
WELSH STATUTORY INSTRUMENTS

2019 No. 163

The Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019

PART 7

Requirements on service providers -safeguarding

Safeguarding – overarching requirement

21. The service provider must put arrangements in place to ensure that individuals are safe and are protected from abuse, neglect and improper treatment.

Commencement Information

I1 [Reg. 21](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Safeguarding policies and procedures

22.—(1) The service provider must have policies and procedures in place—

- (a) for the prevention of abuse, neglect and improper treatment, and
- (b) for responding to any allegation or evidence of abuse, neglect or improper treatment.

(2) In this regulation, such policies and procedures are referred to as safeguarding policies and procedures.

(3) The service provider must put arrangements in place to ensure that their safeguarding policies and procedures are operated effectively.

(4) In particular, where there is an allegation or evidence of abuse, neglect or improper treatment, the service provider must—

- (a) act in accordance with their safeguarding policies and procedures,
- (b) take immediate action to ensure the safety of all individuals for whom care and support is provided,
- (c) make appropriate referrals to other agencies, and
- (d) keep a record of any evidence or the substance of any allegation, any action taken and any referrals made.

Commencement Information

I2 [Reg. 22](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Supporting individuals to manage their money

23.—(1) The service provider must have a policy and procedures in place about supporting individuals to manage their money and must put arrangements in place to ensure that the service is provided in accordance with such policy and procedures.

(2) The policy and procedures which are required by this regulation to be in place must set out the steps which are to be taken to support individuals to manage their own money and to protect individuals from financial abuse.

(3) The service provider must ensure so far as practicable that persons working at the service and adult placement carers do not act as the agent of an individual.

Commencement Information

I3 [Reg. 23](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

The appropriate use of control and restraint

24.—(1) The service provider must have a policy and procedures in place on the use of control or restraint.

(2) The policy and procedures must prohibit care and support being provided by the adult placement carer in a way which includes acts intended to control or restrain an individual unless those acts—

- (a) are necessary to prevent a risk of harm posed to the individual or another individual or likely serious damage to property, and
- (b) are a proportionate response to such a risk.

(3) The policy and procedures must require an adult placement carer to be trained in the method of control or restraint used.

(4) The service provider must ensure that any control or restraint used by the adult placement carers is carried out in accordance with these policies and procedures.

(5) The service provider must make a record of any incident in which control or restraint is used immediately after being notified by the adult placement carer.

(6) The policy and procedures must require an adult placement carer to notify the service provider of any incident in which control or restraint is used within 24 hours of the incident.

- (7) For the purposes of this regulation, a person controls or restrains an individual if that person—
- (a) uses, or threatens to use, force to secure the doing of an act which the individual resists, or
 - (b) restricts the individual's liberty of movement, whether or not the individual resists, including by the use of physical, mechanical or chemical means.

Commencement Information

I4 [Reg. 24](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Deprivation of liberty

25. An individual must not be deprived of his or her liberty for the purpose of receiving care and support without lawful authority.

Commencement Information

I5 [Reg. 25](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Interpretation of Part 7

26. In this Part—

“abuse” (“*camdriniaeth*”) means physical, sexual, psychological, emotional or financial abuse.

“financial abuse” (“*camdriniaeth ariannol*”) includes—

- (a) having money or other property stolen;
- (b) being defrauded;
- (c) being put under pressure in relation to money or other property;
- (d) having money or other property misused;

“harm” (“*niwed*”) means abuse or the impairment of—

- (a) physical or mental health, or
- (b) physical, intellectual, emotional, social or behavioural development;

“improper treatment” (“*triniaeth amhriodol*”) includes discrimination or unlawful restraint, including inappropriate deprivation of liberty under the terms of the Mental Capacity Act 2005 ^{M1},

“neglect” (“*esgeulustod*”) has the same meaning as in section 197(1) of the 2014 Act.

Commencement Information

I6 [Reg. 26](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

Marginal Citations

M1 [2005 c. 9](#).

Changes to legislation:

There are currently no known outstanding effects for the The Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019, PART 7.