- 7 Grant or refusal of registration as a service provider
- 8 Duration of domiciliary support visits
- 9 Fit and proper person: relevant considerations
- 10 Annual return
- 11 Application for variation of registration as a service provider

*Status: Point in time view as at 01/02/2018.*

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- 12 Grant or refusal of application for variation
- 13 Variation without application
- 14 Application for cancellation of registration as a service provider
- 15 Cancellation without application

#### *Notice requirements*

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- 17 Notice of decision following improvement notice
- 18 Notice of proposal
- 19 Notice of decision following notice of proposal
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- 25 Urgent variation of registration: other conditions

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- 30 Regulations about service providers who are liquidated etc.
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- 35 Powers of inspector to interview and examine persons
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- 39 Notifying local authorities of certain action taken under this Part
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44 False descriptions  
45 Failure by service provider to comply with requirements in regulations  
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48 Failure to submit annual return  
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68 SCW's objectives

*Advice and assistance*

69 Advice and assistance in relation to care and support services

70 Studies as to economy, efficiency etc.

*Engagement with the public etc.*

71 Engagement with the public and social care workers

*Policy with respect to bringing criminal proceedings*

72 Statement of policy with respect to bringing criminal proceedings

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73 Rules: general

74 Rules: fees

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75 Consultation before making rules etc.

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77 Directions

*Default powers of the Welsh Ministers*

78 Default powers of the Welsh Ministers

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80 The register

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*“Appropriately qualified”*

- 84 “Appropriately qualified”
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- 91 Content of the register

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- 98 Restoration proceedings
- 99 Review of suspension of right to apply for restoration
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- 101 Appeals against decisions of the registrar
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- 103 Decisions on appeal to the registration appeals panel

*Appeals to the tribunal*

- 104 Appeals against decisions of a registration appeals panel
- 105 Other appeals: decisions made under the General Systems Regulations

*Notifying the registrar of changes to information etc.*

- 106 Duty to notify the registrar of changes to registration information
- 107 Requests for information relating to fitness to practise

*Duty to publish the register etc.*

- 108 Publication etc. of the register
- 109 Publication of certain registration appeal panel decisions

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- 110 List of persons removed from the register

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- 111 Use of title “social worker” etc.

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- 117 Fitness to practise

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119 Preliminary consideration  
120 Eligibility for onward referral  
121 Direct referral to a fitness to practise panel  
122 Notice: ineligibility for onward referral  
123 Notice: onward referral  
124 Notice: referral to an interim orders panel

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- 125 Duty to investigate  
126 Powers following an investigation  
127 Notice: referral or disposal  
128 Warnings  
129 Undertakings  
130 Mediation

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132 Cancellation of referral to fitness to practise panel  
133 Referral by SCW for review proceedings

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- 136 Other consensual disposal by fitness to practise panel: undertakings
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- 138 Disposals by fitness to practise panel: finding of impairment
- 139 Disposals: further provision about conditional registration and suspension orders
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- 151 Review proceedings
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- 154 Review of suspension orders: disposals by fitness to practise panel
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- 156 Reviews: further provision about conditional registration and suspension orders
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### **CHAPTER 7**

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- 160 Power to require information
- 161 Publication of fitness to practise decisions
- 162 Guidance about fitness to practise
- 163 Suspension: supplementary
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- 166 Conditions for making a prohibition order
- 167 Interim prohibition orders
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- 169 Interim prohibition orders: review
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*Supplementary provision*

- 172 List of prohibited persons
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- 186 Power to make consequential etc. provision
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- 189 General interpretation



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190 Short title

## SCHEDULE 1 — REGULATED SERVICES: DEFINITIONS

### *Care home services*

1 (1) A “care home service” is the provision of accommodation,...

### *Secure accommodation services*

2 A “secure accommodation service” is the provision of accommodation for...

### *Residential family centre services*

3 (1) A “residential family centre service” is the provision of...

### *Adoption services*

4 An “adoption service” is a service provided in Wales by—...

### *Fostering services*

5 A “fostering service” means any service provided in Wales by...

### *Adult placement services*

6 (1) An “adult placement service” means a service carried on...

### *Advocacy services*

7 (1) An “advocacy service” is a service specified for the...

### *Domiciliary support services*

8 (1) A “domiciliary support service” is the provision of care...

### *Interpretation*

9 In this Schedule— “hospital” (“ysbyty”) means— a health service hospital...

## SCHEDULE 2 — SOCIAL CARE WALES

### PART 1 — STATUS

#### *Status*

1 (1) SCW is not to be regarded as a servant...

### PART 2 — MEMBERSHIP

#### *Members*

2 (1) SCW is to consist of— (a) a member to...

#### *Remuneration etc. of members*

3 (1) SCW may pay to its members such remuneration, expenses...

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*Term of office*

- 4 A person appointed as a member of SCW holds office...

*Resignation*

- 5 (1) The chairing member may resign by giving written notice...

*Dismissal*

- 6 (1) The Welsh Ministers may by written notice dismiss the...  
PART 3 — GENERAL POWERS

*Committees*

- 7 (1) SCW may establish committees. (2) Committees established under sub-paragraph...

*Delegation*

- 8 (1) SCW may arrange for any of its functions to...

*Supplementary powers*

- 9 SCW may do anything which is calculated to facilitate, or...  
PART 4 — PROCEEDINGS ETC.

*Procedure*

- 10 (1) SCW is to regulate its own procedure (including quorum);...

*Application of seal*

- 11 (1) SCW may have a seal. (2) The application of...

*Evidence*

- 12 A document purporting to be duly executed under the seal...  
PART 5 — CHIEF EXECUTIVE AND OTHER STAFF

*Chief executive and other staff*

- 13 (1) SCW must appoint a chief executive.  
PART 6 — FINANCIAL MATTERS AND ANNUAL REPORTS ETC.

*Payments by the Welsh Ministers*

- 14 The Welsh Ministers may make payments to SCW of such...

*Accounting officer*

- 15 (1) The chief executive is to act as SCW's accounting...

*Accounts and audit*

- 16 (1) SCW must for each financial year—

*Annual reports etc.*

- 17 (1) No later than 30 November after the end of...

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## SCHEDULE 3 — MINOR AND CONSEQUENTIAL AMENDMENTS PART 1 — REGULATION OF SERVICES

### *Care Standards Act 2000*

- 1 The Care Standards Act 2000 (c.14) is amended as follows....
- 2 In section 1— (a) in subsection (1), at the end...
- 3 In section 3— (a) in subsection (1), after “establishment” insert...
- 4 In section 4— (a) in subsection (2), after “establishment” insert...
- 5 In section 5— (a) in subsection (1)(b), for “in any...
- 6 In section 8(6)— (a) in paragraph (a), for “section 5(b)”...
- 7 In section 14(2), after paragraph (f) insert—
- 8 In section 22— (a) in subsection (1), for paragraph (b)...
- 9 In section 22B— (a) in subsection (1), for “registration authority”...
- 10 In section 23, after subsection (1) insert—
- 11 In section 30A— (a) in subsection (1), after “agency” insert...
- 12 Section 36A is repealed.
- 13 In section 42— (a) for subsection (2) substitute—
- 14 In section 43, after subsection (1) insert—
- 15 In section 50(1), for “registration authority” substitute “CIECSS ”....
- 16 Section 79(3) is repealed.

### *Health and Social Care (Community Health and Standards) Act 2003*

- 17 The Health and Social Care (Community Health and Standards) Act...
- 18 Chapter 6 of Part 2 (social services: functions of the...
- 19 In section 142, in paragraph (a)— (a) in sub-paragraph (i),...
- 20 In section 143(2), paragraph (b) is repealed.

### *Public Audit (Wales) Act 2004*

- 21 The Public Audit (Wales) Act 2004 (c.23) is amended as...
- 22 In section 41(6) (co-operation between the Auditor General for Wales...
- 23 In section 42(4) (co-operation between the Auditor General for Wales...

### *Children Act 2004*

- 24 In section 30 of the Children Act 2004 (c.31) (inspection...

### *Public Services Ombudsman (Wales) Act 2005*

- 25 The Public Services Ombudsman (Wales) Act 2005 (c.10) is amended...
- 26 In section 34R (meaning of “care home” and “care home...
- 27 In section 42(4A) (meaning of “former care home provider”), for...

### *Safeguarding Vulnerable Groups Act 2006*

- 28 In paragraph 1 of Schedule 4 to the Safeguarding Vulnerable...

### *Social Services and Well-being (Wales) Act 2014*

- 29 The 2014 Act is amended as follows.
- 30 In section 1 (overview)— (a) in subsection (9)—
- 31 Section 183 (publicising advocacy services in care homes) is repealed...
- 32 In section 188(1) (definitions for the purposes of sections 185...
- 33 In section 189 (provider failure: temporary duty on local authority)—...

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- 34 In section 190(1) (provider failure: exception to temporary duty), for...
- 35 In section 191 (provider failure: supplementary)— (a) in subsection (6),...
- 36 In section 197(1) (definitions)— (a) in the definition of “care...  
PART 2 — SOCIAL CARE WALES

*Mental Health Act 1983*

- 37 The Mental Health Act 1983 (c.20) is amended as follows....
- 38 In section 114A (approval of courses for mental health professionals:...
- 39 In section 130H(7)(b) (independent mental health advocates for Wales: supplementary...

*Care Standards Act 2000*

- 40 The Care Standards Act 2000 (c.14) is amended as follows....
- 41 The following provisions are repealed— (a) sections 56 (the register)...
- 42 In section 55 (interpretation)— (a) for subsections (2), (3) and...
- 43 In section 67 (functions of the appropriate Minister)—
- 44 In Schedule 2A (persons subject to review by the Children's...

*Adoption and Children Act 2002*

- 45 The Adoption and Children Act 2002 (c.38) is amended as...
- 46 In section 10(2) (management etc. of agencies), for “section 56(1)...

*Public Audit (Wales) Act 2004*

- 47 The Public Audit (Wales) Act 2004 (c.23) is amended as...
- 48 In section 41 (studies for improving economy etc. in services),...

*Public Services Ombudsman (Wales) Act 2005*

- 49 The Public Services Ombudsman (Wales) Act 2005 (c.10) is amended...
- 50 In Schedule 3 (listed authorities), for “The Care Council for...

*Commissioner for Older People (Wales) Act 2006*

- 51 The Commissioner for Older People (Wales) Act 2006 (c.30) is...
- 52 In Schedule 2 (persons whose functions are subject to review...

*Safeguarding Vulnerable Groups Act 2006*

- 53 The Safeguarding Vulnerable Groups Act 2006 (c.47) is amended as...
- 54 In section 41 (registers: power to refer information to the...
- 55 In Part 3 of Schedule 3 (barred lists: supplementary provision)—...
- 56 In Part 2 of Schedule 4 (regulated activity in relation...

*Health and Social Care Act 2008*

- 57 The Health and Social Care Act 2008 (c.14) is amended...
- 58 The following provisions are repealed— (a) section 124 (regulation of...  
PART 3 — MISCELLANEOUS

*Public Services Ombudsman (Wales) Act 2005*

- 59 In section 33 of the Public Services Ombudsman (Wales) Act...

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*Social Services and Well-being (Wales) Act 2014*

- 60 The 2014 Act is amended as follows.
- 61 In the Welsh text of section 21(3)(b) (duty to assess...
- 62 In section 42 (duty to meet support needs of a...
- 63 In the Welsh text of section 46(3) (exception for persons...
- 64 In the Welsh text of section 147(3) (departure from requirements...
- 65 In section 197(1) (general interpretation), in the definition of  
“voluntary...

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