

*Draft Regulations laid before Senedd Cymru under section 187(2)(f) of the Regulation and Inspection of Social Care (Wales) Act 2016 for approval by resolution of Senedd Cymru.*

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2022 No. (W.)**

**SOCIAL CARE, WALES**

**The Regulated Services (Service  
Providers and Responsible  
Individuals) (Wales) (Amendment)  
Regulations 2022**

**EXPLANATORY NOTE**

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

These Regulations amend the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 (“the 2017 Regulations”). The 2017 Regulations set out the regulatory requirements which apply to providers of certain services regulated under the Regulation and Inspection of Social Care (Wales) Act 2016. These are care home services, secure accommodation services, residential family centre services and domiciliary support services.

Regulation 3 amends regulation 35 of the 2017 Regulations.

Paragraph (a) substitutes paragraph (2)(f) of regulation 35 which provides that where a service provider employs a person, other than as a manager to provide care and support in connection with a care home service, a domiciliary support service or a residential family centre service, the person must be registered as a social care worker with Social Care Wales within 6 months of commencing their employment.

Paragraph (b) substitutes paragraph (2)(g) of regulation 35 which provides that where a person is engaged under a contract for services (which includes agency workers), other than as a manager to provide care and support to any person in connection with a care home service, a secure accommodation service, a

domiciliary support service or a residential family centre service, that person must be registered with Social Care Wales within 6 months of the date the person is first engaged under a contract for services to provide such care and support.

The effect of these substitutions is to extend the requirement for service providers to employ and contract workers, other than managers, to provide care and support, who are registered within 6 months of commencing their employment or being engaged under a contract, so that it applies to adult care home services and residential family centre services.

Paragraph (c) amends paragraph (8A) of regulation 35 to ensure the definition of “the relevant date” applies to workers contracted to provide care and support services in adult care homes and residential family centre services.

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 obtained from Social Services and Integration, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**2022 No. (W.)**

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**The Regulated Services (Service  
Providers and Responsible  
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*Made*

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*Coming into force*

*1 October 2022*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 27(1) and 187(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”)(1).

The Welsh Ministers have consulted such persons as they think appropriate, as required by section 27(4)(a) of the Act, and published a statement about the consultation as required by section 27(4)(b) of the Act.

The Welsh Ministers have laid a copy of the statement before Senedd Cymru as required by section 27(5) of the Act.

A draft of these Regulations was laid before Senedd Cymru under section 187(2)(f) of the Act and has been approved by a resolution of Senedd Cymru.

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(1) 2016 anaw 2. The references in sections 27(5) and 187(2) to the National Assembly for Wales now have effect as references to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

## **Title and commencement**

1.—(1) The title of these Regulations is the Regulated Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2022.

(2) These Regulations come into force on 1 October 2022.

## **Amendments to the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017**

2. The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017<sup>(1)</sup> are amended as follows.

### **Amendment to requirement about fitness of staff**

3. 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,

(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

(iv) a residential family centre service, the person is registered as a social care worker with Social Care Wales no later than the relevant date (see paragraph (8) for the meaning of “the relevant date”);”;

(b) for paragraph (2)(g) substitute—

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

(i) a care home service,

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<sup>(1)</sup> S.I. 2017/1264 (W. 295), amended by S.I. 2019/757 (W. 142) and S.I. 2020/389 (W. 87); there is another amending instrument which is not relevant.

- (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
  - (iv) a residential family centre service, 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) in paragraph (8A)(a)—
- (i) in paragraph (i), omit “provided wholly or mainly to children”;
  - (ii) after paragraph (iii) omit “or”;
  - (iii) after paragraph (iii) insert—
    - “(iv) a residential family centre service, or”.

*Name*

Deputy Minister for Social Services under authority of the Minister for Health and Social Services, one of the Welsh Ministers

Date