

**Explanatory Memorandum to the Register of Service Providers  
(Prescribed Information and Miscellaneous Amendments) (Wales)  
Regulations 2023**

This Explanatory Memorandum has been prepared by Health and Social Services Department and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

**Deputy Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Register of Service Providers (Prescribed Information and Miscellaneous Amendments) (Wales) Regulations 2023. I am satisfied that the benefits justify the likely costs.

**Julie Morgan MS**  
**Deputy Minister for Social Services**

**7 November 2023**

## **1. Description**

1.1 The Regulation and Inspection of Social Care (Wales) Act 2016 ('the 2016 Act') provides the statutory framework for the regulation and inspection of social care services and the regulation of the social care workforce in Wales. To achieve this it provides the Welsh Ministers with a range of regulation-making and other subordinate legislation powers.

1.2 This Explanatory Memorandum relates to the Register of Service Providers (Prescribed Information and Miscellaneous Amendments) (Wales) Regulations 2023. These Regulations prescribe additional information (a telephone number and email address for each service) to be shown on each entry of the register of service providers maintained by the service regulator, Care Inspectorate Wales (CIW). The Regulations also provide a mechanism for CIW to collect this information from new and incumbent service providers and to be notified when this information changes.

1.3 The register of service providers contains a record of all regulated care and support services in Wales. This includes care home services, domiciliary support services, secure accommodation services, residential family centre services, advocacy services, adoption services, fostering services and adult placement services.

1.4 The Regulations are being laid before the Senedd under the affirmative procedure and will come into force on 31 December 2023.

## **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

2.1 No specific matters have been identified.

## **3. Legislative background**

3.1 The powers enabling the Register of Service Providers (Prescribed Information and Miscellaneous Amendments) (Wales) Regulations 2023 to be made are contained within sections 38(2), 6(1)(d), 10(2) and 27 (1) of the 2016 Act. Further details are set out below:

- Section 38 (2) of the 2016 Act is a regulation making power enabling the Welsh Ministers to prescribe additional information to be shown on the register of service providers.
- Section 6 (1)(d) enables Welsh Ministers to prescribe additional information within an application to register with CIW to provide a regulated service.
- Section 10(2) enables Welsh Ministers to prescribe additional information to be contained in an annual return.
- Section 27(1) is a regulation-making power that enables Welsh Ministers to impose requirements on a service provider in relation to a regulated service.

#### **4. Purpose and intended effect of the legislation**

- 4.1 The 2016 Act places a requirement on Welsh Ministers to maintain and publish a register of service providers. The purpose of these Regulations is to mandate the inclusion of an email address and telephone number for each regulated service in Wales on the register of service providers. The register of service providers informs CIW's online public-facing directory which provides key information about regulated services in Wales to the public.
- 4.2 Requiring this information to be published on the register of service providers will enable members of the public to contact services should they have queries or concerns. It also increases the accountability and visibility of service providers.
- 4.3 Whilst CIW already requests contact details from service providers and seeks their permission to publish it on its online directory, we wish to make this a mandatory requirement for clarity and consistency.

#### **5. Consultation**

- 5.1 A 12-week public consultation was undertaken on these Regulations between 15 May and 6 August 2023: <https://www.gov.wales/regulating-special-school-residential-services>

## PART 2 - REGULATORY IMPACT ASSESSMENT

### Options

Two options have been considered in the analysis of the costs, benefits, and risks of requiring contact details to be published on the register of service providers. These are:

- **Option one: do nothing - do not create regulations to prescribe additional information on the register of service providers**

This option reflects the current position. Under this option, it would not be mandatory for CIW to publish a telephone number and email address for each service on the register of service providers. CIW would continue to ask permission from service providers to publish a telephone number for each service on the register of service providers.

- **Option two: create regulations which mandate the inclusion of an email address and telephone number for each regulated service on the register of service providers**

Under this option, Regulations would be created under Section 38 of the 2016 Act to require Welsh Ministers (CIW) to publish a telephone number and email address for each service on the register of service providers.

The Regulations would amend the Regulated Services (Registration) (Wales) Regulations 2017, as amended (“the Registration Regulations”) and the Regulated Services (Annual Returns) (Wales) Regulations 2017, as amended (“the Annual Returns Regulations”) to enable CIW to gather a telephone number and email address from all applicants at the point of registration, and from incumbent service providers.

The Regulations would also amend Part 1 of Schedule 3 of the Regulated Services (Service Provider and Responsible Individuals) Wales Regulations 2017 to require service providers to notify CIW in the event of the telephone number or email address of the service changing and would make corresponding changes to –

- the Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019
- the Regulated Advocacy Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019
- the Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019, and
- the Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019.

## **Costs**

### **Option one: do nothing - do not create regulations to prescribe additional information on the register of service providers**

There would be no additional costs under this option as this reflects the current position.

### **Option two: create regulations which mandate the inclusion of an email address and telephone number for each regulated service on the register of service providers**

To implement the changes described in these Regulations, CIW has advised that updates would be needed to their Customer Relationship Management (CRM) system, CaSSI. CaSSI is CIW's database of registration data, regulatory activity and gathered intelligence. All information collected through CIW's secure online platform, CIW Online, feeds directly into CaSSI, along with information manually entered by CIW staff. CaSSI also feeds registration data to CIW's website to populate CIW's care service directory.

The updates required are:

- Revisions to 5 online transactions between CIW Online and CaSSI, plus associated data cutover work;
- Revisions to CIW Online to clarify information to be published on CIW Directory;
- Revisions to CIW Online to mandate service providers to update missing details on their profiles when logging in.
- Revisions to the CaSSI overnight job which updates the CIW Directory to address new data and logic.
- Revisions to the CIW Website Directory to display additional data.

CIW estimates that the cost to do this will be around £10,000.

Requiring contact details to be published on the register of service providers will create savings in relation to CIW's time. Making service contact details publicly available means CIW will not need to obtain consent from providers to share this information. This will reduce the manual effort for CIW's Data Intelligence & Analytics team in redacting data when handling daily requests for information (for example lists of services and contact details). It will also save time for CIW's Communications team who will no longer need to send emails to service providers on behalf of other Welsh Government departments or external organisations due to data protection issues in sharing this information.

Service providers already submit their contact details to CIW for the purpose of registering their services. As such, we do not anticipate these changes will create any additional costs for providers. 31% of the service email addresses submitted to CIW contain names (such as the name of the manager or RI for the service). As such, service providers may wish to update their email addresses to a more generic name to avoid the publication of personal information. There may be a

small cost in terms of time for providers to do this and update CIW with this information.

Adding email addresses to the register of service providers could lead to an increase in phishing emails or cyber attacks. According to the Cyber Security Breaches Survey 2022<sup>1</sup> from the Department for Digital, Culture, Media and Sport, 39% of UK businesses identified a cyber attack. The report states:

*Of the 39% of UK businesses who identified an attack, the most common threat vector was phishing attempts (83%). Looking at organisations reporting a material outcome, such as loss of money or data, gives an average estimated cost of all cyber attacks in the last 12 months of £4,200. Considering only medium and large businesses; the figure rises to £19,400. We acknowledge the lack of framework for financial impacts of cyber attacks may lead to underreporting.*

We will mitigate this risk by reminding service providers of the resources available on cyber resilience via CIW's communication channels.

## **Benefits**

### **Option one: do nothing - do not create regulations to prescribe additional information on the register of service providers**

Some service providers may prefer to retain control over whether their contact details are published on the register of service providers. Currently, 14% of service providers have not given CIW permission to publish their telephone numbers on CIW's online directory. Whilst they have not given a reason, it indicates that a minority of providers are likely to prefer option one.

Publishing the email addresses of all services could lead to an increase in communications to service providers, especially as CIW would not be acting as the primary conduit for communications from other organisations. This increase in emails may not be welcomed by providers and, as such, they may prefer option one. This was tested during the consultation phase. Out of 25 responses received to the consultation, the majority were in favour of making it mandatory for a service telephone number and email address to be published on the register of service providers.

One respondent highlighted the risk of managers or Responsible Individuals facing abuse from service users and families if their personal contact details were made known. The response stated, "a manager has had service users and families get hold of their personal number and faced a level of abuse that is unacceptable. Whilst the need to be open is appreciated.. we have to balance this with our duty of care to staff, including the Responsible Individual." To mitigate this risk, service providers may wish to create a generic email address for the service, rather than use the manager's or Responsible Individual's personal or work email address. We consider there to be sufficient time for

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<sup>1</sup> [Cyber Security Breaches Survey 2022 - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/107117/cyber-security-breaches-survey-2022.pdf)

service providers to update their contact details with CIW before the Regulations come into force on 31 December 2023.

**Option two: create regulations which mandate the inclusion of an email address and telephone number for each regulated service on the register of service providers**

Requiring a telephone number and email address for each service to be published on the register of service providers will create consistency in the information included on CIW's online directory. This will ensure members of the public, such as family members of individuals who use regulated services, can contact services should they have any queries or concerns. It will also increase the accountability and visibility of service providers. Relying on service providers to give consent for their contact details to be published has led to inconsistencies in the information on the directory, as 14% of providers have not given their consent for the information to be published, creating a gap in information on the register.

Requiring both an email address and a telephone number will provide a choice for people, making it more accessible to contact services. This will benefit people with sensory impairments, such as those with a hearing impairment, who may prefer to use email.

As highlighted in the section on costs, publishing service contact details will make it easier for CIW's Data Intelligence & Analytics team and Communications team to carry out their work, as they will not need to seek permission to share service contact details. This will lead to more efficient responses to requests for information.

**Risks**

**Option one: do nothing - do not create regulations to prescribe additional information on the register of service providers**

Social care services are crucial for promoting the well-being of people of all ages who need care and support. People living in residential care or using other regulated services and their representatives and families should be able to contact services to raise concerns or ask questions. Under this option, there is a risk that people will not be able to contact services when they need to, either because the information is not there or is inaccessible.

Option one relies on service providers giving consent for their contact details to be published which has led to inconsistencies in the information provided and a lack of visibility for services. Currently, 14% of service providers have not consented for their service telephone numbers to be published on the register of service providers. This is not consistent with the principles within the Regulation and Inspection of Social Care (Wales) Act 2016 of transparency and accountability for service providers.

## **Option two: create regulations which mandate the inclusion of an email address and telephone number for each regulated service on the register of service providers**

Currently, CIW does not publish service email addresses on its website; however, where consent has been provided, it will share contact details with the public and other organisations upon request. Whilst service email addresses are therefore in the public domain, publishing them on the register of service providers, where they are available in one place, could lead to an increase in unwanted emails to services, including junk mail or potentially abusive messages from people who have had poor experiences with their service. This could be stressful for service managers and Responsible Individuals. An overall increase in the number of emails might lead to important messages from CIW, Social Care Wales or other key organisations being missed.

Making it mandatory for service email addresses to be published on the register of service providers could inadvertently lead to personal information being published if the email address contained a name, such as that of the Responsible Individual or registered manager. Currently, 31% of the service email addresses submitted to CIW contain names. The Regulations do not require personal information to be contained within the email address, however, and providers have the option of creating a generic email address for their service. We consider there to be sufficient time for service providers to change their email addresses before the Regulations come into force, should they wish to. As part of the implementation of these Regulations CIW will write to services prompting them to check their contact details and update them if necessary.

Due to the shift in data protection terms from publishing this information by consent to legal obligation, we have consulted with the Information Commissioner's Office (ICO) as required under Article 36(4) of the UK GDPR. Having considered the submission the ICO has advised that no further engagement is necessary.

### **Conclusion**

Based on an appraisal of the costs, benefits and risks of both options, option two is the preferred option.