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WELSH STATUTORY INSTRUMENTS

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**2019 No. 165**

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

**PART 11**

**Requirements on responsible individuals for  
ensuring effective management of the service**

**Supervision of management of the service**

**36.** The responsible individual must supervise the management of the service, which includes the specific requirements set out in this Part.

**Duty to appoint a manager**

**37.—(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 social care 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 social care 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 24(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 September 2022.

### **Fitness requirements for appointment of manager**

**38.**—(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 24(2) (fitness of staff) are met in respect of that person.

### **Restrictions on appointing manager for more than one service**

**39.**—(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 service provider’s ability to meet the requirements of regulation 16(1); and
  - (ii) will provide reliable and effective oversight of each service.

### **Duty to report the appointment of manager to service provider**

**40.** On the appointment of a manager in accordance with regulation 37(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.

### **Duty to report appointment of manager to the workforce and service regulators**

**41.**—(1) On the appointment of a manager in accordance with regulation 37(1), the responsible individual must give notice to SCW and to 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.

### **Arrangements when manager is absent**

**42.**—(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.

## **Visits**

- 43.**—(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 the service in relation to each place in respect of which the responsible individual is designated; and
  - (c) meet with individuals for whom advocacy is being provided in relation to 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 three months.