
WELSH STATUTORY INSTRUMENTS

2004 No. 1756

The Adult Placement Schemes (Wales) Regulations 2004

PART III —

ADULT PLACEMENTS AND ADULT PLACEMENT CARERS

Making of placements and adult placement agreements

13.—(1) The registered person must not make a placement of an adult with an adult placement carer unless the registered provider has entered into a written agreement with the carer (referred to in these Regulations as “an adult placement agreement”) which complies with the requirements specified in paragraph (2).

(2) The requirements are —

general requirements

- (a) that whenever practicable the relevant adult is a party to the agreement;
- (b) that the agreement reflects the obligations of the registered person under regulation 19 (general conduct of scheme);
- (c) that the agreement specifies the aims of the placement;

care and other services provided by the placement

- (d) that whenever practicable the agreement specifies which elements of the adult’s plan are to be met by the adult placement carer on behalf of the person responsible for the adult’s care;
- (e) when it has not been practicable to comply with the requirement in sub-paragraph (d) prior to the commencement of the placement, the agreement provides that the specification referred to in that sub-paragraph will be provided by the end of the third working day after the commencement of the placement;
- (f) that whenever practicable the agreement names an individual other than the registered person, a member of their staff or the adult placement carer, who with the adult’s express or implied consent takes an interest in the adult’s health and welfare;
- (g) that the agreement requires the adult placement carer to maintain a record of the personal care and other services provided to the adult under the agreement and to keep the record up to date, in good order and in a secure manner;
- (h) that the agreement requires the adult placement carer to transfer the records described in sub-paragraph (g) and the copy of the adult’s plan kept in the carer’s home to the registered person if the placement is terminated;
- (i) that the agreement specifies suitable arrangements to assist the adult with mobility in the adult placement carer’s home, where required;
- (j) that the agreement specifies the qualifications and experience of the adult placement carer;
- (k) that the agreement specifies —

- (i) the room to be occupied by the adult in the adult placement carer's home;
- (ii) the fees payable in respect of the placement and by whom they are payable;
- (iii) the terms and conditions in respect of the accommodation, personal care and other services to be provided;

protection of the adult

- (l) that the agreement requires the adult placement carer not to allow any person to undertake work which involves the provision of care services for the purposes of the placement unless there is available in respect of the person a certificate specified in paragraph 2 of Schedule 3;
 - (m) that the agreement describes the procedure to be followed if an allegation of abuse, neglect or other harm has been made;
 - (n) that the agreement provides that the adult is not to be subject to physical restraint unless restraint of the kind employed is the only practicable means of securing the adult's welfare or the welfare of another person in the adult placement carer's home;
 - (o) that the agreement provides that any allegation of a type mentioned in paragraph (m) or the use of any physical restraint upon the adult is to be reported to the registered person; and
 - (p) that the agreement specifies —
 - (i) the circumstances in which the adult placement carer may administer or assist in the administration of the adult's medication and the procedures to be adopted in such circumstances; and
 - (ii) the procedure to be followed where an adult placement carer acts as agent for, or receives money from, the adult.
- (3) The registered person must not make a placement of an adult unless the registered person has —
- (a) ascertained and taken into account the adult's wishes and feelings; and
 - (b) whenever practicable, provided the adult with comprehensive information and suitable choice as to the placements which may be available to the adult.
- (4) The registered person must encourage and take suitable steps to enable relevant adults to make decisions with respect to placements.

Monitoring and review of placements

14.—(1) The registered person must monitor a placement for the purpose of considering whether the adult placement carer is meeting his or her obligations under the adult placement agreement.

- (2) The registered person must review the adult placement agreement —
 - (a) at least once within the first year of the placement;
 - (b) whenever a significant alteration is made to the adult's plan;
 - (c) at the reasonable request of the relevant adult;
 - (d) in any event, within a year of the last review.
- (3) In monitoring a placement and reviewing an adult placement agreement, the registered person must seek the views of the relevant adult.

Termination of placements

15.—(1) Without prejudice to regulation 16(2) (fitness of adult placement carers), the registered person must terminate an adult placement agreement in any case in which it appears that the adult placement carer is not meeting or will not meet his or her obligations under the agreement.

(2) The registered person must not terminate an adult placement agreement without first consulting the relevant adult and his or her representative, unless it is not reasonably practicable to consult them.

Fitness of adult placement carers

16.—(1) The registered person must not enter into an adult placement agreement with an adult placement carer unless the carer is fit to be an adult placement carer for the purposes of the placement.

(2) The registered person must terminate an adult placement agreement in any case in which the adult placement carer ceases to be fit to be an adult placement carer for the purposes of the placement.

(3) For the purposes of paragraphs (1) and (2), a person is not fit to be an adult placement carer for the purposes of a placement unless —

- (a) he or she is of integrity and good character;
- (b) he or she is physically and mentally fit to meet his or her obligations under the adult placement agreement;
- (c) he or she has the qualifications, skills, competence and experience necessary to meet his or her obligations under the adult placement agreement; and
- (d) full and satisfactory information is available in relation to him or her in respect of the matters specified in Schedule 3.

Adult placement carers — training

17. The registered person must make appropriate arrangements to ensure that adult placement carers with whom the registered person has placed an adult receive adequate training so as to assist them to continue to meet their obligations under the adult placement agreement.

Adults' plans

18.—(1) Whenever practicable the registered person must not make a placement of an adult unless the registered person has —

- (a) undertaken an assessment of the needs of the adult in respect of his or her health and welfare; and
- (b) produced a written plan (“the adult’s plan”) as to how those needs are to be met.

(2) If it has not been practicable to comply with paragraph (1) prior to the commencement of a placement, the registered person must comply with sub-paragraphs (a) and (b) of paragraph (1) by the end of the third working day after the commencement of the placement.

(3) The registered person must keep the adult’s plan under review and amend it as appropriate.

(4) In producing or amending an adult’s plan, the registered person must —

- (a) ensure the plan is consistent with any care plan for the adult produced by a public authority; and
- (b) consult with the adult or the adult’s representative.

(5) The registered person must make the adult’s plan available to the adult or the adult’s representative.