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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

These Regulations are made under the Regulation and Inspection of Social Care (Wales) Act 2016 and set out the regulatory requirements and related provision for providers of regulated advocacy services and for those persons who are designated as the “responsible individuals” for such services.

The Regulations are divided into 18 Parts dealing with different aspects of the requirements. Regulation 2 in Part 1 defines the sorts of advocacy service which fall to be regulated under the Regulation and Inspection of Social Care (Wales) Act 2016.

Part 2 sets out the general requirements on service providers. This includes requirements in relation to the statement of purpose, the arrangements for monitoring and improvement, the support to be provided to the responsible individual, the steps to be taken to ensure financial sustainability and the policies and procedures which must be in place.

Regulation 11 in Part 3 requires providers to determine that their service is suitable to meet the individual's needs before taking on an individual.

Part 4 requires service providers to prepare a plan and keep it under review for the period that they are providing a service to an individual.

Part 5 requires providers to give each person who uses the service a written guide and to local authorities who commission services. Part 6 sets requirements on services providers about the standard of the services which they must provide.

Part 7 requires service providers to ensure the individuals are safe and protected from abuse, neglect and improper treatment. Part 8 requires service providers to employ staff who are fit and prescribes what fitness means for these purposes.

Part 9 requires providers to have premises which are fit for the purpose and that facilities and equipment used meet the same standard. Part 10 sets a number of other requirements that service providers maintain the prescribed records, notify the regulator of prescribed events, manage conflicts of interest, have complaints procedures and a whistleblowing policy.

Parts 11 to 15 set the requirements which apply to responsible individuals. These include the duty to appoint a manager for the service, to supervise the management of the service, to ensure compliance with regulatory requirements and to monitor, review and improve the quality of the service.

Part 16 sets out those regulations whose breach amounts to an offence and which therefore create criminal liability for service providers and for responsible individuals.

Part 17 sets out specific requirements which apply when the service provider is insolvent or when a service provider who is an individual has died. In these circumstances, the regulations in this Part place specific notification duties on the appointed person (in the case of insolvency) or the personal representatives (in the case of the death of a service provider who is an individual).

Regulation 58 enables the personal representatives to act in the capacity of the service provider and the Act is modified so that in these circumstances the personal representatives are not required to register and one of the personal representatives can be designated as the responsible individual in respect of a place where the service is provided.

Part 18 (regulation 59) specifies the circumstances in which the Welsh Ministers (instead of a service provider) may designate an individual to be a responsible individual, despite the eligibility requirements of section 21(2) of the Act not being met in respect of the individual. This regulation is made under section 21(5) of the Act.

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

**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)*

obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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