

WELSH STATUTORY INSTRUMENTS

2017 No. 1097 (W. 277)

SOCIAL CARE, WALES

The Regulated Services (Annual Returns) (Wales) Regulations 2017

Made - - - - *14 November 2017*

Coming into force - - *2 April 2018*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by section 10(2)(a)(vii), (viii) and (ix), (3) and (4) and section 187(1) of the Regulation and Inspection of Social Care (Wales) Act 2016^{M1}.

A draft of these Regulations was laid before the National Assembly for Wales under section 10(6) of that Act and has been approved by a resolution of the National Assembly for Wales.

Marginal Citations

M1 2016 anaw 2.

Title, commencement and application

1.—(1) The title of these Regulations is the Regulated Services (Annual Returns) (Wales) Regulations 2017.

(2) These Regulations come into force on 2 April 2018 and apply in relation to Wales.

Interpretation

2. In these Regulations—

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

“annual return” (“*datganiad blynyddol*”) means the annual return which a service provider must submit to the Welsh Ministers in accordance with section 10(1) of the Act.

[^{F1}Application of these Regulations to annual returns for specified financial years

2A. The following provisions of these Regulations do not apply to annual returns submitted for any of the financial years specified in regulation 10(1)—

(a) regulations 3 to 6;

(b) the Schedule.]

Textual Amendments

- F1** Reg. 2A inserted (16.4.2021) by [The Regulated Services \(Annual Returns\) \(Wales\) \(Amendment\) \(Coronavirus\) Regulations 2021 \(S.I. 2021/395\)](#), regs. 1(2), 3

Information about training

3. An annual return must contain a description of the arrangements in place for identifying, planning and meeting the training needs of staff employed by the service provider in relation to each of the regulated services which the service provider is registered to provide.

Information about workforce planning

4. An annual return must contain a description of the arrangements in place for the recruitment and retention of staff employed by the service provider in relation to the regulated services which the service provider is registered to provide.

Other information

5. An annual return which is submitted by a service provider who is registered to provide a care home service, a secure accommodation service [^{F2}, special school residential service] or a residential family centre service must contain the additional information specified in the Schedule in relation to each of the places at which the service is provided.

Textual Amendments

- F2** Words in reg. 5 inserted (31.3.2024) by [The Special School Residential Services \(Service Providers and Responsible Individuals\) \(Wales\) Regulations 2024 \(S.I. 2024/388\)](#), regs. 1(2), 81

6. An annual return which is submitted by a service provider who is registered to provide a domiciliary support service [^{F3}, an adoption service, a fostering service, an adult placement service or an advocacy service] must contain the additional information specified in the Schedule in relation to each of the places in relation to which the service is provided.

Textual Amendments

- F3** Words in reg. 6 inserted (29.4.2019) by [The Regulated Services \(Annual Returns and Registration\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/233\)](#), regs. 1(2), 3

Declaration of truth

7. An annual return must contain a signed declaration by the service provider confirming that they have read and agree with the information contained in the annual return which relates to the regulated services that the provider is registered to provide.

8. An annual return must contain a signed declaration by each responsible individual confirming that they have read and agree with the information contained in the annual return which relates to

the place at, from or in relation to which they have been designated by the service provider as the responsible individual.

Form of annual return

9. An annual return must be in the form of an on-line return which is accessed from the pages of the website maintained by the Welsh Government which have been established for the purpose of informing service providers of the requirements for the preparation and submission of annual returns.

Time for submission of first annual returns

^{F4}9A.

Textual Amendments

F4 Reg. 9A omitted (26.5.2020) by virtue of [The Regulated Services \(Annual Returns\) \(Wales\) \(Amendment\) \(Coronavirus\) Regulations 2020 \(S.I. 2020/486\)](#), regs. 1(2), 3

^{F5}Time limit for submission of annual returns

10.—(1) An annual return relating to any of the financial years 2018-19, [^{F6}2019-2020, 2020-2021 or 2021-2022] must be submitted to the Welsh Ministers no later than [^{F7}31 October 2022].

(2) An annual return relating to a subsequent financial year must be submitted to the Welsh Ministers within 56 days of the end of the financial year to which it relates.]

Textual Amendments

F5 Reg. 10 substituted (26.5.2020) by [The Regulated Services \(Annual Returns\) \(Wales\) \(Amendment\) \(Coronavirus\) Regulations 2020 \(S.I. 2020/486\)](#), regs. 1(2), 4

F6 Words in reg. 10(1) substituted (20.5.2022) by [The Regulated Services \(Annual Returns\) \(Wales\) \(Amendment\) \(Coronavirus\) Regulations 2022 \(S.I. 2022/476\)](#), regs. 1(2), 3(a)

F7 Words in reg. 10(1) substituted (20.5.2022) by [The Regulated Services \(Annual Returns\) \(Wales\) \(Amendment\) \(Coronavirus\) Regulations 2022 \(S.I. 2022/476\)](#), regs. 1(2), 3(b)

Huw Irranca-Davies
Minister for Children and Social Care, under
authority of the Cabinet Secretary for Health and
Social Services, one of the Welsh Ministers

SCHEDULE

Regulations 5 and 6

Information to be contained in annual return

General information

1. Contact details ^{F8}... [^{F9}including electronic mail address and telephone number.]

Textual Amendments

- F8** Sch. para. 1 full stop omitted (31.12.2023) by virtue of [The Register of Service Providers \(Prescribed Information and Miscellaneous Amendments\) \(Wales\) Regulations 2023 \(S.I. 2023/1325\)](#), regs. 1(2), **6**
- F9** Words in Sch. para. 1 inserted (31.12.2023) by [The Register of Service Providers \(Prescribed Information and Miscellaneous Amendments\) \(Wales\) Regulations 2023 \(S.I. 2023/1325\)](#), regs. 1(2), **6**

Information about the responsible individual

2. The name of the responsible individual.

Information about staffing

3. The name of the manager.
4. The total number of full time equivalent posts (including filled and vacant posts).
5. The number of filled and vacant posts in each of the following categories—
 - (a) manager;
 - (b) deputy Manager;
 - (c) other supervisory staff;
 - (d) nursing care staff;
 - (e) registered nurses;
 - (f) senior social care staff providing direct care;
 - (g) other social care staff providing direct care;
 - (h) domestic staff;
 - (i) catering staff;
 - (j) other types of staff not listed above [^{F10};

[^{F11}but sub-paragraphs (d), (e), (h), and (i) do not apply if a service provider is registered only to provide an adoption service, a fostering service, an adult placement service or an advocacy service.]

Textual Amendments

- F10** Semicolon in Sch. para. 5(j) substituted for full stop (29.4.2019) by [The Regulated Services \(Annual Returns and Registration\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/233\)](#), regs. 1(2), **5(a)**
- F11** Words in Sch. para. 5 inserted (29.4.2019) by [The Regulated Services \(Annual Returns and Registration\) \(Wales\) \(Amendment\) Regulations 2019 \(S.I. 2019/233\)](#), regs. 1(2), **5(b)**

6. If the number of staff employed includes staff of a type not listed in paragraph 5(a) to (i), details of the type or types of such staff.

7. The rate of staff turnover.
8. The types of contractual arrangements on which staff are employed and the number of staff employed on each type of contractual arrangement in each of the categories listed in paragraph 5.
9. The qualifications of staff employed in each of the categories listed in paragraph 5.
10. Details of any relevant training which has been undertaken by staff employed in each of the categories listed in paragraph 5 during the period in which they have been employed by the service provider.

Information about the service provision

11. Details of the scale of charges payable by service users during the last financial year.
12. Details of the languages used in providing the service.
13. Details of any non-verbal communication methods used.
14. The total number of formal complaints made during the last financial year and the proportion of those complaints which were not upheld, partially upheld and upheld.
15. Details of the arrangements made for consulting service users about the operation of the regulated service.

Additional information where the service involves the provision of accommodation

16. The typical shift patterns of staff employed, showing the number of staff in each of the categories listed in paragraph 5(d), (e), (f) and (g) who are on duty during each shift.
17. The number of single bedrooms and shared bedrooms.
18. The number of bedrooms with en suite facilities.
19. The number of communal lounge/dining rooms.
20. The number of bathrooms which have assisted bathing facilities.
21. Details of any outside space to which the residents have access.
22. Details of any other facilities to which the residents have access.

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 10(1) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) requires service providers to submit an annual return to the Welsh Ministers.

Section 10(2) of the Act sets out the requirements for the contents of the annual return.

These Regulations are made under section 10(2)(a)(vii), (viii) and (ix), (3) and (4) of the Act, which enables Welsh Ministers to prescribe the information about training and workforce planning and other information which must be contained in the annual return, to prescribe the form of the annual return and to prescribe the time limit within which the annual return must be submitted to Welsh Ministers.

Changes to legislation: *There are currently no known outstanding effects for the The Regulated Services (Annual Returns) (Wales) Regulations 2017. (See end of Document for details)*

Regulation 3 requires the annual return to contain information about the arrangements for identifying, planning and meeting the training needs of staff.

Regulation 4 requires the annual return to contain information about the arrangements for recruitment and retention of staff.

Regulations 5 and 6 and the Schedule deal with other information about the service provided at each location, which must be contained in the annual return, including information about staffing and about service provision and the specific information required where the service involves the provision of accommodation.

Regulations 7 and 8 require the annual return to contain a declaration of truth by the service provider and the responsible individual. This will provide evidence of the person responsible for making a statement in the annual return in the event of a prosecution for an offence under section 47 of the Act (false statements).

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

Changes to legislation:

There are currently no known outstanding effects for the The Regulated Services (Annual Returns) (Wales) Regulations 2017.