
WELSH STATUTORY INSTRUMENTS

2019 No. 165 (W. 41)

SOCIAL CARE, WALES

**The Regulated Advocacy Services (Service Providers
and Responsible Individuals) (Wales) Regulations 2019**

Made - - - - *31 January 2019*

Coming into force *29 April 2019*

**THE REGULATED ADVOCACY SERVICES
(SERVICE PROVIDERS AND RESPONSIBLE
INDIVIDUALS) (WALES) REGULATIONS 2019**

PART 1

General

1. Title, commencement and interpretation
2. Definition and exceptions

PART 2

General requirements on service providers

3. Requirements in relation to the provision of the service
4. Requirements in relation to the statement of purpose
5. Requirements in relation to monitoring and improvement
6. Requirements in relation to the responsible individual
7. Requirements in relation to the responsible individual where the service provider is an individual
8. Requirements in relation to the financial sustainability of the service
9. Requirements to provide the service in accordance with policies and procedures
10. Duty of candour

PART 3

Requirements on service providers as to the steps to be taken before agreeing to provide advocacy

11. Suitability of the service

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

PART 4

Requirements on service providers as to the steps to be taken on commencement of provision of advocacy

12. Advocacy plan
13. Review of advocacy plan
14. Records of advocacy plans

PART 5

Requirements on service providers as to the information to be provided to individuals on commencement of the provision of advocacy

15. Information about the service

PART 6

Requirements on service providers as to the standard of advocacy to be provided

16. Service standards
17. Language and communication
18. Respect and sensitivity
19. Confidentiality

PART 7

Requirements on service providers –safeguarding

20. Safeguarding - overarching requirement
21. Safeguarding policies and procedures
22. Interpretation of Part 7

PART 8

Requirements on service providers as to staffing Staffing - overarching requirements

23. The service provider must ensure that at all times a...
24. Fitness of staff
25. Supporting and developing staff
26. Compliance with employer's code of practice
27. Information for staff
28. Disciplinary procedures

PART 9

Requirements on service providers as to premises

29. Overarching requirement
30. Premises

PART 10

Other requirements on service providers

31. Records
32. Notifications
33. Conflicts of interest
34. Complaints policy and procedure

35. Whistleblowing

PART 11

Requirements on responsible individuals for ensuring effective management of the service

- 36. Supervision of management of the service
- 37. Duty to appoint a manager
- 38. Fitness requirements for appointment of manager
- 39. Restrictions on appointing manager for more than one service
- 40. Duty to report the appointment of manager to service provider
- 41. Duty to report appointment of manager to the workforce and service regulators
- 42. Arrangements when manager is absent
- 43. Visits

PART 12

Requirements on responsible individuals for ensuring effective oversight of the service

- 44. Oversight of adequacy of resources
- 45. Other reports to the service provider
- 46. Engagement with individuals and others

PART 13

Requirements on responsible individuals for ensuring the compliance of the service

- 47. Duty to ensure there are systems in place to record incidents and complaints
- 48. Duty to ensure there are systems in place for keeping of records
- 49. Duty to ensure policies and procedures are up to date

PART 14

Requirements on responsible individuals for monitoring, reviewing and improving the quality of the service

- 50. Quality of service review
- 51. Statement of compliance with the requirements as to standards of advocacy

PART 15

Other requirements on responsible individuals

- 52. Support for staff raising concerns
- 53. Duty of candour
- 54. Notifications

PART 16

Offences

- 55. Offences – service providers
- 56. Offences – responsible individuals

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

PART 17

Service providers who are liquidated etc. or who have died

- 57. Appointment of liquidators etc.
- 58. Death of service provider

PART 18

Regulations under section 21(5) of the Act

- 59. Designation of responsible individual by Welsh Ministers
Signature

SCHEDULE

1

PART 1 — Information and documents to be available in respect of persons working in regulated services

- 1. Proof of identity including a recent photograph.
- 2. Where required for the purposes of an exempted question in...
- 3. Where required for the purposes of an exempted question asked...
- 4. Two written references, including a reference from the last employer,...
- 5. Where a person has previously worked in a position whose...
- 6. Documentary evidence of any relevant qualification.
- 7. Where relevant, documentary evidence of registration with SCW.
- 8. A full employment history, together with a satisfactory written explanation...
- 9. Evidence of satisfactory linguistic ability for the purposes of providing...
- 10. Details of registration with or membership of any professional body...

PART 2 — Interpretation of Part 1

- 11. For the purposes of paragraphs 2 and 3 of Part...

SCHEDULE

2

Records to be kept

- 1. In respect of each individual, records of—
- 2. A record of any charges by the service provider to...
- 3. A record of all complaints made by individuals or their...
- 4. A record of all persons working at the service, which...

SCHEDULE

3

Notifications by the service provider

- 1. Any revision to the statement of purpose, 28 days prior...
- 2. Service provider (individual or organisation) changes their name.
- 3. Where, on or after 1 April 2020, the service provider...
- 3A Where, on or after 1 April 2020, the service provider...
- 4. Where the service provider is an individual, the appointment of...
- 5. Where the service provider is a body corporate or partnership,...
- 6. Where the service provider is a partnership, death of one...
- 7. Where the service provider is a partnership, any change in...
- 8. Expected absence of the responsible individual for 28 days or...
- 9. The unexpected absence of the responsible individual, no later than...

10. Unexpected absence of the responsible individual for 28 days or...
 11. Return from absence of the responsible individual.
 12. The responsible individual ceases, or proposes to cease, being the...
 13. Any abuse or allegation of abuse in relation to an...
 14. Service provider, responsible individual or appointed manager convicted of a...
 15. Any allegation of misconduct by a member of staff.
 16. Any incident reported to the police.
 17. Any events which prevent, or could prevent, the provider from...
 18. Any proposal to change the address of the principal office,...
 - 18A Any change of telephone number or electronic mail address for...
 19. Any referral to the DBS pursuant to the Safeguarding Vulnerable...
 20. Where the service provider, responsible individual or appointed manager is...
 21. Incident of child sexual or criminal exploitation or suspected child...
- SCHEDULE
4
1. The appointment of a manager (see regulation 41).
2. The expected absence of the appointed manager for 28 days...
3. The unexpected absence of the appointed manager, no later than...
4. The unexpected absence of appointed manager for 28 days or...
5. Return from absence of appointed manager.
6. Interim arrangements where the manager is absent for longer than...
7. Someone other than the appointed manager is proposing to manage...
8. The appointed manager ceases, or proposes to cease, managing the...
Explanatory Note

Changes to legislation:

There are currently no known outstanding effects for the The Regulated Advocacy Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019.