

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

DRAFT WELSH STATUTORY
INSTRUMENTS

2025 No. (W.)

SOCIAL CARE, WALES

The Regulated Services (Inspection Ratings) (Wales) Regulations 2025

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make provision about ratings given by the Welsh Ministers in relation to the quality of care and support provided by a service provider following an inspection under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”).

The ratings with which these Regulations are concerned are those given by the Welsh Ministers in an inspection report under section 36(2)(d) of the Act.

In accordance with the power in section 37(2)(a) of the Act, these Regulations impose requirements on certain service providers to display ratings given by the Welsh Ministers in a specified manner and place.

In accordance with section 37(2)(c) of the Act, these Regulations make provision for a service provider to appeal against ratings given by the Welsh Ministers in certain circumstances.

These Regulations make it an offence for a service provider to fail to comply with specified requirements relating to the display of ratings given by the Welsh Ministers.

Part 1 of these Regulations contains definitions of terms used in the Regulations.

Part 2 of these Regulations makes provision about the ratings given by the Welsh Ministers in inspection reports. Regulation 3 prescribes the places and manner in which ratings must be displayed. It includes requirements for ratings given to be shown on websites, and also for signs to be displayed at each place at, from or in relation to which certain services are provided.

Regulation 4 includes provision for a service provider to appeal against ratings where certain conditions are met.

Part 3 deals with offences. Regulation 5 is made under section 45 of the Act and provides that a service provider's failure to comply with the requirements of specified provisions in these Regulations is an offence.

Part 4 makes amendments to the Regulated Services (Penalty Notices) (Wales) Regulations 2019 and sets out which offences for breaches of requirements imposed by these Regulations can be the subject of a penalty notice issued by the Welsh Ministers under section 52 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 obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff CF10 3NQ and is published on www.gov.wales.

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2025 No. (W.)

SOCIAL CARE, WALES

**The Regulated Services (Inspection
Ratings) (Wales) Regulations 2025**

Made ***

Coming into force 31 March 2025

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 37(1) and (2)(a) and (c), 45, 52(1)(1) and (6) and 187(1) of the Regulation and Inspection of Social Care (Wales) Act 2016(2) (“the Act”) and having consulted such persons as they think appropriate, as required by section 37(3) of the Act.

A draft of these Regulations was laid before Senedd Cymru under section 187(2)(h) and (j) of the Act and has been approved by a resolution of Senedd Cymru(3).

PART 1

General

Title, coming into force and interpretation

1.—(1) The title of these Regulations is the Regulated Services (Inspection Ratings) (Wales) Regulations 2025.

(2) These Regulations come into force on 31 March 2025.

(3) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Regulation and Inspection of Social Care (Wales) Act 2016;

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- (1) Section 52(1) refers to offences which are “prescribed”. Section 189 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) defines “prescribed” as meaning “prescribed by regulations made by the Welsh Ministers”.
- (2) 2016 anaw 2.
- (3) References in the Act 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).

“care home service” (“*gwasanaeth cartref gofal*”) has the meaning given by paragraph 1 of Schedule 1 to the Act;

“domiciliary support service” (“*gwasanaeth cymorth cartref*”) has the meaning given by paragraph 8 of Schedule 1 to the Act;

“inspection ratings” (“*graddau arolygu*”) means the ratings the Welsh Ministers must include in an inspection report under section 36(2)(d) of the Act;

“inspection report” (“*adroddiad arolygu*”) means a report prepared by the Welsh Ministers after an inspection in accordance with section 36 of the Act;

“relevant regulated service” (“*gwasanaeth rheoleiddiedig perthnasol*”) means—

(a) a care home service;

(b) a domiciliary support service;

“service provider” (“*darparwr gwasanaeth*”) means a person registered by the Welsh Ministers as a provider of a relevant regulated service.

PART 2

Inspection ratings

2. This Part applies to inspection ratings given by Welsh Ministers in an inspection report under section 36(2)(d) of the Act⁽¹⁾.

Requirement as to display of inspection ratings

3.—(1) A service provider must show on every website maintained by it or on its behalf the most recent inspection ratings—

(a) for each place at, from or in relation to which it provides a service, and

(b) in a way that makes it clear to which place particular inspection ratings relate.

(2) A service provider must ensure that copies of the most recent inspection ratings for each place at, from or in relation to which it provides a service are made available upon request.

(3) A service provider must display at each place at or from which it provides a service at least one sign showing the most recent inspection ratings relating to the service provided at or from that place.

(4) But paragraph (3) does not apply to a service provider in relation to a place at or from which it provides—

(a) a care home service that—

(1) Section 36(2)(d) has effect by virtue of the making of these Regulations.

- (i) is provided wholly or mainly to persons under the age of 18, or
 - (ii) accommodates four or fewer individuals, unless the service provider chooses to display the most recent inspection ratings relating to that place;
 - (b) a domiciliary support service where the place at or from which the service is provided is—
 - (i) inaccessible to members of the public, or
 - (ii) where an individual in receipt of the service lives.
- (5) Inspection ratings displayed in accordance with the requirements of this regulation must—
- (a) be displayed without delay after inspection ratings are published in an inspection report;
 - (b) be in the specified form designated by the Welsh Ministers;
 - (c) be legible;
 - (d) include the date the inspection ratings were given;
 - (e) be displayed conspicuously, and for signs displayed under paragraph (3), be displayed in a location accessible to—
 - (i) individuals who are in receipt of the service;
 - (ii) visitors to the place at or from which the relevant regulated service is provided.

Appealing against inspection ratings

4.—(1) A service provider may appeal to the Welsh Ministers against inspection ratings given where the conditions set out in paragraph (2) are met.

(2) The conditions are that—

- (a) the service provider has, within 10 working days beginning with the working day after the day on which a copy of an inspection report is sent to the service provider⁽¹⁾, notified the Welsh Ministers in writing that it is seeking a review of the inspection ratings on the grounds that they are based on one or both of the following—
 - (i) factual inaccuracy;
 - (ii) incomplete evidence,
- (b) the service provider has received the outcome of the Welsh Ministers' review of the inspection ratings,

(1) As soon as reasonably practicable after an inspection has been carried out, the Welsh Ministers must prepare a report of the inspection and send a copy of it to the service provider under section 36(1) of the Act.

- (c) the service provider has, within 5 working days beginning with the working day after the day on which the service provider is informed of the outcome of the review, notified the Welsh Ministers in writing that it is seeking to appeal against the outcome of the review, and
 - (d) the appeal is made on the same grounds as those relied on to seek the review referred to in sub-paragraph (a).
- (3) Where an appeal is made by a service provider, the Welsh Ministers must—
- (a) consider the appeal and confirm the final inspection ratings by sending the service provider a final inspection report;
 - (b) comply with the duty to publish the inspection report under section 36(3)(a) of the Act.

PART 3

Offences

5.—(1) It is an offence for a service provider to fail to comply with a requirement of any of the provisions specified in paragraph (2).

(2) The provisions specified for the purposes of paragraph (1) are the provisions of regulation 3(1) and (3).

PART 4

Amendments to the Regulated Services (Penalty Notices) (Wales) Regulations 2019

6. The Regulated Services (Penalty Notices) (Wales) Regulations 2019⁽¹⁾ are amended as follows—

- (a) in regulation 2, in the appropriate position insert—
 - ““the Inspection Ratings Regulations” (“*y Rheoliadau Graddau Arolygu*”) means the Regulated Services (Inspection Ratings) (Wales) Regulations 2025;”;
- (b) after regulation 9 insert—

“Offences under the Inspection Ratings Regulations

9ZA.—(1) The offence under the provision of the Inspection Ratings Regulations listed in the first column of the table in Schedule 5A is prescribed as an offence for the purposes of section 52(1) of the Act.

(1) S.I. 2019/887 (W. 159).

(2) The second column of the table in Schedule 5A contains a description of the general nature of the prescribed offence.

(3) The amount of the penalty to be paid for the offence is specified in the third column of the table in Schedule 5A.”;

(c) after Schedule 5, insert—

“Schedule 5A Regulation 9ZA

Prescribed offences - inspection ratings

<i>Provision creating offence</i>	<i>General nature of the offence</i>	<i>Amount of penalty</i>
Regulation 3(1) and (3) of the Inspection Ratings Regulations	Contravention of, or failure to comply with, requirement as to display of inspection ratings	An amount corresponding to level 4 on the standard scale”

Name

Minister for Social Care, under the authority of the Cabinet Secretary for Health and Social Services, one of the Welsh Ministers

Date