

Regulation and Inspection of Social Care (Wales) Act 2016

REGULATION AND INSPECTION OF SOCIAL CARE (WALES) ACT 2016

PART 1

REGULATION OF SOCIAL CARE SERVICES

CHAPTER 1

INTRODUCTION

- 1 Overview of Part 1
- 2 Meaning of "regulated service"
- 3 Other key terms
- 4 General objectives

CHAPTER 2

REGISTRATION ETC. OF SERVICE PROVIDERS

Requirement to register

5 Requirement to register

Application for, variation of and cancellation of registration

- 6 Application for registration as a service provider
- 7 Grant or refusal of registration as a service provider
- 8 Duration of domiciliary support visits
- 9 Fit and proper person: relevant considerations
- 10 Annual return
- 11 Application for variation of registration as a service provider

- 12 Grant or refusal of application for variation
- 13 Variation without application
- 14 Application for cancellation of registration as a service provider
- 15 Cancellation without application

Notice requirements

- 16 Improvement notices
- 17 Notice of decision following improvement notice
- 18 Notice of proposal
- 19 Notice of decision following notice of proposal
- 20 Notice of decision without notice of proposal

Responsible individuals

- 21 Responsible individuals
- 22 Cancellation of designation of a responsible individual

Urgent action

- 23 Urgent cancellation or variation of services or places
- 24 Urgent cancellation or variation: notification and appeals
- 25 Urgent variation of registration: other conditions

Appeals

26 Appeals

Regulations and guidance

- 27 Regulations about regulated services
- 28 Regulations about responsible individuals
- 29 Guidance about regulations under sections 27 and 28
- 30 Regulations about service providers who are liquidated etc.
- 31 Regulations about service providers who have died

CHAPTER 3

INFORMATION AND INSPECTIONS

- 32 Power to require information
- 33 Inspections and inspectors
- Powers of inspector to enter and inspect premises
- 35 Powers of inspector to interview and examine persons
- 36 Inspection reports
- 37 Inspection ratings

CHAPTER 4

GENERAL FUNCTIONS

- 38 Register of service providers
- 39 Notifying local authorities of certain action taken under this Part
- 40 Charging fees
- 41 Engagement with the public

42 Annual report on regulatory functions

CHAPTER 5

OFFENCES AND PENALTIES

- 43 Failure to comply with a condition
- 44 False descriptions
- 45 Failure by service provider to comply with requirements in regulations
- 46 Failure by responsible individual to comply with requirements in regulations
- 47 False statements
- 48 Failure to submit annual return
- 49 Failure to provide information
- 50 Offences related to inspections
- 51 Penalties upon conviction
- 52 Penalty notices
- 53 Offences by bodies corporate
- 54 Offences by unincorporated bodies
- 55 Proceedings for offences

CHAPTER 6

LOCAL AUTHORITY SOCIAL SERVICES

- 56 Reports by local authorities and general duty of the Welsh Ministers
- 57 Reviews, investigations and inspections
- 58 Regulation of local authority functions relating to looked after and accommodated children

CHAPTER 7

MARKET OVERSIGHT

- 59 Specifying criteria for application of market oversight regime
- 60 Determining whether criteria apply to service provider
- 61 Assessment of financial sustainability of service provider
- 62 Informing local authorities where failure of service provider likely
- 63 National market stability report

CHAPTER 8

INTERPRETATION

64 Interpretation of this Part

PART 2

OVERVIEW AND INTERPRETATION OF PARTS 3 TO 8

- 65 Overview of Parts 3 to 8
- 66 Interpretation of Parts 3 to 8

PART 3

SOCIAL CARE WALES

Continuation of the Care Council for Wales and its renaming

67 Social Care Wales

SCW's objectives

68 SCW's objectives

Advice and assistance

- 69 Advice and assistance in relation to care and support services
- 70 Studies as to economy, efficiency etc.

Engagement with the public etc.

71 Engagement with the public and social care workers

Policy with respect to bringing criminal proceedings

72 Statement of policy with respect to bringing criminal proceedings

Rules made by SCW under this Act

- 73 Rules: general
- 74 Rules: fees

Consultation before making rules etc.

75 Consultation before making rules etc.

Guidance and directions

- 76 Guidance
- 77 Directions

Default powers of the Welsh Ministers

78 Default powers of the Welsh Ministers

PART 4

SOCIAL CARE WORKERS

Meaning of "social care worker" etc.

79 Meaning of "social care worker" etc.

The register

- 80 The register
- 81 Duty to appoint a registrar

Registration in the social worker part or an added part of the register

- 82 Application for registration
- 83 Registration

Status: This is the original version (as it was originally enacted).

"Appropriatel	ly qualified"
ied"	

- 84 "Appropriately qualified"
- 85 Qualifications gained outside Wales

Renewal of registration in the social worker part or an added part of the register

- 86 Renewal of registration
- 87 Lapse of registration

Dealing with applications for registration or renewal

- 88 Rules about applications for registration or renewal
- 89 Notice of decisions in respect of registration or renewal

Visiting social workers

90 Visiting social workers from relevant European States

Information to be contained on the register

91 Content of the register

Removal of entries from the register

- 92 Removal by agreement
- 93 Death of a registered person
- 94 Entries based on false or misleading information

Restoring an entry to the register

- 95 Duty to restore a register entry
- 96 Power to restore a register entry
- 97 Restoration following fitness to practise proceedings
- 98 Restoration proceedings
- 99 Review of suspension of right to apply for restoration
- Rules about applications under section 96 and 97

Appeals to a registration appeals panel

- 101 Appeals against decisions of the registrar
- 102 Appeals to the registration appeals panel: procedure
- Decisions on appeal to the registration appeals panel

Appeals to the tribunal

- 104 Appeals against decisions of a registration appeals panel
- Other appeals: decisions made under the General Systems Regulations

Notifying the registrar of changes to information etc.

- Duty to notify the registrar of changes to registration information
- 107 Requests for information relating to fitness to practise

Duty to publish the register etc.

- 108 Publication etc. of the register
- 109 Publication of certain registration appeal panel decisions

110 List of persons removed from the register

Protection of title "social worker" etc.

111 Use of title "social worker" etc.

PART 5

SOCIAL CARE WORKERS: STANDARDS OF CONDUCT, EDUCATION ETC.

- 112 Codes of practice
- 113 Continuing professional development
- 114 Approval of courses etc.
- 115 Inspections in connection with certain courses
- 116 Other functions of SCW in respect of education and training

PART 6

SOCIAL CARE WORKERS: FITNESS TO PRACTISE

CHAPTER 1

GROUNDS OF IMPAIRMENT

117 Fitness to practise

CHAPTER 2

PRELIMINARY PROCEDURES

Preliminary consideration of allegations etc.

- 118 Referral of allegations etc. of impaired fitness to practise
- 119 Preliminary consideration
- 120 Eligibility for onward referral
- 121 Direct referral to a fitness to practise panel
- 122 Notice: ineligibility for onward referral
- 123 Notice: onward referral
- 124 Notice: referral to an interim orders panel

Investigation

- 125 Duty to investigate
- 126 Powers following an investigation
- 127 Notice: referral or disposal
- 128 Warnings
- 129 Undertakings
- 130 Mediation

Review

- 131 Review of decisions by SCW
- 132 Cancellation of referral to fitness to practise panel
- 133 Referral by SCW for review proceedings

CHAPTER 3

DISPOSAL OF FITNESS TO PRACTISE CASES

134	Scope and interpretation of Chapter 3
135	Removal from register on consensual basis
136	Other consensual disposal by fitness to practise panel: undertakings
137	Disposals by fitness to practise panel: finding of no impairment
138	Disposals by fitness to practise panel: finding of impairment
139	Disposals: further provision about conditional registration and

- 139 Disposals: further provision about conditional registration and suspension orders
- 140 Immediate orders for conditional registration or suspension
- 141 Fitness to practise decisions: notification and taking effect
- Regulations about disposals by fitness to practise panels

CHAPTER 4

INTERIM ORDERS AND REVIEW OF INTERIM ORDERS

- 143 Scope and interpretation of Chapter 4
- 144 Interim orders
- 145 Appeals against interim orders
- 146 Reviews of interim orders: timing
- 147 Reviews of interim order: possible decisions
- 148 Extension of interim order by the tribunal
- 149 Revocation of interim orders

CHAPTER 5

REVIEW PROCEEDINGS

- 150 Review proceedings: interpretation and general
- 151 Review proceedings
- Review of undertakings: disposals by fitness to practise panel
- Review of conditional registration orders: disposals by fitness to practise panel
- Review of suspension orders: disposals by fitness to practise panel
- 155 Review of indefinite suspension orders
- 156 Reviews: further provision about conditional registration and suspension orders
- 157 Decisions in review cases: notification and taking effect

CHAPTER 6

APPEALS AND REFERRALS TO THE TRIBUNAL

158 Appeals against decisions of a fitness to practise panel

CHAPTER 7

GENERAL AND SUPPLEMENTARY

159 Disclosure of information about fitness to practise

189

General interpretation

160 161 162 163 164	Power to require information Publication of fitness to practise decisions Guidance about fitness to practise Suspension: supplementary Meaning of "registered person" in Part 6
	PART 7
ORDE	RS PROHIBITING WORK IN SOCIAL CARE: UNREGISTERED PERSONS
165 166 167 168 169 170 171	Designation of regulated activity Conditions for making a prohibition order Interim prohibition orders Prohibition orders: supplementary provision Interim prohibition orders: review Appeals Offences
	Supplementary provision
172 173	List of prohibited persons Standards of conduct
	PART 8
	SOCIAL CARE WALES: DUTY TO ESTABLISH PANELS ETC.
174 175	Duty to establish panels etc. Proceedings before panels
	PART 9
CO-OP	PERATION AND JOINT WORKING BY THE REGULATORY BODIES ETC.
176 177 178 179 180 181 182	The regulatory bodies Relevant authorities Co-operation in the exercise of functions Joint exercise of functions Delegating functions to another regulatory body Sharing information Sharing information to protect well-being
	PART 10
	MISCELLANEOUS AND GENERAL
183 184	Inquiries Service of documents etc.
	PART 11
	FINAL PROVISIONS
185 186 187 188	Minor and consequential amendments Power to make consequential etc. provision Regulations under this Act Coming into force

190 Short title

SCHEDULE 1 — REGULATED SERVICES: DEFINITIONS

- 1 Care home services
- 2 Secure accommodation services
- 3 Residential family centre services
- 4 Adoption services
- 5 Fostering services
- 6 Adult placement services
- 7 Advocacy services
- 8 Domiciliary support services
- 9 Interpretation

SCHEDULE 2 — SOCIAL CARE WALES

PART 1 — STATUS

1 Status

PART 2 — MEMBERSHIP

- 2 Members
- 3 Remuneration etc. of members
- 4 Term of office
- 5 Resignation
- 6 Dismissal

PART 3 — GENERAL POWERS

- 7 Committees
- 8 Delegation
- 9 Supplementary powers

PART 4 — PROCEEDINGS ETC.

- 10 Procedure
- 11 Application of seal
- 12 Evidence

PART 5 — CHIEF EXECUTIVE AND OTHER STAFF

13 Chief executive and other staff

PART 6 — FINANCIAL MATTERS AND ANNUAL REPORTS ETC.

- 14 Payments by the Welsh Ministers
- 15 Accounting officer
- 16 Accounts and audit
- 17 Annual reports etc.

SCHEDULE 3 — MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1 — REGULATION OF SERVICES

- 1 Care Standards Act 2000
- 2 In section 1— (a) in subsection (1), at the end...
- 3 In section 3— (a) in subsection (1), after "establishment" insert...
- 4 In section 4— (a) in subsection (2), after "establishment" insert...
- 5 In section 5— (a) in subsection (1)(b), for "in any...
- 6 In section 8(6)— (a) in paragraph (a), for "section 5(b)"...
- 7 In section 14(2), after paragraph (f) insert—
- 8 In section 22— (a) in subsection (1), for paragraph (b)...
- 9 In section 22B—(a) in subsection (1), for "registration authority"...
- 10 In section 23, after subsection (1) insert—
- 11 In section 30A—(a) in subsection (1), after "agency" insert...

- 12 Section 36A is repealed.
- 13 In section 42—(a) for subsection (2) substitute—
- 14 In section 43, after subsection (1) insert—
- 15 In section 50(1), for "registration authority" substitute "CIECSS".
- 16 Section 79(3) is repealed.
- 17 Health and Social Care (Community Health and Standards) Act 2003
- 18 Chapter 6 of Part 2 (social services: functions of the...
- 19 In section 142, in paragraph (a)— (a) in sub-paragraph (i),...
- 20 In section 143(2), paragraph (b) is repealed.
- 21 Public Audit (Wales) Act 2004
- 22 In section 41(6) (co-operation between the Auditor General for Wales...
- 23 In section 42(4) (co-operation between the Auditor General for Wales...
- 24 Children Act 2004
- 25 Public Services Ombudsman (Wales) Act 2005
- 26 In section 34R (meaning of "care home" and "care home...
- 27 In section 42(4A) (meaning of "former care home provider"), for...
- 28 Safeguarding Vulnerable Groups Act 2006
- 29 Social Services and Well-being (Wales) Act 2014
- 30 In section 1 (overview)— (a) in subsection (9)—
- 31 Section 183 (publicising advocacy services in care homes) is repealed....
- 32 In section 188(1) (definitions for the purposes of sections 185...
- 33 In section 189 (provider failure: temporary duty on local authority)—...
- 34 In section 190(1) (provider failure: exception to temporary duty), for...
- 35 In section 191 (provider failure: supplementary)— (a) in subsection (6),...
- 36 In section 197(1) (definitions)— (a) in the definition of "care... PART 2 SOCIAL CARE WALES
- 37 Mental Health Act 1983
- 38 In section 114A (approval of courses for mental health professionals:...
- In section 130H(7)(b) (independent mental health advocates for Wales: supplementary...
- 40 Care Standards Act 2000
- 41 The following provisions are repealed—(a) sections 56 (the register)...
- 42 In section 55 (interpretation)—(a) for subsections (2), (3) and...
- 43 In section 67 (functions of the appropriate Minister)—
- 44 In Schedule 2A (persons subject to review by the Children's...
- 45 Adoption and Children Act 2002
- 46 In section 10(2) (management etc. of agencies), for "section 56(1)...
- 47 Public Audit (Wales) Act 2004
- 48 In section 41 (studies for improving economy etc. in services),...
- 49 Public Services Ombudsman (Wales) Act 2005
- 50 In Schedule 3 (listed authorities), for "The Care Council for...
- 51 Commissioner for Older People (Wales) Act 2006
- 52 In Schedule 2 (persons whose functions are subject to review...
- 53 Safeguarding Vulnerable Groups Act 2006
- 54 In section 41 (registers: power to refer information to the...
- 55 In Part 3 of Schedule 3 (barred lists: supplementary provision)—...
- 56 In Part 2 of Schedule 4 (regulated activity in relation...
- 57 Health and Social Care Act 2008
- 58 The following provisions are repealed— (a) section 124 (regulation of... PART 3 MISCELLANEOUS
- 59 Public Services Ombudsman (Wales) Act 2005
- 60 Social Services and Well-being (Wales) Act 2014

Status: This is the original version (as it was originally enacted).

- 61 In the Welsh text of section 21(3)(b) (duty to assess...
- 62 In section 42 (duty to meet support needs of a...
- 63 In the Welsh text of section 46(3) (exception for persons...
- 64 In the Welsh text of section 147(3) (departure from requirements...
- 65 In section 197(1) (general interpretation), in the definition of "voluntary...