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WELSH STATUTORY INSTRUMENTS

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**2004 No. 1756**

**The Adult Placement Schemes (Wales) Regulations 2004**

**PART II**

**REGISTERED PERSONS**

**Fitness of registered provider**

- 8.—**(1) A person must not provide an adult placement scheme unless fit to do so.
- (2) A person is not fit to provide an adult placement scheme unless the person —
- (a) is an individual who provides an adult placement scheme —
    - (i) otherwise than in partnership with others and he or she satisfies the requirements of paragraph (3); or
    - (ii) in partnership with others and he or she and each of the partners satisfies the requirements set out in paragraph (3); or
  - (b) is an organisation and —
    - (i) it has given notice to the appropriate office of the National Assembly of the name, address and position in the organisation of an individual (in these Regulations referred to as “the responsible individual”) who is a director, manager, secretary or other senior officer of the organisation and is responsible for the management of the scheme; and
    - (ii) that individual satisfies the requirements set out in paragraph (3).
- (3) The requirements are that —
- (a) the person is of integrity and good character;
  - (b) the person is physically and mentally fit to provide or (as the case may be) be responsible for the management of the scheme; and
  - (c) full and satisfactory information or (as the case may be) documentation in respect of each of the matters listed in Schedule 3 is available in relation to the person.
- (4) A person is not fit to provide an adult placement scheme if —
- (a) he or she has been adjudged bankrupt or sequestration of his or her estate has been awarded and (in either case) he or she has not been discharged and the bankruptcy order has not been annulled or rescinded; or
  - (b) he or she has made a composition or arrangement with, or granted a trust deed for, his or her creditors and has not been discharged in respect of it.

**Appointment of manager**

- 9.—**(1) The registered provider must appoint an individual to manage the scheme if —
- (a) there is no registered manager in respect of the scheme; and

- (b) the registered provider —
  - (i) is an organisation;
  - (ii) carries on the scheme in partnership;
  - (iii) is not a fit person to manage a scheme; or
  - (iv) is not, or does not intend to be, in full time day to day charge of the scheme.
- (2) Where —
  - (a) the registered provider, or
  - (b) if an appointment has been made under paragraph (1), the registered manager,
 proposes to be, is likely to be, or has been, absent from the offices of the scheme for a continuous period of 28 days or more, the registered provider must appoint an individual to manage the scheme during the provider's or (as the case may be) the registered manager's absence.
- (3) Where the registered provider appoints a person to manage the scheme, he or she shall forthwith give notice to the appropriate office of the National Assembly of —
  - (a) the name of the person so appointed; and
  - (b) subject to registration, the date on which the appointment is to take effect.
- (4) The registered person must nominate a person to be in charge at all times when the offices of the scheme are open for business and the registered person is absent from the premises.
- (5) A person may not be nominated for the purpose of paragraph (4) unless full and satisfactory information in respect of each of the matters listed in Schedule 3 is available in relation to him or her and has been provided to the National Assembly.

### **Fitness of manager**

- 10.—(1) A person must not manage a scheme unless fit to do so.
- (2) A person is not fit to manage a scheme unless —
  - (a) the person is of integrity and good character;
  - (b) having regard to the nature of the scheme and the number and needs of relevant adults —
    - (i) the person has the qualifications, skills and experience necessary to manage the scheme; and
    - (ii) the person is physically and mentally fit to manage the scheme; and
  - (c) full and satisfactory information or (as the case may be) documentation in respect of each of the matters listed in Schedule 3 is available in relation to the person.

### **Registered person — general requirements and training**

- 11.—(1) The registered provider and the registered manager must, having regard to the nature of the adult placement scheme and the number and needs of the relevant adults, provide or (as the case may be) manage the scheme with sufficient care, competence and skill.
- (2) If the registered provider is —
  - (a) an individual, that individual shall undertake, or
  - (b) an organisation, it shall ensure that the responsible individual undertakes,
 from time to time such training as is appropriate to ensure that he or she has the expertise, experience and skills necessary to ensure that the scheme is provided with sufficient care, competence and skill.
- (3) If the scheme is carried on by individuals in partnership, the partners shall ensure that one of them undertakes training as required by paragraph (2).

(4) The registered manager must undertake from time to time such training as is appropriate to ensure that he or she has the expertise, experience and skills necessary for managing the scheme.

#### **Notification of offences**

**12.** Where the registered person or the responsible individual is convicted of any criminal offence, whether in Wales or elsewhere, he or she must forthwith give notice in writing to the appropriate office of the National Assembly of —

- (a) the date and place of the conviction;
- (b) the offence; and
- (c) the penalty imposed in respect of the offence.