
WELSH STATUTORY INSTRUMENTS

2020 No. 389

The Regulation and Inspection of Social Care
(Wales) Act 2016 and Regulated Services
(Miscellaneous Amendments) Regulations 2020

PART 5

Amendments to the 2017 Regulations

Amendments to the 2017 Regulations

10. The 2017 Regulations are amended in accordance with regulations 11 and 12.

Interpretation

11. In regulation 1(3), insert the following in the appropriate place—

““nurse” (“nyrs”) means a qualified nurse or qualified midwife registered with the Nursing and Midwifery Council in accordance with article 5 of the Nursing and Midwifery Order 2001(1);”;

““registered professional” (“proffesiynolyn cofrestredig”) has the meaning given in paragraph 1 of Schedule 3 to the Health Professions Order 2001(2);”.

Fitness of staff

12. In regulation 35—

(a) for paragraph (2)(f) substitute—

“(f) subject to paragraph (11) of this regulation, where the person is employed by the service provider (whether as an employee or worker) other than as a manager in order to provide care and support to any person in connection with—

(i) a care home service provided wholly or mainly for children,

(ii) a secure accommodation service, or

(iii) a domiciliary support service in order to provide care and support to a person referred to in paragraph 8(1) of Schedule 1 to the Act,

the person is registered as a social care worker with Social Care Wales no later than the relevant date (see paragraph (8) for meaning of “the relevant date”).”

(b) after subparagraph (f) as substituted by these Regulations insert—

“(g) subject to paragraph (11) of this regulation, where the person is engaged under a contract for services, other than as manager, to provide care and support to any person in connection with—

(1) S.I. 2002/253, amended by S.I. 2018/838 and S.I. 2009/1182; there are other amending instruments but none is relevant.

(2) S.I. 2002/254, to which there are amending instruments.

- (i) a care home service provided wholly or mainly to children,
 - (ii) a secure accommodation service, or
 - (iii) a domiciliary support service in order to provide care and support to a person referred to in paragraph 8(1) of Schedule 1 to the Act,
- the person is registered as a social care worker with Social Care Wales no later than the relevant date (see paragraph (8A) for meaning of “the relevant date”).

(c) after paragraph (8) insert—

“(8A) In paragraph (2)(g) of this regulation, “the relevant date” is either—

- (a) 6 months from the date a person is first engaged under a contract for services to provide care and support in connection with—
 - (i) a care home service provided wholly or mainly to children,
 - (ii) a secure accommodation service,
 - (iii) a domiciliary support service in order to provide care and support to a person referred to in paragraph 8(1) of Schedule 1 to the Act, or
- (b) such later date as the service regulator may in exceptional circumstances agree.”

(d) after paragraph (10) insert—

“(11) The requirement that a person is registered as a social care worker with Social Care Wales in accordance with paragraph (2)(f) and (g), does not apply where the person is employed (whether as an employee or worker) or engaged under a contract for services to work as a—

- (a) nurse, or
- (b) registered professional.”