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WELSH STATUTORY INSTRUMENTS

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**2019 No. 163**

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

**PART 9**

Requirements on service providers as to adult placement carers

**Fitness of adult placement carers**

**36.**—(1) The service provider must not enter into a carer agreement with an adult placement carer unless the carer is fit to be a carer.

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

- (a) the person is of suitable integrity and good character;
- (b) the person has the qualifications, skills, competence and experience necessary for the work he or she is to perform;
- (c) the person is able by reason of their health, after reasonable adjustments are made, of properly performing the tasks which are intrinsic to the work for which he or she is engaged;
- (d) the person has provided full and satisfactory information or documentation, as the case may be, in respect of each of the matters specified in Schedule 1 and this information or documentation is available from the service provider for inspection by the service regulator.

(3) The certificate referred to in paragraphs 2 and 3 of Schedule 1 (referred to in this regulation as a DBS certificate) must be applied for by, or on behalf of the service provider, for the purpose of assessing the suitability of a person to be an adult placement carer. But this requirement does not apply if the adult placement carer is registered with the Disclosure and Barring Service update service (referred to in this regulation as the DBS update service).

(4) Where a person being considered to be an adult placement carer is registered with the DBS update service, the service provider must check the person's DBS certificate status for the purpose of assessing the suitability of that person to be an adult placement carer.

(5) Where a person approved to be an adult placement carer is registered with the DBS update service, the service provider must check the person's DBS certificate status at least annually.

(6) Where a person approved to be an adult placement carer is not registered with the DBS update service, the service provider must apply for a new DBS certificate in respect of that person within three years of the issue of the certificate applied for in accordance with paragraph (3) and thereafter further such applications must be made at least every three years.

(7) If an adult placement carer is no longer fit to be an adult placement carer as a result of one or more of the requirements in paragraph (2) not being met, the service provider must—

- (a) take necessary and proportionate action to ensure that the relevant requirements are complied with;

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**Changes to legislation:** There are currently no known outstanding effects for the The Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019, Section 36. (See end of Document for details)

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(b) where appropriate, inform the Disclosure and Barring Service.

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**Commencement Information**

**11** [Reg. 36](#) in force at 29.4.2019, see [reg. 1\(2\)](#)

**Changes to legislation:**

There are currently no known outstanding effects for the The Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019, Section 36.