
EXPLANATORY NOTE

(This note is not part of the Regulations)

Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) introduces a new system of regulation of care and support services in Wales, replacing that established under the Care Standards Act 2000.

The Act introduces a new concept of “regulated services” and section 2 of the Act defines “regulated service” as including an adult placement service. Paragraph 6 of Schedule 1 to the Act defines “adult placement service” as a service carried on (whether or not for profit) by a local authority or other person for the purposes of placing adults with an individual in Wales under a carer agreement (and includes any arrangements for the recruitment, training and supervision of such individuals).

In accordance with powers in section 27 of the Act, these Regulations impose requirements on service providers in relation to adult placement services, including requirements as to the standard of care and support to be provided to an individual who is placed under a carer agreement.

Paragraph 6 of Schedule 1 to the Act defines “carer agreement” as an agreement for the provision by an individual of accommodation at the individual's home together with care and support for up to three adults.

Part 1 of the Regulations contains definitions of certain terms used in the Regulations.

Part 2 of the Regulations sets out the general requirements on service providers. These requirements relate to the provision of the adult placement service (in these Regulations referred to as “the service”), specific requirements in relation to the statement of purpose, requirements in relation to the monitoring and improvement of the service, requirements in relation to the responsible individual and requirements to provide the service in accordance with policies and procedures.

Part 3 of the Regulations specifies the requirements on service providers as to the steps to be taken before agreeing to provide care and support. This concerns the suitability of the service.

Part 4 of the Regulations specifies the requirements on the service provider as to the steps to be taken on commencement of the provision of care and support and the standard of care and support to be provided. This includes the preparation of a carer agreement, the preparation of an individual placement agreement and the preparation and review of a personal plan.

Part 5 of the Regulations specifies the requirements on service providers as to the information to be provided to individuals on the commencement of the provision of care and support.

Part 6 of the Regulations specifies requirements on service providers as to the standard of care and support to be provided. This includes overarching requirements, the provision of information, putting arrangements in place to ensure that the language needs of individuals are met and ensuring that individuals are treated with respect and sensitivity.

Part 7 of the Regulations specifies safeguarding requirements on service providers. This includes safeguarding policies and procedures, supporting individuals to manage their money, the appropriate use of control and restraint and the deprivation of liberty.

Part 8 of the Regulations specifies requirements on service providers as to staffing. This includes the fitness of staff, the support and development of staff, compliance with the employer's code of practice, information for staff and disciplinary procedures.

Part 9 of the Regulations specifies requirements on service providers as to the support that must be in place for adult placement carers. This includes the recruitment and training of adult placement carers, effective relationships, support, training and information for adult placement carers and the fitness of adult placement carers.

Changes to legislation: *There are currently no known outstanding effects for the The Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019. (See end of Document for details)*

Part 10 of the Regulations specifies requirements on service providers as to premises, facilities and equipment. This includes the premises used for the operation of the service and the premises, facilities and equipment used by adult placement carers to meet the needs of individuals.

Part 11 of the Regulations specifies other requirements on service providers. This includes records, notifications, conflicts of interest, complaints policy and procedures and whistleblowing.

Part 12 of the Regulations specifies the duties on responsible individuals which relate to the effective management of the service. These duties include the supervision of management of the adult placement service, a duty to appoint a manager and restrictions and reporting requirements relating to that appointment and a duty to make arrangements when the manager is absent.

Part 13 of the Regulations specifies the duties on responsible individuals which relate to the effective oversight of the service. This includes the oversight of the adequacy of resources, other reports to the service provider and engagement with individuals and others.

Part 14 of the Regulations specifies the duties on responsible individuals which relate to ensuring the compliance of the service. This includes a duty to ensure there are systems in place to record incidents and complaints and that there are systems in place to keep records and ensure policies and procedures are up to date. Part 15 of the Regulations specifies the duties on responsible individuals for monitoring, reviewing and improving the quality of the regulated service. Part 16 places requirements on responsible individuals in relation to support for staff raising concerns, duty of candour and notifications.

Part 17 of the Regulations makes provision for offences that a provider and a responsible individual commit in the event that they fail to comply with specified requirements.

Part 18 of the Regulations makes provision for service providers who are liquidated etc. or who have died. Part 19 of the Regulations makes provisions for the designation of a responsible individual by the Welsh Ministers under section 21(5) of the Act.

Guidance has been published about how the service provider and responsible individual may comply with the requirements imposed by these Regulations (including how the service provider may meet any standards for the provision of a regulated service) and section 29 of the Act requires the provider and responsible individual to have regard to this guidance.

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.

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