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WELSH STATUTORY INSTRUMENTS

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**2017 No. 1264**

**The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017**

**PART 5**

Requirements on service providers as to the steps to be taken on commencement of the provision of care and support

**Personal plan**

**15.**—(1) The service provider must prepare a plan for the individual which sets out—

- (a) how on a day to day basis the individual's care and support needs will be met,
- (b) how the individual will be supported to achieve their personal outcomes,
- (c) the steps which will be taken to mitigate any identified risks to the individual's well-being, and
- (d) the steps which will be taken to support positive risk-taking and independence, where it has been determined this is appropriate.

(2) The plan which is required to be prepared under paragraph (1) is referred to in these Regulations as a personal plan.

(3) The personal plan must be prepared prior to commencement of the provision of care and support to the individual, unless paragraph (4) applies.

(4) This paragraph applies in a case where the individual is in urgent need of care and support and there has been no time to prepare a personal plan prior to the commencement of the provision of care and support to the individual.

(5) If paragraph (4) applies, the personal plan must be prepared within 24 hours of the commencement of the provision of care and support to the individual.

(6) When preparing a personal plan, the service provider must involve the individual, the placing authority (if applicable) and any representative. But the service provider is not required to involve a representative if—

- (a) the individual is an adult or a child aged 16 or over and the individual does not wish the representative to be involved, or
- (b) involving the representative would not be consistent with the individual's well-being.

(7) In preparing the personal plan, the service provider must take into account—

- (a) the individual's care and support plan,
- (b) if there is no care and support plan, the service provider's assessment under regulation 14(4),
- (c) any health or other relevant assessments,
- (d) the individual's views, wishes and feelings,

- (e) any risks to the individual's well-being, and
- (f) any risks to the well-being of other individuals to whom care and support is provided.

### Review of personal plan

**16.**—(1) The personal plan must be reviewed as and when required but at least every three months.

(2) In the case of a looked after child, any review of the personal plan must be aligned with the reviews required to be carried out by the local authority under the Care Planning, Placement and Case Review (Wales) Regulations 2015<sup>M1</sup>.

(3) Reviews of a personal plan must include a review of the extent to which the individual has been able to achieve their personal outcomes.

(4) When carrying out a review under this regulation, the service provider must involve the individual, the placing authority (if applicable) and any representative. But the service provider is not required to involve a representative if—

- (a) the individual is an adult or a child aged 16 or over and the individual does not wish the representative to be involved, or
- (b) involving the representative would not be consistent with the individual's well-being.

(5) Following the completion of any review required by this regulation, the service provider must consider whether the personal plan should be revised and revise the plan as necessary.

#### Marginal Citations

**M1** [S.I. 2015/1818](#) (W. 261).

### Records of personal plans

**17.** The service provider must—

- (a) keep a record of—
  - (i) the personal plan and any revised plan, and
  - (ii) the outcome of any review, and
- (b) give a copy of the personal plan and any revised plan to—
  - (i) the individual,
  - (ii) any representative, unless this is not appropriate or would be inconsistent with the individual's well-being, and
  - (iii) where a child is provided with accommodation as part of a care home service, the placing authority.

### Provider assessment

**18.**—(1) Within 7 days of the commencement of the provision of care and support for an individual, the service provider must—

- (a) assess how the individual's care and support needs can best be met,
- (b) assess how the individual can best be supported to achieve their personal outcomes,
- (c) ascertain the individual's views, wishes and feelings,
- (d) assess any risks to the individual's well-being, and

- (e) assess any risks to the well-being of other individuals to whom care and support is provided.
- (2) The assessment under paragraph (1) is referred to in these Regulations as a provider assessment.
- (3) A provider assessment must be carried out by a person who—
  - (a) has the skills, knowledge and competence to carry out the assessment, and
  - (b) has received training in the carrying out of assessments.
- (4) A provider assessment must take into account—
  - (a) the individual's care and support plan, if available,
  - (b) the service provider's assessment under regulation 14(4), if applicable,
  - (c) any health or other relevant assessments,
  - (d) the individual's views, wishes and feelings,
  - (e) any risks to the individual's well-being, and
  - (f) the service provider's policy and procedures on admissions and commencement of the service.
- (5) When carrying out or revising a provider assessment, the service provider must involve the individual, the placing authority (if applicable) and any representative. But the service provider is not required to involve a representative if—
  - (a) the individual is an adult or a child aged 16 or over and the individual does not wish the representative to be involved, or
  - (b) involving the representative would not be consistent with the individual's well-being.
- (6) A provider assessment must be kept under review and revised as necessary.
- (7) Following the completion of the provider assessment and any revised assessment, the personal plan must be reviewed and revised as necessary.
- (8) The service provider must keep a record of a provider assessment and give a copy of the assessment to the individual, any representative and, where the child is provided with accommodation by a care home service, the placing authority.

**Status:**

Point in time view as at 02/04/2018.

**Changes to legislation:**

There are currently no known outstanding effects for the The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017, PART 5.