



Llywodraeth Cymru  
Welsh Government

# Statutory Guidance

## Adult Placement Services

This statutory guidance relates to Parts 2 to 16 of The Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019

April 2019

The Regulation and Inspection of Social Care (Wales) Act 2016

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## About this guidance

This is statutory guidance issued by the Welsh Ministers under section 29 of the Regulation and Inspection of Social Care (Wales) Act 2016 ('the Act'). It applies from 29 April 2019.

The Act, The Adult Placement Services (Services Providers and Responsible Individuals) (Wales) Regulations 2019 ("the Regulations") and this statutory guidance replace requirements previously put in place for Adult Placement Schemes under the Care Standards Act 2000 and the associated National Minimum Standards.

This guidance sets out:

- how providers of adult placement services may comply with the requirements imposed by regulations made under section 27 of the Act, and
- how persons designated as a responsible individual for a adult placement service may comply with the requirements imposed by regulations made under section 28 of the Act.

These requirements are contained within Parts 2 to 16 of the Regulations. The Regulations come into force on 29 April 2019 and this guidance will also take effect from that date.

Section 29(3) of the Act states that providers of regulated services and designated responsible individuals **must have regard to this guidance** in meeting requirements imposed by regulations under sections 27 and 28 of the Act.

This guidance is also relevant to those providers making an application for registration as a service provider under section 6 of the Act. Guidance about registration has been produced by the service regulator, Care Inspectorate Wales ('CIW'), and is available on its website.

## How to use this guidance

### Prospective service providers and responsible individuals

Persons who wish to provide a regulated service must make an application for registration to Care Inspectorate Wales ('CIW') who carry out the Welsh Ministers' functions as the service regulator. Prospective service providers and responsible

individuals must demonstrate that they will be able to meet the requirements imposed by the Act and the Regulations and, once registered, that they will continue to meet them.

In order to grant an application to register, CIW must be satisfied that any prospective provider of regulated services can and will meet the standards of service provision specified in regulations under section 27 of the Act. CIW must also be satisfied that the person designated as a responsible individual can and will comply with the duties set out in regulations under section 28 of the Act.

CIW will use this guidance to inform its decisions to grant or refuse applications for registration as a service provider.

### **Registered service providers and designated responsible individuals**

Registered providers of regulated services and designated responsible individuals must meet the requirements of the Act and the Regulations. In doing so they **must have regard to this statutory guidance** which is intended to help them understand how they can meet the applicable requirements within the Regulations. CIW will use this guidance to inform decisions about the extent to which registered providers and responsible individuals are meeting those requirements.

Service providers remain responsible for deciding how the requirements will be met, taking into account the needs of individuals using the service and the statement of purpose for the regulated service.

**If registered service providers and designated responsible individuals do not follow this guidance, they must be able to show that their chosen approach enables them to meet the applicable requirements within the Regulations.**

### **Structure of this guidance**

This guidance sets out the following:

- **A summary of the intention of each Part of the Regulations**

Parts 2 to 11 of the Regulations, made under section 27 of the Act, set out the requirements on a service provider in relation to the standard of service that must be provided. They highlight the importance of the well-being of individuals who are

receiving care and support<sup>1</sup>. They also impose other requirements on service providers related to the operation of the regulated service.

Parts 12 to 16 of the Regulations, made under section 28 of the Act, set out the duties placed on the designated responsible individual in relation to a regulated service. These duties include a requirement to supervise the management of the service including the appointment of a suitable and fit manager. The intention is to ensure that a designated person at an appropriately senior level holds accountability for both service quality and compliance and to ensure that there is a clear chain of accountability linking the corporate responsibility of the service provider and the responsible individual with the role of the manager of the regulated service.

- **The text of each regulation**

It is important that service providers and responsible individuals refer to the text of each regulation as the first source of information about what the requirements are and how to meet them. This guidance provides further explanation of how to meet the individual components of each regulation where further clarification and definition may be helpful. Where the text of the regulation itself is self-explanatory, no further guidance is given.

- **Guidance on the requirements of individual components of the regulation**

The guidance on individual components of each regulation should not be considered exhaustive as there may be other ways that service providers and responsible individuals can show that they meet each component of the regulation.

Annex A sets out parts of the Regulations that are not the subject of this guidance, as they are not made under section 27 or 28 of the Act. Annex B contains the Schedules to regulations 28 and 36, 40, 41 and 63. These annexes have been included for reference only.

## **Enforcement**

Parts 2 to 16 of the Regulations set out clear requirements which registered providers and responsible individuals must adhere to. CIW, as the service regulator, can take enforcement action against any registered service provider and responsible individual that does not adhere to these legal requirements.

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<sup>1</sup> These standards are linked to the well-being statement for people who need care and support and carers who need support. <http://gov.wales/docs/dhss/publications/160831well-being-statementen.pdf>

Any enforcement action taken by CIW will be proportionate and will look at the impact on or risk to individuals using the regulated service.

Examples of enforcement action may include:

- imposing conditions on a service provider's registration;
- cancelling a service provider's registration;
- issuing an improvement notice; and
- issuing a fixed penalty notice.

Further information on the offences which service providers and responsible individuals may commit if they do not comply with the requirements of the Act and these Regulations, and the different statutory and non-statutory enforcement actions that CIW may take in response, are set out within CIW's Securing Improvement and Enforcement guidance. This is available on CIW's website.

## List of key terms used within this guidance

Term	Meaning
The Act	The Regulation and Inspection of Social Care (Wales) Act 2016
The 2014 Act	The Social Services and Well-being (Wales) Act 2014
Adult placement	The provision of accommodation, care and support under an adult placement agreement.
Adult placement carer	A person who has entered into a carer agreement with the service provider for the provision of accommodation and care and support for up to three adults
Adult placement service	As defined in Paragraph 6 of Schedule 1 to the Act “a service carried on (whether or not for profit) by a local authority or other person for the purposes of placing adults with an individual under a carer agreement (and includes any arrangements for the recruitment, training and supervision of such individuals).”
Care and support	The care and support provided to an individual in an adult placement by the adult placement carer. It does not include support provided by the adult placement service to the adult placement carer.
Care and support plan	A plan put in place by the local authority under section 54 (in relation to adults, children or a carer) of the 2014 Act
Carer agreement	An agreement between the service provider and the adult placement carer. The agreement is defined in Paragraph 6 of Schedule 1 to the Act as “an agreement for the provision by an individual of accommodation at the individual’s home together with care and support for up to three adults.”
The individual	Unless the context indicates otherwise, the adult who is seeking or is in receipt of a placement
The individual’s needs	The adult’s care and support needs
Individual placement agreement	An agreement between a service provider, an adult placement carer and an individual for an adult placement carer to provide accommodation and care and support to that individual.
Personal outcomes	The outcomes that the individual receiving care and support wishes to achieve in day to day life

Personal plan	The plan required to be prepared in accordance with regulation 13
The Regulations	The Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019
Representative	Any person having legal authority, or the consent of the individual to act on the individual's behalf
Responsible individual <i>(See section 21 of the Act for a full description)</i>	<p><b>Must be either:</b></p> <ul style="list-style-type: none"> <li>• where the service provider is an individual, the service provider;</li> <li>• where the service provider is a partnership, one of the partners;</li> <li>• where the service provider is a body corporate, other than a local authority <ul style="list-style-type: none"> <li>○ a director or similar officer of the body;</li> <li>○ in the case of a public limited company, a director or company secretary;</li> <li>○ in the case of a body corporate whose affairs are managed by its members, a member of the body;</li> </ul> </li> <li>• where the service provider is an unincorporated body, a member of the body;</li> <li>• where the service provider is a local authority, an officer of the local authority designated by the authority's director of social services;</li> </ul> <p><b>and</b> whom CIW are satisfied is a fit and proper person to be a responsible individual;</p> <p><b>and</b> is designated by a service provider in respect of a place at, from or in relation to which the provider provides a regulated service;</p> <p><b>and</b> is specified as such in the service provider's registration</p> <p><b>NB</b> In certain circumstances (see Regulation 12, not covered in this guidance) the responsible individual may be designated by CIW (on behalf of the Welsh Ministers) and not the service provider.</p>
SCW	Social Care Wales , the workforce regulator
The service	The adult placement service which is provided in relation to a specified area as a condition to the service provider's registration
Service commissioner	The local authority which is responsible for making arrangements with the service provider for care and support to

	be provided to an individual.
Service provider	Means either: <ul style="list-style-type: none"> <li>• A person or independent organisation registered with CIW to provide a regulated service; or</li> <li>• A local authority in Wales operating an adult placement scheme</li> </ul>
The service regulator	In practice, this means CIW acting on behalf of the Welsh Ministers in the exercise of their regulatory functions
Staff	<ul style="list-style-type: none"> <li>• Persons employed by the service provider to work at the service as an employee or worker (within the meaning of section 230 of the Employment Rights Act 1996);</li> <li>• Persons engaged by the service provider under a contract for services;</li> <li>• This <b>does not</b> include the adult placement carer or any persons who are allowed to work as volunteers.</li> </ul>
Statement of purpose	The statement of purpose for the place at, from or in relation to which the service is provided

## Useful links

**The Regulation and Inspection of Social Care (Wales) Act 2016**

<http://www.legislation.gov.uk/anaw/2016/2/contents/enacted>

**The Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019**

<http://www.legislation.gov.uk/wsi/2019/163/contents/made>

**The Social Services and Well-being (Wales) Act 2014**

<http://www.legislation.gov.uk/anaw/2014/4/contents>

**Welsh Government: Well-being Statement for People Who Need Care and Support and Carers Who Need Support**

<http://gov.wales/docs/dhss/publications/160831well-being-statementen.pdf>

**Care Inspectorate Wales**

<http://careinspectorate.wales/?lang=en>

**Care Inspectorate Wales: Registration guidance (for new services)**

<https://careinspectorate.wales/register-provide-service>

**Care Inspectorate Wales: Re-registration guidance**

<https://careinspectorate.wales/providing-a-care-service/already-registered-services/re-registration>

**Care Inspectorate Wales: Compiling a Statement of Purpose**

<https://careinspectorate.wales/providing-a-care-service/already-registered-services/re-registration>

**Care Inspectorate Wales: Securing Improvement and Enforcement policy**

<https://careinspectorate.wales/providing-a-care-service/how-we-enforce>

**Social Care Wales**

<https://www.socialcare.wales/>

**Social Care Wales: Information and Learning Hub**

<https://socialcare.wales/hub/home>

## Chapter 1: Requirements on Service Providers (Parts 2 to 11 of the Regulations)

### 1.1 General requirements on service providers (Part 2)

The intent of the general requirements within Part 2 of the Regulations is to ensure that service providers put in place governance arrangements to support the smooth operation of the service and to ensure that there is a sound base for the provision of high quality care and support for individuals using the service and to support them to achieve their personal outcomes. This includes the following:

- Setting clear organisational intent and direction by outlining in the statement of purpose the services provided and the actions the service provider will undertake to ensure these services are delivered to the required standards;
- Putting in place the underpinning policies and procedures to support managers and staff to achieve the aims of the service and support individuals to achieve their personal outcomes;
- Establishing sound management structures to oversee and monitor the service in order to ensure that it operates safely and effectively for the individuals receiving care and support;
- Establishing clear arrangements for an ongoing cycle of quality assurance and review to provide assurance that the service operates in line with legal requirements and its statement of purpose and is supporting individuals appropriately. Information obtained through monitoring is used for continued development and improvement of the service;
- Maintaining oversight of financial arrangements and investment in the business to ensure financial sustainability so that individuals using the service are supported to achieve their personal outcomes and are protected from the risk of unplanned removal or change in the service provided due to financial pressures; and
- Promoting a culture of openness, honesty and candour at all levels.

Regulation 2	Guidance
<p><b>Requirements in relation to the provision of the service</b></p> <p>2. The service provider must ensure that the service is provided with sufficient care, competence and skill, having regard to the statement of purpose.</p>	<ul style="list-style-type: none"> <li>• Service providers have clear arrangements for the oversight and governance of the service in order to establish, develop and embed a culture which ensures that the best possible outcomes are achieved for individuals and adult placement carers using the service and to meet the requirements of the Regulations. This includes but is not limited to: <ul style="list-style-type: none"> <li>○ policies and procedures to achieve the aims of the statement of purpose and to place individuals and adult placement carers at the centre of the service;</li> <li>○ systems for matching compatible individuals with adult placement carers; systems for assessment, care planning, monitoring and review which support evidence-based practice and enable individuals and adult placement carers to achieve the individual's personal outcomes;</li> <li>○ processes to ensure care and support is delivered consistently and reliably;</li> <li>○ safe staffing arrangements, underpinned by professional development, to support adult placement carers using the service to meet the care and support needs of individuals;</li> <li>○ quality and audit systems to review progress and inform the development of the service;</li> <li>○ a proactive approach to equal opportunities and diversity; and</li> <li>○ suitable and accessible premises, facilities and equipment.</li> </ul> </li> </ul>

Regulation 3	Guidance
<p><b>Requirements in relation to the statement of purpose</b></p> <p><b>3.—</b>(1) The service provider must provide the service in accordance with the statement of purpose.</p> <p>(2) The service provider must—</p> <p>(a) keep the statement of purpose under review, and</p> <p>(b) where appropriate, revise the statement of purpose.</p> <p>(3) Unless paragraph (4) applies, the service provider must notify the persons listed in paragraph (6) of any revision to be made to the statement of purpose at least 28 days before it is to take effect.</p> <p>(4) This paragraph applies in cases where it is necessary to revise the statement of purpose with immediate effect.</p> <p>(5) If paragraph (4) applies, the service provider must, without delay, notify the persons listed in paragraph (6) of any revision made to the statement of purpose.</p> <p>(6) The persons who must be notified of any revision to the statement of purpose in accordance with paragraph (3) or (5) are—</p> <p>(a) the service regulator,</p> <p>(b) the individual,</p> <p>(c) the adult placement carer,</p> <p>(d) any representative, unless it is not appropriate to do so or would be inconsistent with the well-being of an individual,</p> <p>(e) the service commissioner.</p> <p>(7) The service provider must provide the up to date statement of purpose to any person on request, unless it is not appropriate to do so or would be inconsistent with the well-being of an individual.</p>	<ul style="list-style-type: none"> <li>• The statement of purpose is fundamental to the service. It should: <ul style="list-style-type: none"> <li>○ accurately describe the services provided, including any arrangements for short break provision;</li> <li>○ state where and how these services will be provided; and</li> <li>○ state the arrangements to support the delivery of the services.</li> </ul> </li> <li>• It must include the information set out in The Regulated Services (Registration) (Wales) Regulations 2017<sup>2</sup>.</li> <li>• In preparing a statement of purpose, the service provider takes into account any statement of purpose guidance provided by the service regulator.</li> <li>• Service providers review and update the statement of purpose at least annually or earlier if changes are being made to the service provided.</li> <li>• Where there is an intention to change the service being provided, the statement of purpose is updated to reflect the change. The provider notifies those persons set out in regulation 3(6) at least 28 days prior to the changes being made. An example of this includes changes to the normal staffing arrangements or levels as set out in the existing statement of purpose.</li> </ul>

<sup>2</sup> <http://www.legislation.gov.uk/wsi/2017/1098/contents/made> Amended by The Regulated Services (Annual Returns and Registration) (Wales) (Amendment) Regulations 2019 <http://www.legislation.gov.uk/wsi/2019/233/made>

	<ul style="list-style-type: none"> <li>• Where there is an intention to change the service being provided with immediate effect, i.e. within the 28 days notification period (required by regulation 6(3)), for example in response to an urgent request, the service provider: <ul style="list-style-type: none"> <li>○ notifies the service regulator immediately (and where practicable, prior to implementing the change); and</li> <li>○ updates the statement of purpose to reflect the change without delay and provides a copy to the service regulator.</li> </ul> </li> <li>• Where a change to the statement of purpose is proposed, the service provider satisfies the service regulator of their ability to provide the services proposed by, for example, providing additional information or receiving a visit from the service regulator to the service (where appropriate).</li> <li>• Where the statement of purpose is updated a record is kept of the version and date of amendment.</li> <li>• A copy of the statement of purpose is readily available to those listed in regulation 3(6).</li> </ul>
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<b>Regulation 4</b>	<b>Guidance</b>
<p><b>Requirements in relation to monitoring and improvement</b></p> <p>4.—(1) The service provider must ensure that there are effective arrangements in place for monitoring, reviewing and improving the quality of the service.</p>	<ul style="list-style-type: none"> <li>• Service providers have systems and processes in place to monitor, review and improve the quality of the service. This will include identifying: <ul style="list-style-type: none"> <li>○ who is responsible for ensuring this is done;</li> <li>○ how this will be done;</li> </ul> </li> </ul>

<p>(2) Those arrangements must include arrangements for seeking the views of—</p> <ul style="list-style-type: none"> <li>(a) individuals,</li> <li>(b) any representatives, unless this is not appropriate or would be inconsistent with the individual’s well-being,</li> <li>(c) adult placement carers,</li> <li>(d) service commissioners, and</li> <li>(e) staff,</li> </ul> <p>on the quality of the service and how this can be improved.</p> <p>(3) When making any decisions on plans for improvement of the quality of the service, the service provider must—</p> <ul style="list-style-type: none"> <li>(a) take into account the views of those persons consulted in accordance with paragraph (2), and</li> <li>(b) have regard to the quality of care report prepared by the responsible individual in accordance with regulation 59(4).</li> </ul>	<ul style="list-style-type: none"> <li>○ how often this takes place; and</li> <li>○ arrangements for the responsible individual to report to the service provider.</li> </ul> <ul style="list-style-type: none"> <li>● The outcome of any review is analysed and reviewed by people with the appropriate knowledge, skills and competence to understand its significance and take action to secure improvement. Service providers seek professional/ expert advice as needed and in a timely manner to help secure improvements.</li> <li>● Service providers can demonstrate how they have: <ul style="list-style-type: none"> <li>○ analysed and responded to the information gathered; and</li> <li>○ used the information to make improvements.</li> </ul> </li> <li>● Service providers monitor progress against plans to improve the quality and safety of services, and take appropriate action immediately where progress is not achieved as expected.</li> <li>● The systems and processes are continually reviewed to make sure they enable the service provider to identify where the quality of services are being, or may be, compromised and to enable an appropriate timely response.</li> <li>● As part of the quality review process, service providers: <ul style="list-style-type: none"> <li>○ encourage feedback;</li> <li>○ regularly seek the views of adult placement carers and individuals about the quality of care and support</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>○ in placements;</li> <li>○ are able to demonstrate they have done this and provide an analysis of the feedback they have received; and</li> <li>○ review the quality of premises at which placements are made.</li> </ul> <ul style="list-style-type: none"> <li>● The methods used to engage with and gain the views of those listed in regulation 4(2) using the service are appropriate to their age, level of understanding and take into account any specific condition and/or communication needs.</li> <li>● Information collated through quality and audit systems is used to develop the review of quality of care review report in line with regulation 59(4).</li> </ul>
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<b>Regulation 5</b>	<b>Guidance</b>
<p><b>Requirements in relation to the responsible individual</b></p> <p><b>5.—</b>(1) This regulation does not apply to a service provider who is an individual.  (2) A service provider to whom this regulation applies must ensure that the person who is designated as the responsible individual<sup>3</sup>—  (a) is supported to carry out their duties effectively, and  (b) undertakes appropriate training.  (3) In the event that the service provider has reason to believe</p>	<ul style="list-style-type: none"> <li>● Service providers have systems and processes in place for regular formal discussion with, and support for, the responsible individual.</li> <li>● Service providers support the responsible individual to undertake training which enables them to carry out their role effectively and to meet the aims of the service as outlined in the statement of purpose and in line with practice guidance recommended by SCW. Training for responsible individuals includes that which covers: <ul style="list-style-type: none"> <li>○ legislative framework and requirements;</li> </ul> </li> </ul>

<sup>3</sup> As defined in section 21(1) of the Act.

<p>that the responsible individual has not complied with a requirement imposed by the regulations in Parts 12 to 16, the service provider must—</p> <p>(a) take such action as is necessary to ensure that the requirement is complied with, and</p> <p>(b) notify the service regulator.</p> <p>(4) During any time when the responsible individual is unable to fulfil their duties, the service provider must ensure that there are arrangements in place for—</p> <p>(a) the effective management of the service,</p> <p>(b) the effective oversight of the service,</p> <p>(c) the compliance of the service with the requirements of the regulations in Parts 2 to 11, and</p> <p>(d) monitoring, reviewing and improving the quality of the service.</p> <p>(5) If the responsible individual is unable to fulfil their duties for a period of more than 28 days, the service provider must—</p> <p>(a) notify the service regulator, and</p> <p>(b) inform the service regulator of the interim arrangements.</p>	<ul style="list-style-type: none"> <li>○ specific duties of a responsible individual;</li> <li>○ service performance and quality management; and</li> <li>○ shaping service culture, etc.</li> </ul> <ul style="list-style-type: none"> <li>● Where a responsible individual has failed to fulfil their role the service provider notifies the service regulator of any action taken and, where relevant, advises on the arrangements to designate a replacement.</li> <li>● If there is no responsible individual or the responsible individual is unable to fulfil their duties for any reason, for example they are absent from their role due to illness, the service provider ensures that the responsibility for oversight of the management of the service, as set out in Parts 12 to 16 of the Regulations, is still being met under alternative arrangements.</li> </ul>
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<b>Regulation 6</b>	<b>Guidance</b>
<p><b>Requirements in relation to the responsible individual where the service provider is an individual</b></p> <p><b>6.—</b>(1) This regulation applies where the service provider is an individual.</p> <p>(2) If this regulation applies, the individual must undertake appropriate training for the proper discharge of the individual's duties as the responsible individual.</p>	<ul style="list-style-type: none"> <li>● The responsible individual undertakes training which enables them to carry out their role effectively and to meet the aims of the service as outlined in the statement of purpose and in line with practice guidance recommended by SCW. Training includes that which covers: <ul style="list-style-type: none"> <li>○ legislative framework and requirements;</li> <li>○ specific duties of a responsible individual;</li> <li>○ service performance and quality management; and</li> </ul> </li> </ul>

<p>(3) During any time when the service provider is absent, the individual must ensure that there are arrangements in place for—</p> <ul style="list-style-type: none"> <li>(a) the effective management of the service,</li> <li>(b) the effective oversight of the service,</li> <li>(c) the compliance of the service with the requirements of the regulations in Parts 2 to 11, and</li> <li>(d) monitoring, reviewing and improving the quality of the care and support provided by the service.</li> </ul> <p>(4) If the individual is unable to fulfil their duties as a responsible individual for a period of more than 28 days, the individual must—</p> <ul style="list-style-type: none"> <li>(a) notify the service regulator, and</li> <li>(b) inform the service regulator of the interim arrangements.</li> </ul>	<ul style="list-style-type: none"> <li>○ shaping service culture etc</li> <li>● If the responsible individual is unable to fulfil their duties for any reason, for example they are absent from their role due to illness, the responsible individual ensures alternative arrangements are put in place to ensure the requirements in regulation 6(3) are met.</li> </ul>
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<b>Regulation 7</b>	<b>Guidance</b>
<p><b>Requirements in relation to the financial sustainability of the service</b></p> <p><b>7.—</b>(1) The service provider must take reasonable steps to ensure that the service is financially sustainable for the purpose of achieving the aims and objectives set out in the statement of purpose.</p> <p>(2) The service provider must maintain appropriate and up to date accounts for the service.</p> <p>(3) The service provider must provide copies of the accounts to the Welsh Ministers within 28 days of being requested to do so.</p> <p>(4) The Welsh Ministers may require accounts to be certified by an accountant.</p>	<ul style="list-style-type: none"> <li>● Systems are in place to ensure financial planning, budget monitoring and financial control is carried out effectively.</li> <li>● Systems are in place to ensure financial stability and consumer protection in line with any national guidance and financial regulations.</li> <li>● Service providers have the financial resources needed to provide, and continue to provide, the services described in the statement of purpose and in order to meet the requirements of the Regulations.</li> <li>● Service providers have appropriate insurance and suitable indemnity arrangements in place to cover potential liabilities</li> </ul>

	<p>arising from death, injury, or other causes, loss or damage to property, and other financial risks.</p> <ul style="list-style-type: none"> <li>• Where audited accounts are not available, annual accounts are completed by a qualified accountant for the purpose of regulation and inspection.</li> <li>• The accounts demonstrate that the service is financially viable and likely to have sufficient funding to continue to fulfil service delivery as set out in its statement of purpose.</li> <li>• The service provider ensures prompt payments are made to adult placement carers for any allowances or expenses agreed, which cover the costs of providing care and support to an individual.</li> <li>• The service provider ensures adult placement carers understand the financial or other support available to them.</li> </ul>
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<b>Regulation 8</b>	<b>Guidance</b>
<p><b>Requirements to provide the service in accordance with policies and procedures</b></p> <p><b>8.—</b>(1) The service provider must ensure that the following policies and procedures are in place for the service—</p> <ul style="list-style-type: none"> <li>(a) suitability of the service (see regulation 10 );</li> <li>(b) safeguarding (see regulation 22);</li> <li>(c) supporting individuals to manage their money (see regulation 23);</li> <li>(d) appropriate use of control or restraint (see regulation 24);</li> </ul>	<ul style="list-style-type: none"> <li>• Service providers have the policies and procedures in place as required by the Regulations.</li> <li>• Policies and procedures are proportionate to the service being provided in accordance with the statement of purpose. Where applicable, policies and procedures take into account the needs of other members of the adult placement carer’s household.</li> <li>• Service providers ensure policies and procedures reflect arrangements for short-term breaks for individuals, where</li> </ul>

<p>(e) supporting and developing staff (see regulation 29);</p> <p>(f) disciplinary procedure (see regulation 32)</p> <p>(g) recruitment and training of adult placement carers (see regulation 33);</p> <p>(h) complaints (see regulation 43);</p> <p>(i) whistleblowing (see regulation 44).</p> <p>(2) The service provider must have such other policies and procedures in place as are reasonably necessary to support the aims and objectives of the service set out in the statement of purpose.</p> <p>(3) The service provider must ensure that the content of the policies and procedures which are required to be in place by virtue of paragraphs (1) to (2) is—</p> <p>(a) appropriate to the needs of individuals for whom care and support is provided and their adult placement carers,</p> <p>(b) consistent with the statement of purpose, and</p> <p>(c) kept up to date.</p> <p>(4) The service provider must put arrangements in place to ensure that the service is provided in accordance with those policies and procedures.</p>	<p>these are provided by the service provider.</p> <ul style="list-style-type: none"> <li>• Policies and procedures: <ul style="list-style-type: none"> <li>○ are aligned to any current legislation and national guidance;</li> <li>○ provide guidance for staff to ensure that services are provided in line with the statement of purpose; and</li> <li>○ set out requirements to inform individuals, adult placement carers and any representatives about how the service is provided.</li> </ul> </li> <li>• Policies, procedures and practices are reviewed and updated in light of changes to practice, changing legislation and best practice recommendations.</li> <li>• Staff, individuals and adult placement carers using the service have the opportunity to be involved in developing policies and procedures.</li> <li>• Where changes are made to the statement of purpose the policies and procedures are reviewed and updated to reflect the changes.</li> <li>• Service providers ensure staff have access to, and knowledge and understanding of, the policies and procedures which support them in their role in achieving the best possible outcomes for individuals.</li> <li>• All policies and procedures are available on request to the individuals and adult placement carers who use the service, any representatives and, where appropriate, relevant placing</li> </ul>
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	<p>authorities.</p> <ul style="list-style-type: none"> <li>• Policies and procedures are in a format accessible to the individual and adult placement carers and support is provided to assist their understanding of these.</li> <li>• Systems for monitoring and improvement include those which ensure the service is being run in accordance with the policies and procedures.</li> </ul>
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<b>Regulation 9</b>	<b>Guidance</b>
<p><b>Duty of candour</b></p> <p><b>9.</b> The service provider must act in an open and transparent way with—</p> <ul style="list-style-type: none"> <li>(a) the individual,</li> <li>(b) any representative of the individual,</li> <li>(c) the adult placement carer and</li> <li>(d) the service commissioner.</li> </ul>	<ul style="list-style-type: none"> <li>• Service providers have policies and procedures in place to support a culture of openness and transparency, and ensure that all staff are aware of and follow them. These policies and procedures are in line with, and take account of, SCW guidance on the professional duty of candour for social care professionals registered with SCW.</li> <li>• Service providers promote a culture of candour that includes: <ul style="list-style-type: none"> <li>○ being open and honest when engaging with those listed in regulation 9 (a)–(d);</li> <li>○ providing information about incidents which happen and the outcome of any investigations that have taken place; and</li> <li>○ offering an apology for what has happened, where it is appropriate to do so.</li> </ul> </li> <li>• Service providers take action to prevent and appropriately address bullying, victimisation and/or harassment in relation</li> </ul>

to the duty of candour, and investigate any instances where a board member, responsible individual, member of staff or any other person may have obstructed another in exercising their duty of candour.

- Service providers have a system in place to identify and deal with possible breaches of the duty of candour by staff who are professionally registered, including the obstruction of another in their professional duty of candour. Action is taken to address such breaches includes, where appropriate, a referral to the professional regulator or other relevant body.

## 1.2 Requirements on service providers as to the steps to be taken before agreeing to provide care and support (Part 3)

The intent of the requirements within Part 3 of the Regulations is to provide individuals with assurance that before a service provider offers care and support they have considered a wide range of information to confirm the service is able to meet the individual's needs and support them to achieve their personal outcomes. This includes the individual's wishes and preferences and consultation with relevant persons and professionals.

Regulation 10	Guidance
<p><b>Suitability of the service</b></p> <p><b>10.—</b>(1) The service provider must not agree to place an individual unless it has determined that there is a suitable adult placement which can meet the individual's care and support needs and support the individual to achieve their personal outcomes.</p> <p>(2) The service provider must have in place a policy and procedures on the suitability of the service.</p> <p>(3) The service provider must when making a determination under paragraph (1) take into account—</p> <ul style="list-style-type: none"> <li>(a) the individual's care and support plan,</li> <li>(b) if there is no care and support plan, the service provider's assessment under paragraph (4),</li> <li>(c) any health or other relevant assessments,</li> <li>(d) the individual's views, wishes and feelings,</li> <li>(e) any risks to the individual's well-being,</li> <li>(f) any risks to the well-being of other individuals to whom care and support is provided,</li> </ul>	<ul style="list-style-type: none"> <li>• Service providers have in place a policy and procedures on placements and commencement of the service. This includes but is not limited to: <ul style="list-style-type: none"> <li>○ arrangements for confirming that the service can or cannot support the individual to achieve their personal outcomes;</li> <li>○ a process to match individuals with an adult placement carer for compatibility;</li> <li>○ who will be consulted as part of the process;</li> <li>○ the information to be considered;</li> <li>○ the assessment processes (including for emergency admissions) where a care and support plan is not available and who will undertake the assessment;</li> <li>○ the circumstances where a service will not be provided;</li> <li>○ opportunities to visit / stay with the adult placement carers and other members of the household; and</li> <li>○ the arrangements for commencing the service.</li> </ul> </li> </ul>

<p>(g) any risks to the well-being of the adult placement carer and members of their household,</p> <p>(h) any reasonable adjustments which the service provider could make to enable the individual's care and support needs to be met, and</p> <p>(i) the service provider's policy and procedures on matching for compatibility and commencement of the service.</p> <p>(4) In a case where the individual does not have a care and support plan, the service provider must—</p> <p>(a) assess the individual's care and support needs, and</p> <p>(b) identify their personal outcomes.</p> <p>(5) The assessment required by paragraph (4) must be carried out by a person who—</p> <p>(a) has the skills, knowledge and competence to carry out the assessment, and</p> <p>(b) has received training in the carrying out of assessments.</p> <p>(6) In making the determination in paragraph (1), the service provider must involve the individual and any representative. But the service provider is not required to involve a representative if—</p> <p>(a) the individual does not wish the representative to be involved, or</p> <p>(b) involving the representative would not be consistent with the individual's well-being.</p>	<ul style="list-style-type: none"> <li>• A summary of the matching and placement procedure is included in the statement of purpose and the service provider's written guide to the service (see regulation 16).</li> <li>• Before agreeing to provide a service the service provider makes an informed decision as to whether or not they can meet the individual's care and support needs. In making this decision the service provider: <ul style="list-style-type: none"> <li>○ takes into account the requirements set out within regulation 10(3);</li> <li>○ consults with the individual and the placing authority (if applicable) to determine what matters to the individual;</li> <li>○ considers any existing care and support plan;</li> <li>○ considers any risks to the individual, the adult placement carer, members of the adult placement carer's family, anyone else living in the household in an adult placement arrangement, and staff; and</li> <li>○ obtains information relating to the individual's specialist needs and requirements in order to confirm these can be met.</li> </ul> </li> <li>• Information obtained is sufficient to enable smooth transition for the individual to the adult placement.</li> <li>• Proper consideration is taken to ensure the individual is matched with a suitable adult placement carer, and consideration is given to the potential impact of the placement on the individual, the adult placement carers and members of the adult placement carer's family.</li> </ul>
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	<ul style="list-style-type: none"><li>• People making these decisions on behalf of the service provider have sufficient responsibility and authority within the organisation to be able to decide whether the service can meet the individual's needs.</li><li>• The individual is able to visit and to stay in the adult placement carer's home on a trial basis before making a decision to be placed. The length of any trial visit is proportionate to the length of placement (short break or long stay) expected. Any trial visit enables the individual to:<ul style="list-style-type: none"><li>○ meet other members of the adult placement carer's household; and</li><li>○ see the home, the room which the individual would occupy, and the local community.</li></ul></li><li>• Where an individual does not have an existing care and support plan - for example individuals who are self-funding their care - an assessment is undertaken prior to agreeing to provide a service, in line with regulation 10(4).</li><li>• Where it is necessary for the service provider to conduct its own assessment of the individual, the provider assessment identifies:<ul style="list-style-type: none"><li>○ the individual's personal outcomes;</li><li>○ the care and support needed to support the individual to achieve their personal outcomes;</li><li>○ their personal preferences (taking into account any religious beliefs) in how these can be achieved; and</li><li>○ any risks to the individual's well-being or risks to the well-being of other members of the household and</li></ul></li></ul>
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	<p>how these will be mitigated.</p> <ul style="list-style-type: none"><li>• Any assessment undertaken is completed in consultation with the individual and/or their representative.</li><li>• Where the adult placement service is undertaking its own assessment of the individual, it ensures staff have the right skills and knowledge to do so, in line with regulation 10(5).</li><li>• Where a placement is made on an emergency basis, every effort should be made to secure as much information as possible (including relevant assessments) prior to placement and to ensure that the service can meet the individual's needs.</li></ul>
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### 1.3 Requirements on service providers as to the steps to be taken on commencement of the provision of care and support (Part 4)

The intent of Part 4 of the Regulations is to ensure that individuals can feel confident that service providers have:

- An agreed carer agreement between service provider and the adult placement carer;
- An agreed individual placement agreement between the service provider, adult placement carer and the individual; and
- An up to date, accurate plan (referred to as personal plan) for how their care is to be provided.

Regulation 11	Guidance
<p><b>Carer agreement</b></p> <p><b>11.—</b>(1) The service provider must not make a placement of an individual with an adult placement carer unless the service provider has entered into a carer agreement with the adult placement carer.</p> <p>(2) The carer agreement must be in writing.</p> <p>(3) A service provider may only enter into one carer agreement with each adult placement carer.</p> <p>(4) The carer agreement must—</p> <p>(a) provide that the parties to the carer agreement undertake their roles in accordance with the policies and procedures of the service.</p> <p>(b) include arrangements to ensure that the premises, facilities and equipment used by adult placement carers are—</p> <p>(i) suitable and safe for the purpose for which they are</p>	<ul style="list-style-type: none"> <li>• The service provider and adult placement carers have an agreed carer agreement in place, which would cover all individuals placed with the carer.</li> <li>• This carer agreement includes, but is not limited to, the following: <ul style="list-style-type: none"> <li>○ the respective roles and responsibilities of the service provider and adult placement carers;</li> <li>○ the policies and procedures an adult placement carer must act in accordance with;</li> <li>○ the arrangements that the service provider will put in place to assess and review the premises, facilities and equipment to be used by the adult placement carer in providing care and support in a possible adult placement;</li> <li>○ any requirements to support an individual to access treatment, advice or any other services from a health</li> </ul> </li> </ul>

<p>intended to be used;</p> <ul style="list-style-type: none"> <li>(ii) used in a safe way;</li> <li>(iii) properly maintained;</li> <li>(iv) kept clean to a standard which is appropriate for the purpose for which they are being used;</li> <li>(v) in the case of equipment, stored appropriately.</li> </ul> <p>(c) include a requirement that the adult placement carer should support the individual to access treatment, advice and other services from any health care professional as necessary.</p> <p>(d) include arrangements to ensure that medicines are stored and administered safely including specifying in what circumstances an adult placement carer may administer or assist in the administration of an individual's medication and the procedures to be adopted in such circumstances;</p> <p>(e) include suitable arrangements to support individuals to manage their money.</p> <p>(5) The service provider must terminate a carer agreement in any case in which the adult placement carer ceases to be fit to be an adult placement carer in accordance with regulation 36.</p> <p>(6) Without prejudice to sub-paragraph (5), the service provider must terminate a carer agreement in any case in which it appears to the service provider that the adult placement carer is not meeting or will not meet their obligations under the carer agreement.</p> <p>(7) The service provider must not terminate a carer agreement without first consulting the adult placement carer, unless it is not reasonably practicable to consult them.</p>	<ul style="list-style-type: none"> <li>care or other professional;</li> <li>○ the arrangements for the safe storage and administration of medicines (where applicable);</li> <li>○ the arrangements to support individuals to manage their money;</li> <li>○ information about the costs payable by the service provider to the adult placement carers; and</li> <li>○ information relating to termination of the carer agreement.</li> </ul> <ul style="list-style-type: none"> <li>● Service providers have effective arrangements in place to monitor and review the obligations placed upon adult placement carers as set out in the carer agreement.</li> <li>● Service providers have effective arrangements in place to ensure adult placement carers take action to comply with the carer agreement where it is identified they are not currently doing so.</li> <li>● Service providers have arrangements in place to ensure the termination of a carer agreement is undertaken in a timely and effective manner. Where a proposed termination affects an existing placement of an individual, the service provider consults with the relevant placing authority.</li> <li>● Where appropriate, service providers ensure adult placement carers have the opportunity to respond to any concerns the service provider may have regarding their fitness to be an adult placement carer, prior to any decision to terminate a placement.</li> </ul>
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Regulation 12	Guidance
<p><b>Individual placement agreement</b></p> <p><b>12.—</b>(1) The service provider must not make a placement of an individual with an adult placement carer unless the service provider has entered into an individual placement agreement with the adult placement carer.</p> <p>(2) There must be an individual placement agreement for each individual to be placed with the adult placement carer.</p> <p>(3) Whenever practicable the individual must be a party to the agreement, and be given a signed copy of the agreement relating to the care and support to be provided to the individual to achieve their personal outcomes.</p> <p>(4) The service provider must include in an individual placement agreement information that enables each party involved in the agreement to understand their roles and responsibilities.</p> <p>(5) The individual placement agreement must also include the following information—</p> <p>(a) whenever practicable, the name of an individual other than a member of staff of the service provider, the responsible individual or the adult placement carer, who with the individual’s express or implied consent takes an interest in the individual’s health and welfare;</p> <p>(b) the room to be occupied by the individual in the adult placement carer’s home;</p> <p>(c) the fees payable in respect of the placement and by whom they are payable;</p> <p>(6) The service provider must put arrangements in place to ensure that individuals receive such support as is necessary to enable them to understand the information contained in any</p>	<ul style="list-style-type: none"> <li>• The adult placement carer and relevant individual using the service are given a copy of the agreement with: <ul style="list-style-type: none"> <li>○ the information which details the service to be provided;</li> <li>○ information about the costs payable by the individual and any other costs covered by the placing authority;</li> <li>○ terms and conditions of the placement including the room to be occupied, housekeeping expectations (including any agreed rules for the individual to follow), termination of contracts, notice period, etc; and</li> <li>○ a list of the service provider’s key policies and procedures and the requirements for all parties to adhere to them.</li> </ul> </li> <li>• Where individuals are paying for their own care in full or partially they or their representatives are provided with a written contract. This includes: <ul style="list-style-type: none"> <li>○ terms and conditions;</li> <li>○ fees, including top ups or any late payment fees;</li> <li>○ arrangements and timescales for notifying individuals of contractual changes; and</li> <li>○ arrangements for how payments are to be made.</li> </ul> </li> <li>• Where a personal plan has been revised to take account of any changing care and support needs of the individual, the individual placement agreement is reviewed and, where appropriate, amended accordingly.</li> </ul>

such agreement.

(7) The service provider must review the adult placement agreement—

- (a) at least once within the first year of the placement;
- (b) whenever a significant alteration is made to the personal plan;
- (c) at the reasonable request of the individual, any representative or the adult placement carer;
- (d) in any event, within a year of the last review.

(8) The service provider must terminate an individual placement agreement in any case in which the adult placement carer ceases to be fit to be an adult placement carer in accordance with regulation 36.

(9) Without prejudice to paragraph (8), the service provider must terminate a carer agreement in any case in which it appears to the service provider that the adult placement carer is not meeting or will not meet their obligations under the individual placement agreement.

(10) The service provider must not terminate a individual placement agreement without first consulting the individual, unless it is not reasonably practicable to consult them.

- The service provider has arrangements in place to review the individual placement agreement in accordance with regulation 12(7). Any review is undertaken involving the individual, the adult placement carers and, where appropriate, with the agreement of the individual, any representative.
- Service providers have effective arrangements in place to monitor and review the obligations placed upon adult placement carers as set out in the individual placement agreement.
- Service providers have effective arrangements in place to ensure adult placement carers take action to comply with the individual placement agreement where it is identified they are not currently doing so.
- Service providers have arrangements in place to ensure the termination of an individual's placement is undertaken in a timely and effective manner.
- Where appropriate, service providers ensure adult placement carers have the opportunity to respond to any concerns the service provider may have regarding the suitability of the placement (including any care and support provided to an individual placed with them), prior to any decision to terminate a placement.
- Adult placement carers and individuals are supported when the placement comes to an end, both when this is planned or in an emergency.

Regulation 13	Guidance
<p><b>Personal plan</b></p> <p><b>13.</b>—(1) The service provider must prepare a plan for the individual which sets out—</p> <ul style="list-style-type: none"> <li>(a) How on a day to day basis the individual’s care and support needs will be met,</li> <li>(b) how the individual will be supported to achieve his or her personal outcomes,</li> <li>(c) the steps which will be taken to mitigate any identified risks to the individual’s well-being, and</li> <li>(d) the steps which will be taken to support positive risk-taking and independence, where it has been determined this is appropriate.</li> </ul> <p>(2) The plan which is required to be prepared under paragraph (1) is referred to in these Regulations as a personal plan.</p> <p>(3) The personal plan must be prepared prior to commencement of the provision of care and support to the individual, unless paragraph (4) applies.</p> <p>(4) This paragraph applies in a case where the individual is in urgent need of care and support and there has been no time to prepare a personal plan prior to the commencement of the provision of care and support to the individual.</p> <p>(5) If paragraph (4) applies, the personal plan must be prepared within 24 hours of the commencement of the provision of care and support to the individual.</p> <p>(6) When preparing a personal plan, the service provider must involve the individual and any representative. But the service provider is not required to involve a representative if—</p> <ul style="list-style-type: none"> <li>(a) the individual does not wish the representative to be</li> </ul>	<ul style="list-style-type: none"> <li>• When a decision is made that the service provider can meet an individual’s care and support needs through an adult placement an initial personal plan is developed, co-produced with the individual, the adult placement carers, the placing authority (if applicable) and any representative (if appropriate) <b>before</b> the individual is placed with the adult placement carer.</li> <li>• In the case of an emergency, the initial personal plan will be in place within 24 hours of the individual being placed with the adult placement carer.</li> <li>• The initial personal plan is reviewed and updated during the first 7 days of commencement of service.</li> <li>• The personal plan will set out: <ul style="list-style-type: none"> <li>○ the actions required to meet the individual’s well-being, care and support needs on a day to day basis. This includes the details of their care needs (including self-medication), their personal preferences and routines for how this will be provided but is not a daily schedule of activities;</li> <li>○ how the individual will be supported to achieve their personal outcomes;</li> <li>○ how the individual’s wishes, aspirations and religious beliefs will be supported;</li> <li>○ steps to identify risks to the individual’s well-being and how this will be managed;</li> <li>○ steps to support positive risk taking; and</li> </ul> </li> </ul>

<p>involved, or</p> <p>(b) involving the representative would not be consistent with the individual's well-being.</p> <p>(7) In preparing the personal plan, the service provider must take into account—</p> <p>(a) the individual's care and support plan,</p> <p>(b) if there is no care and support plan, the provider's assessment under regulation 10(4),</p> <p>(c) any health or other relevant assessments,</p> <p>(d) the individual's views, wishes and feelings,</p> <p>(e) any risks to the individual's well-being, and</p> <p>(f) any risks to the well-being of other individuals to whom care and support is provided in the same accommodation.</p>	<ul style="list-style-type: none"> <li>○ steps to maintain, re-able and/or achieve independence.</li> <li>• When a personal plan is being revised it is co-produced with the individual, the adult placement carers, the placing authority (if applicable) and any representative (if appropriate).</li> <li>• A copy of the personal plan is provided to the individual receiving the service and the adult placement carer, in a language and format appropriate to the individual's needs, age and level of understanding.</li> <li>• Individuals, adult placement carers, the placing authority (if applicable) and any representatives (if appropriate) are informed about how they can access the personal plan.</li> </ul>
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<b>Regulation 14</b>	<b>Guidance</b>
<p><b>Review of personal plan</b></p> <p><b>14.—</b>(1) The individual's personal plan must be reviewed as and when required but at least every three months.</p> <p>(2) Reviews of a personal plan must include a review of the extent to which the individual has been able to achieve their personal outcomes.</p> <p>(3) When carrying out a review under this regulation, the service provider must involve the individual and any representative. But the service provider is not required to involve a representative if—</p>	<ul style="list-style-type: none"> <li>• The personal plan is kept under review and is amended to reflect changes in the individual's care and support needs and personal outcomes.</li> <li>• The plan is reviewed every three months or sooner, if there is a change in the individual's needs, and in line with any reviews undertaken by the placing authority (if applicable).</li> <li>• Reviews are undertaken involving the individual and, where appropriate, with the agreement of the individual, any representative.</li> </ul>

<p>(a) the individual does not wish the representative to be involved, or</p> <p>(b) involving the representative would not be consistent with the individual's well-being.</p> <p>(4) Following the completion of any review required by this regulation, the service provider must consider whether the personal plan should be revised and revise the plan as necessary.</p>	<ul style="list-style-type: none"> <li>• Reviews are proportionate to meet the needs of the individual and the length of placement planned / already undertaken. Reviews are undertaken in a non-formalised / formalised setting depending on the needs of the individual.</li> <li>• Reviews take into account the information recorded by the adult placement carer relating to the individual achieving their personal outcomes. Where this differs significantly from any commissioning body's assessment and care and support plan, the relevant commissioner is notified.</li> </ul>
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<b>Regulation 15</b>	<b>Guidance</b>
<p><b>Records of personal plan</b></p> <p><b>15.</b> The service provider must—</p> <p>(a) keep a record of—</p> <p style="padding-left: 20px;">(i) the personal plan and any revised plan, and</p> <p style="padding-left: 20px;">(ii) the outcome of any review, and</p> <p>(b) give a copy of the personal plan and any revised plan to—</p> <p style="padding-left: 20px;">(i) the individual,</p> <p style="padding-left: 20px;">(ii) any representative, unless this is not appropriate or would be inconsistent with the individual's well-being.</p>	<ul style="list-style-type: none"> <li>• A copy of the personal plan is provided in a format and language appropriate to the individual's needs.</li> <li>• Individuals, the adult placement carers, the placing authority (if applicable) and any representatives are informed about how they can access the personal plan.</li> </ul>

## 1.4 Requirements on service providers as to the information to be provided to individuals on commencement of the provision of care and support (Part 5)

The intent of Part 5 of the Regulations is to ensure that individuals are provided with information about the service to enable them to have a clear understanding of the service.

This should enable individuals, adult placement carers, placing authorities (where applicable) and any representatives to have a good understanding of how the service operates in providing care and support. The written guide also contains the information they need to raise concerns and make complaints to service providers when they are dissatisfied with the service and informs them of how to escalate concerns if they are not satisfied with the response.

Regulation 16	Guidance
<p><b>Information about the service</b></p> <p><b>16.—</b>(1) The service provider must prepare a written guide to the service.</p> <p>(2) The guide must be—</p> <ul style="list-style-type: none"> <li>(a) dated, reviewed at least annually and updated as necessary,</li> <li>(b) in an appropriate language, style, presentation and format, having regard to the statement of purpose for the service,</li> <li>(c) given to all individuals who are receiving care and support,</li> <li>(d) given to all adult placement carers,</li> <li>(e) made available to others on request, unless this is not appropriate or would be inconsistent with the well-being of any individual.</li> </ul> <p>(3) The guide must contain the following information—</p> <ul style="list-style-type: none"> <li>(a) information about how to raise a concern or make a</li> </ul>	<ul style="list-style-type: none"> <li>• A written guide is available to those listed in regulation 16(2)(c)-(e), which provides information about the service.</li> <li>• The guide is in plain language and in a format that reflects the needs, age and level of understanding of those for whom the service is intended. The guide is made available in formats and media accessible and appropriate to the audience. For example, preferred and appropriate language, large print, audio, computerised, visual aids. When required it is explained in the individual’s or adult placement carer’s preferred method of communication.</li> <li>• Where required, individuals or adult placement carers are supported to understand the contents of the guide and what it means for them.</li> <li>• The guide sets out the areas required by regulation 16(3) and in addition includes the following: <ul style="list-style-type: none"> <li>○ arrangements for introducing the individual to the</li> </ul> </li> </ul>

<p>complaint;</p> <p>(b) information about the availability of advocacy services.</p> <p>(4) The service provider must put arrangements in place to ensure that all individuals receive such support as is necessary to enable them to understand the information contained in the guide.</p>	<p>adult placement carer;</p> <ul style="list-style-type: none"> <li>○ the ethos, culture and priorities of the adult placement service including a summary of the statement of purpose;</li> <li>○ the adult placement carer's role in the inspection process by the service regulator;</li> <li>○ how to access the most recent inspection report completed by the service regulator;</li> <li>○ key staff who will be supporting the individual and adult placement carers;</li> <li>○ how to contact the responsible individual;</li> <li>○ arrangements for safeguarding and whistleblowing;</li> <li>○ the complaints procedure and how to make a complaint;</li> <li>○ contact details and role of the Public Service Ombudsman for Wales and service regulator;</li> <li>○ access to, and support to access, relevant advocacy services and other agencies or services, such as primary healthcare services (GP; dentist; optometrist, pharmacist, chiropodist, hospital visits); transport.</li> <li>○ access to, and support to access, relevant digital communication devices and/or assistive technology</li> <li>○ arrangements for contributing views and participation in the running of the service;</li> <li>○ terms and conditions including circumstances in which the placement may cease to be provided and notice periods;</li> <li>○ information about the support available to adult placement carers from the service provider; and</li> <li>○ how individuals or adult placement carers can access their own records.</li> </ul>
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## 1.5 Requirements on service providers as to the standard of care and support to be provided (Part 6)

The intent of Part 6 of the Regulations is to ensure that individuals are provided with the quality care and support they need in order to achieve their best possible well-being outcomes. The service is designed in consultation with the individual and considers their personal wishes, aspirations and outcomes and any risks and specialist needs that inform their needs for care and support.

This includes:

- arrangements for the adult placement carer to meet the individual’s care and support needs and enable the individual to achieve their personal outcomes;
- provision of staff and the selection of adult placement carers with the knowledge, skills and competency to meet the individual’s wellbeing needs; and
- ensuring staff and adult placement carers have the appropriate language and communication skills.

Regulation 17	Guidance
<p><b>Standards of care and support - overarching requirements</b></p> <p><b>17.—</b>(1) The service provider must put arrangements in place to ensure that care and support is provided in a way which protects, promotes and maintains the safety and well-being of individuals.</p> <p>(2) The service provider must put arrangements in place to ensure that care and support is provided to each individual in accordance with the individual’s personal plan.</p> <p>(3) The service provider must put arrangements in place to ensure that care and support is provided in way which—</p> <p>(a) maintains good personal and professional relationships with individuals and staff and adult placement carers; and</p>	<ul style="list-style-type: none"> <li>• The service provider has arrangements in place to ensure care and support is provided to the individual in line with the individual’s personal plan and the individual placement agreement, and the service provider’s statement of purpose.</li> <li>• The service provider’s expectations as to the standards of care and support that an adult placement carer must provide to an individual placed with them are clearly set out in the statement of purpose.</li> <li>• Achievement of the individual’s personal outcomes is supported by policies and procedures of the service provider.</li> <li>• Service providers ensure the service is responsive and</li> </ul>

<p>(b) encourages and assists staff to maintain good personal and professional relationships with individuals and adult placement carers.</p> <p>(4) If, as a result of a change in the individual's assessed needs for care and support, the service provider is no longer able to meet those needs, even after making any reasonable adjustments, the service provider must immediately give written notification of this to the individual, any representative, the adult placement carer and the service commissioner.</p>	<p>proactive in identifying and mitigating risks, and in supporting positive risk-taking and independence where it has been determined this is appropriate.</p> <ul style="list-style-type: none"> <li>• Adult placement carers are supported to seek medical advice and other professional help for an individual (where appropriate). Where necessary, the service provider makes referrals to the placing authority in a timely manner.</li> <li>• Adult placement carers are supported, through supervision and training, to ensure they can provide high quality care and support to meet the individual's care and support needs and to enable them to achieve their personal outcomes. This includes, but is not limited to: <ul style="list-style-type: none"> <li>○ recognising signs of abuse;</li> <li>○ positive behavioural support;</li> <li>○ basic first aid; and</li> <li>○ health promotion.</li> </ul> </li> <li>• Service providers ensure that the support they provide enables adult placement carers to provide good quality care and support for the individuals placed with them in relation to their: <ul style="list-style-type: none"> <li>○ physical, mental and emotional well-being;</li> <li>○ cultural, religious, social or spiritual needs;</li> <li>○ educational, training and recreational needs;</li> <li>○ family and personal relationships;</li> <li>○ ability to control their everyday life and where relevant participation in work;</li> <li>○ intellectual, emotional and behavioural development;</li> </ul> </li> </ul>
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	<ul style="list-style-type: none"> <li>○ rights and entitlements; and</li> <li>○ protection from abuse and neglect.</li> </ul> <ul style="list-style-type: none"> <li>● Adult placement carers are supported to enable the individual to be as independent as possible, including support for self-care such as self medication.</li> <li>● Adult placement carers receive appropriate training to understand behaviours and adopt strategies to support individuals with their behaviours to achieve positive well-being and outcomes.</li> <li>● Adult placement carers are supported to assist the individual to be healthy and active.</li> <li>● Where appropriate, service providers support adult placement carers to ensure individuals receive relevant health checks and are provided support to access ongoing reviews.</li> <li>● Service providers support adult placement carers to ensure that any aids are appropriately maintained so they may be used effectively.</li> </ul>
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<b>Regulation 18</b>	<b>Guidance</b>
<p><b>Information</b></p> <p><b>18.—(1)</b> The service provider must put arrangements in place to ensure that individuals have the information they need to make</p>	<ul style="list-style-type: none"> <li>● Service providers support adult placement carers to ensure individuals can participate in care planning and review during their placement and make decisions about the way care and support is provided to them.</li> </ul>

<p>or participate in assessments, plans and day to day decisions about the way care and support is provided to them and how they are supported to achieve their personal outcomes.</p> <p>(2) Information provided must be available in the appropriate language, style, presentation and format, having regard to—</p> <ul style="list-style-type: none"> <li>(a) the nature of the service as described in the statement of purpose;</li> <li>(b) the level of the individual’s understanding and ability to communicate;</li> </ul> <p>(3) The service provider must put arrangements in place to ensure that the individual receives such support as is necessary to enable them to understand the information provided.</p>	<ul style="list-style-type: none"> <li>• Service providers ensure adult placement carers receive the information they need to provide care and support for the individual on a day to day basis in accordance with the personal plan.</li> <li>• Service providers have arrangements in place to enable individuals to understand the information provided to them.</li> </ul>
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<b>Regulation 19</b>	<b>Guidance</b>
<p><b>Language and communication</b></p> <p><b>19.—</b>(1) The service provider must put arrangements in place to ensure that the language needs of individuals are met.</p> <p>(2) The service provider must put arrangements in place to ensure that individuals and their adult placement carers are provided with access to such aids and equipment as may be necessary to facilitate the individual’s communication with others.</p>	<ul style="list-style-type: none"> <li>• Service providers have arrangements in place to support the adult placement carers with an individual’s specific communication and language needs in line with the statement of purpose. Where necessary this will include putting measures in place to ensure that the individual can communicate meaningfully. This includes: <ul style="list-style-type: none"> <li>○ any training or support, where appropriate, to communicate with the individual in their language of need and/or choice; and</li> <li>○ access, where appropriate, to additional means of communication such as Picture Exchange Communication System (PECS), Treatment and Education of Autistic and related Communication Handicapped Children (TEACCH), Makaton and British Sign Language.</li> </ul> </li> </ul>

	<ul style="list-style-type: none"> <li>• Service providers identify an individual’s communication needs as part of their determination as to whether the service can meet their needs.</li> <li>• Individuals and adult placement carers can understand staff when they communicate with them.</li> <li>• Service providers deliver or work towards actively offering a service in the Welsh language to individuals or adult placement carers whose first language is Welsh.</li> </ul>
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<b>Regulation 20</b>	<b>Guidance</b>
<p><b>Respect and sensitivity</b></p> <p><b>20.</b>—(1) The service provider must put arrangements in place to ensure that individuals are treated with respect and sensitivity.  (2) This includes, but is not limited to,—</p> <ul style="list-style-type: none"> <li>(a) respecting the individual’s privacy and dignity;</li> <li>(b) respecting the individual’s rights to confidentiality;</li> <li>(c) promoting the individual’s autonomy and independence;</li> <li>(d) having regard to any relevant protected characteristics (as defined in section 4 of the Equality Act 2010) of the individual.</li> </ul>	<ul style="list-style-type: none"> <li>• Service providers ensure individuals are aware of their rights and entitlements under the law, and under equality and diversity policies held by the service provider.</li> <li>• Service providers support adult placement carers to ensure that an individual is: <ul style="list-style-type: none"> <li>○ listened to, and communicated with, in a courteous and respectful manner with their care and support being the main focus of the adult placement carer’s attention; and</li> <li>○ treated with respect and feels valued.</li> </ul> </li> <li>• Individuals and adult placement carers are encouraged to contribute their views, if they choose to, on the way in which the service is run.</li> </ul>

## 1.6 Requirements on service providers – Safeguarding (Part 7)

The intent of Part 7 of the Regulations is to ensure that service providers have in place the mechanisms to safeguard vulnerable individuals to whom care and support is provided.

This includes arrangements that:

- support vulnerable individuals using the service;
- support and underpin staff and adult placement carers’ knowledge, understanding and skill in identifying risks and action to take where abuse, neglect or improper treatment is suspected or identified; and
- ensure providers work collaboratively with relevant partners to prevent and take action where abuse, neglect or improper treatment is suspected or identified.

Regulation 21	Guidance
<p><b>Safeguarding – Overarching requirement</b></p> <p><b>21.</b> The service provider must put arrangements in place to ensure that individuals are safe and are protected from abuse, neglect and improper treatment.</p>	<ul style="list-style-type: none"> <li>• When they begin the placement, individuals and their representatives are given information about safeguarding, how to raise a concern and what support is available to enable them to do so.</li> <li>• Staff and adult placement carers can access up to date safeguarding policies and procedures.</li> <li>• Staff and adult placement carers receive training relevant to their role to enable them to understand their responsibility to safeguard and protect vulnerable individuals. This includes both internal and local safeguarding arrangements including how to raise a concern (whistleblowing).</li> <li>• Staff training is ongoing at regular intervals in line with local safeguarding recommendations.</li> </ul>

	<ul style="list-style-type: none"> <li>• Staff are aware of their individual responsibilities for raising concerns to ensure the safety and wellbeing of individuals.</li> <li>• Service providers make provision to support staff raising safeguarding concerns (whistleblowing).</li> <li>• Service providers work in partnership with other relevant professionals and agencies to assess and manage risks to individuals and to participate in the safeguarding process.</li> <li>• Records of safeguarding referrals and outcomes are maintained to enable oversight and scrutiny of safeguarding within the service. Protection of vulnerable individuals must be overseen by the manager and responsible individual and within the governance structure, with arrangements made for oversight at board level.</li> <li>• Service providers ensure outcomes arising from any safeguarding referral are communicated to the individual in a method appropriate to their age and level of understanding taking into account any specific condition and/or communication needs. This is also communicated to any representatives (if appropriate).</li> </ul>
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<b>Regulation 22</b>	<b>Guidance</b>
<p><b>Safeguarding policies and procedures</b></p> <p><b>22.—(1)</b> The service provider must have policies and procedures in place—</p>	<ul style="list-style-type: none"> <li>• There is an up to date safeguarding policy and procedures in place.</li> <li>• Safeguarding policies and procedures are aligned to current legislation, national guidance and local adult safeguarding</li> </ul>

<p>(a) for the prevention of abuse, neglect and improper treatment, and</p> <p>(b) for responding to any allegation or evidence of abuse, neglect or improper treatment.</p> <p>(2) In this regulation, such policies and procedures are referred to as safeguarding policies and procedures.</p> <p>(3) The service provider must put arrangements in place to ensure that their safeguarding policies and procedures are operated effectively.</p> <p>(4) In particular, where there is an allegation or evidence of abuse, neglect or improper treatment, the service provider must—</p> <p>(a) act in accordance with their safeguarding policies and procedures,</p> <p>(b) take immediate action to ensure the safety of all individuals for whom care and support is provided,</p> <p>(c) make appropriate referrals to other agencies, and</p> <p>(d) keep a record of any evidence or the substance of any allegation, any action taken and any referrals made.</p>	<p>procedures.</p> <ul style="list-style-type: none"> <li>• The safeguarding policy and procedures include the individual roles and responsibilities of staff and others working at the service, in identifying, receiving and reporting allegations of abuse, neglect or improper treatment or suspected abuse, neglect or improper treatment. This will include instruction for staff on actions to be taken and mechanisms for referral to the placing authority and other relevant partners and agencies.</li> <li>• The safeguarding policy and procedures include the role and responsibilities of adult placement carers in relation to allegations or disclosures of abuse or improper treatment or suspected abuse or improper treatment by any individual in the adult placement carer’s household. This will include how to report such allegations or disclosures to the service provider, placing authority (where applicable) and other relevant partners and agencies.</li> <li>• Service providers ensure individuals are informed of their right to access independent professional advocacy services</li> </ul>
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<b>Regulation 23</b>	<b>Guidance</b>
<p><b>Supporting individuals to manage their money</b></p> <p><b>23.—</b>(1) The service provider must have a policy and procedures in place about supporting individuals to manage their money and must put arrangements in place to ensure that</p>	<ul style="list-style-type: none"> <li>• Policy and procedures set out arrangements for adult placement carers to support individuals to manage their money. This includes: <ul style="list-style-type: none"> <li>○ how individuals are encouraged and supported to handle their own financial affairs as they wish/where</li> </ul> </li> </ul>

<p>the service is provided in accordance with such policy and procedures.</p> <p>(2) The policy and procedures which are required by this regulation to be in place must set out the steps which are to be taken to support individuals to manage their own money and to protect individuals from financial abuse.</p> <p>(3) The service provider must ensure so far as practicable that persons working at the service and adult placement carers do not act as the agent of an individual.</p>	<ul style="list-style-type: none"> <li>possible;</li> <li>○ how individuals will be supported, including opening and managing individual bank accounts, budgeting and making spending decisions, where appropriate; and</li> <li>○ how individuals are supported to understand and manage any associated risks.</li> </ul> <ul style="list-style-type: none"> <li>● Adult placement carers are supported with arrangements to enable individuals to access independent support and advice (including advocacy) concerning their financial affairs.</li> <li>● Staff or others working at the service or adult placement carers involved with the service do not act as agents (to act on behalf of the individual) for the individual unless they have the lawful authority to do so.</li> </ul>
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<b>Regulation 24</b>	<b>Guidance</b>
<p><b>The appropriate use of control and restraint</b></p> <p><b>24.—</b>(1) The service provider must have a policy and procedures in place on the use of control or restraint.</p> <p>(2) The policy and procedures must prohibit care and support being provided by the adult placement carer in a way which includes acts intended to control or restrain an individual unless those acts—</p> <p>(a) are necessary to prevent a risk of harm posed to the individual or another individual or likely serious damage</p>	<ul style="list-style-type: none"> <li>● Service providers have a policy and procedures in place on the appropriate use of control and restraint. This sets out: <ul style="list-style-type: none"> <li>○ the requirement on adult placement carers for any use of control or restraint to adhere to current national guidance and legislation; and</li> <li>○ the requirement for training in any methods of control or restraint to be undertaken prior to the use of any such control or restraint.</li> </ul> </li> </ul>

to property, and

(b) are a proportionate response to such a risk.

(3) The policy and procedures must require an adult placement carer to be trained in the method of control or restraint used.

(4) The service provider must ensure that any control or restraint used by the adult placement carers is carried out in accordance with these policies and procedures.

(5) The service provider must make a record of any incident in which control or restraint is used immediately after being notified by the adult placement carer.

(6) The policy and procedures must require an adult placement carer to notify the service provider of any incident in which control or restraint is used within 24 hours of the incident.

(7) For the purposes of this regulation, a person controls or restrains an individual if that person—

(a) uses, or threatens to use, force to secure the doing of an act which the individual resists, or

(b) restricts the individual's liberty of movement, whether or not the individual resists, including by the use of physical, mechanical or chemical means.

- Service providers ensure a positive and constructive approach is adopted by adult placement carers to support an individual's behaviour, Any approach to support the individual's behaviour is consistent with:
  - meeting the individual's needs for care and support; and
  - the wellbeing of other family members for whom care and support is provided.
- Staff and adult placement carers are aware of, understand and follow the policy and procedures on the appropriate use of control and restraint.
- Adult placement carers receive behavioural support training that is relevant to their role to make sure any control or restraint practices are only used proactively and when absolutely necessary, in line with current national guidance.
- Staff and adult placement carers are kept up to date on the policy and procedures in line with any changes to guidance and legislation.
- Service providers ensure arrangements are in place so that whenever adult placement carers are using forms of control or restraint, providers are able to check that it:
  - is used as part of a proactive approach to behavioural support;
  - is proportionate to the risk of harm and the seriousness of that harm to the individual placed by the service or another person;

	<ul style="list-style-type: none"> <li>○ takes account of the assessment of the individual's needs and their capacity to consent to such treatment; and</li> <li>○ follows current legislation and guidance.</li> <li>● Service providers regularly monitor and review the approach to, and use of, control or restraint used by adult placement carers and report on this within their governance framework. This include: <ul style="list-style-type: none"> <li>○ the details of the incident and actions taken in response; and</li> <li>○ sufficient detail to enable analysis and review of the individual's care and support needs as well as to inform wider review of service provision.</li> </ul> </li> <li>● Service providers have arrangements in place to ensure incidents of control and restraint are recorded and reported to them by adult placement carers within 24hrs.</li> <li>● Records of the use of control and restraint are reviewed and reported upon within the quality of care review.</li> </ul>
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<b>Regulation 25</b>	<b>Guidance</b>
<p><b>Deprivation of liberty</b></p> <p><b>25.</b> An individual must not be deprived of his or her liberty for the purpose of receiving care and support without lawful authority.</p>	<ul style="list-style-type: none"> <li>● Service providers act at all times in accordance with the Mental Capacity Act 2005 and Deprivation of Liberty Safeguards as well as the Code of Practice to the Mental Capacity Act 2005 and supplementary Code of Practice for Deprivation of Liberty Safeguards.</li> </ul>

	<ul style="list-style-type: none"> <li>• Staff and, where relevant, adult placement carers are trained at appropriate intervals and in line with any changes to legislation and guidance to understand their responsibility under the Mental Capacity Act 2005 and the Deprivation of Liberty Safeguards.</li> </ul>
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## Regulation 26

**Interpretation of Part 7**

**26.** In this Part—

“abuse” (*camdriniaeth*) means physical, sexual, psychological, emotional or financial abuse.

“financial abuse” (*camdriniaeth ariannol*) includes—

- having money or other property stolen;
- being defrauded;
- being put under pressure in relation to money or other property;
- having money or other property misused.

“harm” (*niwed*) means abuse or the impairment of—

- physical or mental health, or
- physical, intellectual, emotional, social or behavioural development.

“improper treatment” (*triniaeth amhriodol*) includes discrimination or unlawful restraint, including inappropriate deprivation of liberty under the terms of the Mental Capacity Act 2005(4).

“neglect” (*esgeulustod*) has the same meaning as in section 197(1) of the 2014 Act.

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4 2005 c. 9.

## 1.7 Requirements on service providers as to staffing (Part 8)

The intent of Part 8 of the Regulations is to ensure that individuals and adult placement carers are supported by appropriate numbers of staff who have the knowledge, competence, skills and qualifications to provide the service in a way which helps to achieve the individual’s personal outcomes.

Service providers have in place:

- policies and procedures for recruitment;
- rigorous practices for recruiting and vetting staff;
- a structure of management and staffing that supports the statement of purpose; and
- a management structure, systems and processes for induction, ongoing supervision, training and development of staff.

Regulation 27	Guidance
<p><b>Staffing - overarching requirements</b></p> <p><b>27.—</b>(1) The service provider must ensure that at all times a sufficient number of suitably qualified, trained, skilled, competent and experienced staff are deployed to work at the service, having regard to—</p> <ul style="list-style-type: none"> <li>(a) the statement of purpose for the service;</li> <li>(b) the requirement to support individuals to achieve their personal outcomes;</li> <li>(c) the requirements of the regulations in Parts 2 to 11;</li> <li>(d) the requirement to support and supervise adult placement carers in providing care and support.</li> </ul> <p>(2) The service provider must ensure that suitable arrangements are made for the support and development of staff.</p>	<ul style="list-style-type: none"> <li>• Service providers have a demonstrable, measurable and systematic approach to determining the number of staff and range of skills/qualifications required for the reliable provision of support to meet the needs of individuals and adult placement carers using the service. This considers, but is not limited to: <ul style="list-style-type: none"> <li>○ the statement of purpose;</li> <li>○ the care and support needs of the individual; and</li> <li>○ supporting and supervising adult placement carers in providing care and support to an individual.</li> </ul> </li> <li>• Staffing levels and skill mix are reviewed continuously and adapted to respond to the changing needs of the service.</li> </ul>

	<ul style="list-style-type: none"> <li>• Arrangements are in place to cover staff sickness or absence to ensure individuals and adult placement carers are supported appropriately.</li> <li>• There are procedures to follow in the case of an emergency that make sure sufficient and suitable staff are deployed to cover both the emergency and the routine work of the service.</li> </ul>
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<b>Regulation 28</b>	<b>Guidance</b>
<p><b>Fitness of staff</b></p> <p><b>28.—</b>(1) The service provider must not—</p> <ul style="list-style-type: none"> <li>(a) employ a person under a contract of employment to work at the service unless that person is fit to do so;</li> <li>(b) allow a volunteer to work at the service unless that person is fit to do so;</li> <li>(c) allow any other person to work at the service in a position in which he or she may in the course of his or her duties have regular contact with individuals who are receiving care and support unless that person is fit to do so.</li> </ul> <p>(2) For the purposes of paragraph (1), a person is not fit to work at the service unless—</p> <ul style="list-style-type: none"> <li>(a) the person is of suitable integrity and good character;</li> <li>(b) the person has the qualifications, skills, competence and experience necessary for the work he or she is to perform;</li> <li>(c) the person is able by reason of their health, after reasonable adjustments are made, of properly performing the tasks which are intrinsic to the work for which he or she is employed or engaged;</li> </ul>	<ul style="list-style-type: none"> <li>• Service providers have rigorous selection and vetting systems in place to enable them to make a decision on the appointment or rejection of all staff and volunteer applicants. This includes the information set out in Schedule 1 of the Regulations. This also includes checking the veracity of references and employment.</li> <li>• Where agency staff are deployed service providers ensure that they are subject to the same checks as permanently employed staff and have evidence to demonstrate that the checks have been undertaken. This may include confirmation and checklists supplied by any agency, where sufficiently reliable and robust</li> <li>• Positive consideration is given to involving individuals using the service, any representatives and adult placement carers in the recruitment of new staff.</li> <li>• Service providers have a process in place to check that staff have appropriate and current registration with a professional</li> </ul>

<p>(d) the person has provided full and satisfactory information or documentation, as the case may be, in respect of each of the matters specified in Schedule 1 and this information or documentation is available from the service provider for inspection by the service regulator;</p> <p>(e) where the person is employed by the service provider to manage the service, from 1 April 2022 the person is registered as a social care manager with SCW (5);</p> <p>(3) An appropriate DBS certificate must be applied for by, or on behalf of the service provider, for the purpose of assessing the suitability of a person for a post referred to in paragraph (1). But this requirement does not apply if the person working at the service is registered with the Disclosure and Barring Service update service (referred to in this regulation as the DBS update service).</p> <p>(4) Where a person being considered for a post referred to in paragraph (1) is registered with the DBS update service, the service provider must check the person’s DBS certificate status for the purpose of assessing the suitability of that person for that post.</p> <p>(5) Where a person appointed to a post referred to in paragraph (1) is registered with the DBS update service, the service provider must check the person’s DBS certificate status at least annually.</p> <p>(6) Where a person appointed to a post referred to in paragraph (1) is not registered with the DBS update service, the service provider must apply for a new DBS certificate in respect of that person within three years of the issue of the certificate applied for in accordance with paragraph (3) and thereafter further such applications must be made at least every three years.</p> <p>(7) If any person working at the service is no longer fit to work at the service as a result of one or more of the requirements in paragraph (2) not being met, the service provider must—</p> <p>(a) take necessary and proportionate action to ensure that the</p>	<p>regulator where required or, where applicable, an accredited voluntary register.</p> <ul style="list-style-type: none"> <li>• Having considered all the information available, service providers will determine whether the individual has the necessary skills, qualifications and good character to undertake the role for which they are employed/deployed.</li> <li>• Where staff (including volunteers) no longer meet the required fitness criteria set out in regulation 28(2), service providers take appropriate and timely action to ensure that individuals are not placed at risk. For example this may include: <ul style="list-style-type: none"> <li>○ coaching and mentoring;</li> <li>○ providing additional training and supervision; and</li> <li>○ the use of disciplinary procedures.</li> </ul> </li> <li>• Service providers ensure staff comply with the requirements of their professional codes of practice and, where appropriate, providers make referrals to the relevant professional bodies for staff whose fitness to practise is brought into question.</li> <li>• Where there are concerns that a member of staff has abused an individual or placed an individual at risk of abuse, the Disclosure and Barring Service and any relevant professional registration body are notified by the service provider without delay.</li> </ul>
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<sup>5</sup> See section 67(3) of the Act for the definition of Social Care Wales as “SCW”.

<p>relevant requirements are complied with;</p> <p>(b) where appropriate, inform—</p> <p style="padding-left: 20px;">(i) the relevant regulatory or professional body;</p> <p style="padding-left: 20px;">(ii) the Disclosure and Barring Service.</p>	
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<b>Regulation 29</b>	<b>Guidance</b>
<p><b>Supporting and developing staff</b></p> <p><b>29.—</b>(1) The service provider must have a policy in place for the support and development of staff.</p> <p>(2) The service provider must ensure that any person working at the service (including a person allowed to work as a volunteer) —</p> <p style="padding-left: 20px;">(a) receives an induction appropriate to their role;</p> <p style="padding-left: 20px;">(b) is made aware of his or her own responsibilities and those of other staff.</p> <p style="padding-left: 20px;">(c) receive appropriate supervision and appraisal;</p> <p style="padding-left: 20px;">(d) receive core training appropriate to the work to be performed by them;</p> <p style="padding-left: 20px;">(e) receive specialist training as appropriate;</p> <p style="padding-left: 20px;">(f) receive support and assistance to obtain such further training as is appropriate to the work they perform.</p> <p>(3) The service provider must ensure that any person employed to work at the service is supported to maintain their registration with the appropriate regulatory or occupational body.</p>	<ul style="list-style-type: none"> <li>• Service providers ensure they have an induction programme that equips all new staff (including volunteers) to be confident in their roles and practice and enables them to make a positive contribution to the well-being of individuals using the service.</li> <li>• Social care workers complete the relevant induction programme required by SCW within the defined timescales alongside any service-specific areas Induction programmes.</li> <li>• Staff have access to copies of any relevant codes of professional practice and practice guidance, including, any issued by SCW. The standards specified in these codes and practice guidance are actively promoted.</li> <li>• Where agency staff are deployed an introduction to the service is provided which includes, but is not limited to: <ul style="list-style-type: none"> <li>○ the statement of purpose;</li> <li>○ core policies and procedures; and</li> <li>○ management and supervision arrangements.</li> </ul> </li> <li>• Staff receive supervision in their role to help them reflect on their practice and to make sure their professional</li> </ul>

competence is maintained. This includes feedback about their performance from individuals and adult placement carers using the service.

- Staff meet for one to one supervision with their line manager or equivalent officer, or a more senior member of staff, no less than quarterly.
- All staff have an annual appraisal which provides feedback on their performance and identifies areas for training and development in order to support them in their role.
- Additional training, learning and development needs of individual staff members are identified within the first month of employment and reviewed through the supervision and appraisal process.
- Staff are supported to undertake training, learning and development to enable them to fulfil the requirements of their role and meet the needs of individuals using the service and adult placement carers.
- Service providers undertake an annual (or more frequently if required) training needs analysis to ensure that staff have the relevant skills and competence to meet the needs of individuals in accordance with the statement of purpose for the service.
- Service providers maintain a written record of all training and supervision Undertaken, or to be undertaken, by staff.
- Service providers support all staff to complete, where

	<p>appropriate:</p> <ul style="list-style-type: none"> <li>○ core training;</li> <li>○ necessary qualifications that would enable them to continue to perform their role;</li> <li>○ training and activities required for continuing professional development;</li> <li>○ other training deemed appropriate by the service provider; and</li> <li>○ core and specialist training for their role identified by SCW.</li> </ul>
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<b>Regulation 30</b>	<b>Guidance</b>
<p><b>Compliance with employer’s code of practice</b></p> <p><b>30.</b> The service provider must adhere to the code of practice on the standards of conduct and practice expected of persons employing or seeking to employ social care workers<sup>(6)</sup>, which is published by Social Care Wales under section 112(1)(b) of the Act.</p>	<ul style="list-style-type: none"> <li>• Service providers have a clear understanding of their role and responsibilities in relation to the Code of Practice for Employers of Social Care Staff (SCW publication) and/or other codes of practice applicable to employers which may be issued by SCW from time to time.</li> </ul>

<b>Regulation 31</b>	<b>Guidance</b>
<p><b>Information for staff</b></p> <p><b>31.—(1)</b> The service provider must ensure that all persons</p>	<ul style="list-style-type: none"> <li>• Service providers compile and make available information for staff in line with the statement of purpose. This includes information about the following matters:</li> </ul>

<sup>6</sup> As defined in section 79 of the Act.

working at the service (including any person allowed to work as a volunteer) are provided with information about the service and the way it is provided.

(2) The service provider must ensure that there are arrangements in place to make staff aware of any codes of practice about the standards of conduct expected of social care workers, which is to be published by SCW under section 112(1)(a) of the Act.

- the ethos and culture of the service;
- the conduct expected of staff and others working at the service;
- the roles and responsibilities of staff and others working at the service;
- the policies and procedures of the service;
- record keeping requirements;
- confidentiality and data protection requirements;
- disciplinary procedures;
- arrangements for reporting concerns; and
- arrangements for lone working.

- Service providers ensure staff have access to and understand up to date copies of all relevant policies, procedures and codes of practice. Service providers ensure staff have read these during the induction period and test staff members' ongoing understanding through supervision and performance reviews.
- Service providers ensure staff undertake their duties in line with the requirements of the policies and procedures.
- All staff are provided with a written job description which states clearly their responsibilities, the duties currently expected of them and their line of accountability.
- Regular staff meetings take place (a minimum of six meetings per year), the issues discussed are recorded and appropriate actions are taken as a result.

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(7) As defined in section 79 of the Act

Regulation 32	Guidance
<p><b>Disciplinary procedure</b></p> <p><b>32.—</b>(1) The service provider must put in place and operate a disciplinary procedure.</p> <p>(2) The disciplinary procedure must include—</p> <ul style="list-style-type: none"> <li>(a) provision for the suspension, and the taking of action short of suspension, of an employee, in the interests of the safety or well-being of people using the service;</li> <li>(b) provision that a failure on the part of an employee to report an incident of abuse, or suspected abuse, to an appropriate person, is grounds on which disciplinary proceedings may be instituted.</li> </ul> <p>(3) For the purpose of paragraph (2)(b), an appropriate person is—</p> <ul style="list-style-type: none"> <li>(a) the service provider,</li> <li>(b) the responsible individual,</li> <li>(c) an officer of the service regulator,</li> <li>(d) an officer of the local authority for the area in which the service is provided,</li> <li>(e) in the case of an incident of abuse or suspected abuse of a child, an officer of the National Society for the Prevention of Cruelty to Children, or</li> <li>(f) a police officer.</li> </ul>	<ul style="list-style-type: none"> <li>• Service providers have a disciplinary procedure, in line with employment law, to deal with employee performance and conduct. This includes: <ul style="list-style-type: none"> <li>○ information about what is acceptable and unacceptable behaviour and what action will be taken if there are concerns about staff behaviour; and</li> <li>○ the arrangements for a member of staff to be suspended (or transferred to other duties) pending the investigation of any allegations of serious misconduct, including allegations of abuse or serious concerns relating to the safety or well-being of individuals.</li> </ul> </li> <li>• Where the service provider is undertaking disciplinary action against any employee and the employee leaves prior to the completion of the disciplinary process. consideration is given to whether a referral to the police, Disclosure and Barring Service, SCW or any other professional body is appropriate.</li> <li>• Where a volunteer’s fitness to practise is in question, due to any alleged misconduct/lack of capability of a concerning nature, the service provider takes appropriate and timely action. For example this may include: <ul style="list-style-type: none"> <li>○ providing additional training and supervision;</li> <li>○ termination of the volunteer arrangements; and</li> <li>○ referral to the Disclosure and Barring Service or police, where appropriate.</li> </ul> </li> <li>• Service providers ensure staff are aware of and understand</li> </ul>

	<p>the relevant disciplinary procedures and grievance procedures.</p> <ul style="list-style-type: none"><li>• A written report of any disciplinary investigations and action taken is kept on the employee's file in line with employment and data protection legislation.</li></ul>
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## 1.8 Requirements on service providers as to adult placement carers (Part 9)

The intent of Part 9 of the Regulations is to ensure that adult placement carers are supported effectively by service providers in order that they can meet the care and support needs of individual's placed with them.

Service providers have in place:

- underpinning policies and procedures for recruitment and training;
- rigorous practices for recruiting and vetting adult placement carers;
- arrangements to enable effective relationships between the service provider and the adult placement carers, and
- arrangements to ensure adult placement carers have the information they need to provide care and support.

Regulation 33	Guidance
<p><b>Recruitment and training of adult placement carers</b></p> <p><b>33.—</b>(1) The service provider must have policies and procedures in place for the recruitment and training of adult placement carers.</p> <p>(2) The service provider must put arrangements in place to ensure that adult placement carers receive adequate training so as to assist them to provide high quality care and support for individuals in accordance with the personal plan and to support each individual to achieve their personal outcomes.</p>	<ul style="list-style-type: none"> <li>• Service providers have policies and procedures for recruiting and training adult placement carers to meet the needs of individuals for whom it aims to provide a service.</li> <li>• Service providers ensure those who are interested in becoming adult placement carers are treated fairly, without prejudice, openly and with respect. Enquiries are dealt with courteously and efficiently by staff who have the necessary knowledge and skills.</li> <li>• Prospective adult placement carers are provided with timely and relevant information following their initial enquiry and are kept informed about the progress of any subsequent recruitment process.</li> </ul>

	<ul style="list-style-type: none"><li>• The recruitment process is set out clearly to prospective adult placement carers, including:<ul style="list-style-type: none"><li>○ the qualities, skills or aptitudes being sought or to be achieved;</li><li>○ the standards to be applied in the assessment;</li><li>○ the stages and content of the selection process and the possible timescales involved; and</li><li>○ the information to be given to applicants.</li></ul></li><li>• Service providers ensure adult placement carers who have been recruited by the service receive training in line with these Regulations in order to meet the care and support needs of any individuals placed with them.</li><li>• Service providers ensure adult placement carers receive the training necessary to enable them to provide care and support to any individual placed with them in accordance with the individual's personal plan. Specific areas of training are set out in these Regulations.</li><li>• Service providers ensure any training provided (induction, ongoing or otherwise), to adult placement carers is in line with national guidance.</li><li>• Service providers have arrangements in place to monitor and review the training provided to adult placement carers and their ability to provide high quality support and care. This feeds into the Quality of Care review.</li></ul>
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Regulation 34	Guidance
<p><b>Effective relationships</b></p> <p><b>34.</b> The service provider must —</p> <ul style="list-style-type: none"> <li>(a) maintain good professional relationships with an adult placement carer; and</li> <li>(b) encourage and assist an adult placement carer to maintain good personal relationships with individuals.</li> </ul>	<ul style="list-style-type: none"> <li>• Service providers have arrangements in place to supervise the adult placement carer and the individual that has been placed with them.</li> <li>• Service providers support adult placement carers to develop and maintain a positive relationship with the individual placed with them.</li> </ul>
Regulation 35	Guidance
<p><b>Support and information for adult placement carers</b></p> <p><b>35.</b> The service provider must put arrangements in place to ensure that an adult placement carer has the information they need to provide care and support to individuals to achieve their personal outcomes.</p>	<ul style="list-style-type: none"> <li>• Service providers ensure adult placement carers receive the support and information necessary to enable them to provide care and support to an individual placed with them in accordance with the individual’s personal plan. Specific areas of support and information are set out in these Regulations.</li> <li>• Service providers have arrangements in place to monitor and review the support and information provided to adult placement carers. This feeds into the quality of care review.</li> <li>• Service providers ensure adult placement carers receive induction training which includes, but is not limited to: <ul style="list-style-type: none"> <li>○ the statement of purpose; and</li> <li>○ core policies and procedures.</li> </ul> </li> <li>• Adult placement carers receive feedback, where available, during or following completion of any placement.</li> </ul>

	<ul style="list-style-type: none"> <li>• Adult placement carers are supported to undertake relevant training to enable them to fulfil the requirements of their role.</li> <li>• Service providers ensure adult placement carers are aware of the support available to them during any allegations / complaints made against them.</li> <li>• Service providers have arrangements in place to support adult placement carers outside of standard office hours, and adult placement carers are familiar with these arrangements.</li> </ul>
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<b>Regulation 36</b>	<b>Guidance</b>
<p><b>Fitness of adult placement carers</b></p> <p><b>36.—</b>(1) The service provider must not enter into an carer agreement with an adult placement carer unless the carer is fit to be a carer.</p> <p>(2) For the purposes of paragraph (1), a person is not fit to be an adult placement carer unless—</p> <ul style="list-style-type: none"> <li>(a) the person is of suitable integrity and good character;</li> <li>(b) the person has the qualifications, skills, competence and experience necessary for the work he or she is to perform;</li> <li>(c) the person is able by reason of their health, after reasonable adjustments are made, of properly performing the tasks which are intrinsic to the work for which he or she is engaged;</li> <li>(d) the person has provided full and satisfactory information or documentation, as the case may be, in respect of each</li> </ul>	<ul style="list-style-type: none"> <li>• Service providers have rigorous selection and vetting systems in place to enable them to make a decision on the approval of a person to be an adult placement carer. This includes the information set out in schedule 1 of the Regulations.</li> <li>• Having considered all the information available service providers should determine whether the person being considered to be an adult placement carer has the necessary skills, experience and character to undertake the role of an adult placement carer.</li> <li>• Where an adult placement carer no longer meets the required fitness criteria set out in regulation 36(2), service providers take appropriate and timely action in line with regulation 36(7) to ensure that individuals are not placed at risk. For example this may include providing additional training and supervision.</li> </ul>

of the matters specified in Schedule 1 and this information or documentation is available from the service provider for inspection by the service regulator;

(3) The certificate referred to in paragraphs 2 and 3 of Schedule 1 (referred to in this regulation as a DBS certificate) must be applied for by, or on behalf of the service provider, for the purpose of assessing the suitability of a person to be an adult placement carer. But this requirement does not apply if the adult placement carer is registered with the Disclosure and Barring Service update service (referred to in this regulation as the DBS update service).

(4) Where a person being considered to be an adult placement carer is registered with the DBS update service, the service provider must check the person's DBS certificate status for the purpose of assessing the suitability of that person to be an adult placement carer.

(5) Where a person approved to be an adult placement carer is registered with the DBS update service, the service provider must check the person's DBS certificate status at least annually.

(6) Where a person approved to be an adult placement carer is not registered with the DBS update service, the service provider must apply for a new DBS certificate in respect of that person within three years of the issue of the certificate applied for in accordance with paragraph (3) and thereafter further such applications must be made at least every three years.

(7) If an adult placement carer is no longer fit to be an adult placement carer as a result of one or more of the requirements in paragraph (2) not being met, the service provider must—

- (a) take necessary and proportionate action to ensure that the relevant requirements are complied with;
- (b) where appropriate, inform the Disclosure and Barring Service.

- Where there are concerns that an adult placement carer has abused an individual or placed an individual at risk of abuse, the Disclosure and Barring Service are notified by the service provider without delay.

## 1.9 Requirements on service providers as to premises, facilities and equipment (Part 10)

The intent of Part 10 of the Regulations set out the requirements for service providers to ensure that an individual’s care and support is provided in a location and environment and, where relevant, with any facilities and equipment that promotes achievement of their personal outcomes.

This includes:

- ensuring that systems and processes are in place which promote a safe and high quality environment in which the service is provided; and
- arrangements to ensure that the premises and where relevant any facilities and equipment, used by adult placement carers are safe and suitable to meet the care and support needs of the individual.

Regulation 37	Guidance
<p><b>Overarching requirement</b></p> <p><b>37.</b> The service provider must ensure that the premises, facilities and equipment are suitable for the service, having regard to the statement of purpose for the service.</p>	<ul style="list-style-type: none"> <li>• The location, design and size of the premises are suitable for the service as described in the statement of purpose.</li> </ul>
Regulation 38	Guidance
<p><b>Adequacy of Premises</b></p> <p><b>38.</b> The service provider must ensure that the premises used for the operation of the service have adequate facilities for—</p> <ul style="list-style-type: none"> <li>(a) the supervision of staff;</li> <li>(b) the secure storage of records.</li> </ul>	<ul style="list-style-type: none"> <li>• Service providers have a suitable space within the premises, such as a shared meeting room, to provide privacy for the supervision of staff.</li> <li>• Records are stored securely in line with legislative requirements.</li> </ul>

Regulation 39	Guidance
<p><b>Premises, facilities and equipment- adult placement carers</b></p> <p><b>39.</b> The service provider must have arrangements in place, to ensure that the premises, facilities and equipment used by adult placement carers to meet the needs of individuals are—</p> <ul style="list-style-type: none"> <li>(a) suitable and safe for the purpose for which they are intended to be used;</li> <li>(b) used in a safe way;</li> <li>(c) properly maintained;</li> <li>(d) kept clean to a standard which is appropriate for the purpose for which they are being used;</li> <li>(e) in the case of equipment, stored appropriately.</li> </ul>	<ul style="list-style-type: none"> <li>• Service providers have arrangements in place to monitor the premises, facilities and equipment used by adult placement carers in providing care and support to an individual placed with them.</li> <li>• Service providers ensure that adult placement carers' premises are suitable for the placement; accessible, safe and well-maintained, and meet the individual's care and support needs in a comfortable and homely way. This includes ensuring premises are comfortable, clean and provide sufficient and suitable light, and heat and ventilation is accessible.</li> <li>• Adult placement carers' premises have suitable access to local amenities, local transport and relevant support services, to suit the needs of the individual.</li> <li>• Adult placement carers' premises are fully accessible to individuals who are wheelchair users, where relevant. This includes level access into the home and wide doorways into communal areas, the individual's room, any bathing and toilet facilities and any other spaces to which wheelchair users have access.</li> </ul>

## 1.10 Other requirements on service providers (Part 11)

The intent of Part 11 of the Regulations is to ensure that individuals are protected by a service that works proactively to support and safeguard their rights and well-being by:

- maintaining accurate records which are available to them and their representatives;
- promoting an open and transparent service by publishing an accessible complaints policy and procedures;
- supporting staff to raise concerns about the service through whistleblowing procedures; and
- demonstrating learning from concerns and complaints to improve the service.

Regulation 40	Guidance
<p><b>Records</b></p> <p><b>40.</b>—(1) The service provider must keep and maintain the records specified in Schedule 2 in respect of each place from which the service is provided.</p> <p>(2) The service provider must—</p> <ul style="list-style-type: none"> <li>(a) ensure that records relating to individuals are accurate and up to date;</li> <li>(b) keep all records securely;</li> <li>(c) make arrangements for the records to continue to be kept securely in the event the service closes;</li> <li>(d) make the records available to the service regulator on request;</li> <li>(e) retain records relating to individuals for three years from the date of the last entry;</li> <li>(f) ensure that individuals who use the service— <ul style="list-style-type: none"> <li>(i) can have access to their records; and</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• There is a policy and procedures for the recording and management of case records.</li> <li>• Staff are aware of the policy and have a clear understanding of the procedures for recording and managing records. This includes training in information security and action to be taken where personal information is compromised.</li> <li>• Adult placement carers are aware of the policy and procedures for recording and managing records. Adult placement carers understand what information they need to pass to the service provider about the individual.</li> <li>• Service providers maintain all the records required for the protection of individuals and the effective running of the service as specified by Schedule 2 of the Regulations.</li> <li>• All records are secure, up to date and in good order. They</li> </ul>

<p>(ii) are made aware they can access their records.</p>	<p>are prepared, maintained and used in accordance with data protection legislation and other statutory requirements.</p> <ul style="list-style-type: none"> <li>• Records are stored securely including electronic records which are password protected.</li> <li>• Individuals, adult placement carers, and staff are given access to any records and information about them held by service providers in accordance with current legal requirements.</li> </ul>
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<b>Regulation 41</b>	<b>Guidance</b>
<p><b>Notifications</b></p> <p><b>41.</b>—(1) The service provider must notify the service regulator of the events specified in Schedule 3.  (2) The notification must include details of the event.  (3) Unless otherwise stated, notifications must be made without delay and in writing.  (4) Notifications must be made in such manner and in such form as may be required by the service regulator.</p>	<ul style="list-style-type: none"> <li>• Service providers have appropriate arrangements in place for the notification of the events listed Schedule 3 of the Regulations to be made to the service regulator.</li> <li>• Notifications are made without delay, usually within 24 hours of the event occurring.</li> </ul>

<b>Regulation 42</b>	<b>Guidance</b>
<p><b>Conflicts of interest</b></p> <p><b>42.</b> The service provider must have effective arrangements in place to identify, record and manage potential conflicts of interest.</p>	<ul style="list-style-type: none"> <li>• Service providers maintain appropriate systems and take all reasonable steps to make sure actual or perceived conflicts of interests are identified, prevented and recorded in an open way.</li> </ul>

Regulation 43	Guidance
<p><b>Complaints policy and procedures</b></p> <p><b>43.—</b>(1) The service provider must have a complaints policy in place and ensure that the service is operated in accordance with that policy.</p> <p>(2) The complaints policy must include procedures for considering complaints made to the service provider by adult placement carers about—</p> <p>(a) the provider, and</p> <p>(b) any other matter considered by the provider to be relevant</p> <p>(3) The service provider must have effective arrangements in place for dealing with complaints including arrangements for—</p> <p>(a) identifying and investigating complaints;</p> <p>(b) giving an appropriate response to a person who makes a complaint, if it is reasonably practicable to contact that person;</p> <p>(c) ensuring that appropriate action is taken following an investigation;</p> <p>(d) keeping records relating to the matters in sub-paragraphs (a) to (c).</p> <p>(4) The service provider must provide a summary of complaints, responses and subsequent action to the service regulator within 28 days of being requested to do so.</p> <p>(5) The service provider must—</p> <p>(a) analyse information relating to complaints and concerns; and</p> <p>(b) having regard to that analysis, identify any areas for improvement.</p>	<ul style="list-style-type: none"> <li>• There is a complaints policy in place. This includes details of the procedures as set out in regulation 43.</li> <li>• Service providers have an accessible complaints policy which includes, where appropriate, the use of an informal resolution stage and explains: <ul style="list-style-type: none"> <li>○ who can make a complaint and in relation to what;</li> <li>○ who to approach to discuss a concern/complaint;</li> <li>○ how individuals and adult placement carers can be supported to make a complaint;</li> <li>○ information about accessing independent advocacy, where available;</li> <li>○ how complaints will be dealt with; and</li> <li>○ the stages and timescales for the process</li> </ul> </li> <li>• The policy is in an easy to read format, well publicised, readily available and accessible to individuals using the service, any representative and adult placement carers.</li> <li>• Information about other avenues for complaint is included to support complainants if they are not satisfied with the service provider’s action. For example, information about the complaints procedure of the placing authority and the Public Services Ombudsman for Wales.</li> <li>• Individuals and adult placement carers are able to make their complaint in writing or verbally to staff and these should be acknowledged unless complaints are made anonymously.</li> </ul>

	<ul style="list-style-type: none"><li>• Staff are aware of the complaints policy and procedure and understand how to respond appropriately to complaints.</li><li>• Service providers ensure any representation or complaint is confirmed, addressed promptly and the complainant is kept informed of progress.</li><li>• A written report is provided to the complainant setting out the outcome of the complaint and any action to be taken.</li><li>• Consent is obtained and confidentiality maintained during the complaints process unless there are professional or statutory obligations which would not make this possible, such as those in relation to safeguarding.</li><li>• Providers ensure any complaint is acknowledged, addressed promptly and the complainant is kept informed of progress, unless the complaints are made anonymously.</li><li>• A written report is provided to the complainant setting out the outcome of the complaint and any action to be taken.</li><li>• Wherever practicable consent should be gained to the disclosure of the details of a complaint, where necessary, to enable an effective investigation to take place.</li><li>• Confidentiality is maintained during the complaints process unless there are professional or statutory obligations which would not make this possible, such as those in relation to safeguarding.</li></ul>
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- Individuals and adult placement carers do not suffer victimisation or any other disadvantage as a result of making complaints.
- Systems are in place to make sure that all complaints are investigated in accordance with the timescales set out in the service provider's complaints policy. This includes:
  - undertaking a review to establish the level of investigation and immediate action required, including whether there is a requirement for a referral to appropriate authorities for investigation. This may include the service regulator or local authority safeguarding teams; and
  - where areas for improvement or service failures are identified, acting upon these immediately.
- Staff and others involved in the investigation of complaints have the right level of knowledge and skill to do this. They understand the service provider's complaints process and are knowledgeable about any current related guidance.
- Records of complaints are maintained and monitored to identify trends and areas of risk which may require pre-emptive action.
- Actions taken in response to complaints are reported on as part of the governance arrangements for the service.

Regulation 44	Guidance
<p><b>Whistleblowing</b></p> <p><b>44.—</b>(1) The service provider must have arrangements in place to ensure that all persons working at the service (including any person allowed to work as a volunteer) are able to raise concerns about matters that may adversely affect the health, safety or well-being of individuals for whom the service is provided.</p> <p>(2) These arrangements must include—</p> <ul style="list-style-type: none"> <li>(a) having a whistleblowing policy in place and a requirement to act in accordance with that policy,</li> <li>(b) establishing arrangements to enable and support people to raise such concerns, and</li> <li>(c) establishing arrangements to enable and support adult placement carers to raise such concerns.</li> </ul> <p>(3) The service provider must ensure that the arrangements required under this regulation are operated effectively.</p> <p>(4) When a concern is raised, the service provider must ensure that—</p> <ul style="list-style-type: none"> <li>(a) the concern is investigated;</li> <li>(b) appropriate steps are taken following an investigation;</li> <li>(c) a record is kept of each of these steps.</li> </ul>	<ul style="list-style-type: none"> <li>• There is an accessible whistleblowing policy in place. This includes: <ul style="list-style-type: none"> <li>○ the procedure for raising a concern;</li> <li>○ the safeguards in place for staff or adult placement carers who raise a concern; and</li> <li>○ how concerns will be investigated.</li> </ul> </li> <li>• Staff and adult placement carers are aware of, and have had training in, how to raise concerns and there are mechanisms and support available to enable them to do this.</li> <li>• Wherever practicable consent should be gained to the disclosure of the details of a concern, where necessary, to enable an effective investigation to take place.</li> <li>• Confidentiality is maintained during the investigation process unless there are professional or statutory obligations which would not make this possible, such as those in relation to safeguarding.</li> <li>• Individuals and adult placement carers do not suffer victimisation or any other disadvantage as a result of making their concerns known.</li> <li>• All allegations and incidents of abuse are followed up promptly in line with the service provider’s safeguarding policy and procedures and local safeguarding arrangements.</li> <li>• Systems are in place to make sure that all concerns are</li> </ul>

considered without delay in line with the service provider's safeguarding policy and procedures. This includes:

- undertaking a review to establish the level of investigation and immediate action required, including referral to appropriate authorities for investigation. (this may include seeking advice from the service regulator or local authority safeguarding staff);
  - where areas for improvement or service failures are identified, acting upon these without delay; and
  - ensuring staff and others involved in the investigation understand the processes relating to safeguarding and responding to concerns.
- Records of concerns are maintained and monitored to identify trends and areas of risk which may require pre-emptive action. Actions taken as a response to whistleblowing are subject to reporting within governance arrangements.

## Chapter 2: Requirements on Responsible Individuals (Parts 12 to 16 of the Regulations)

The intent of Parts 12 to 16 of the Regulations is to ensure that a designated person at an appropriately senior level holds accountability, for both service quality and compliance. The Regulations place specific requirements upon the responsible individual and will enable the service regulator to take action not only against the service provider but also against them in the event that regulatory requirements are breached. The regulations in these Parts are made under section 28 of the Act.

The responsible individual is responsible for **overseeing** the management of the service and for providing assurance that the service is safe, well run and complies with the Regulations. The responsible individual is responsible for ensuring the service has a manager, sufficient resources and support. The responsible individual is not responsible for the day to day management of the service (unless they are also the manager); this rests with the manager.

### 2.1 Requirements on responsible individuals for ensuring effective management of the service (Part 12)

Regulation 45	Guidance
<p><b>Supervision of management of the service</b></p> <p><b>45.</b> The responsible individual must supervise the management of the service, which includes taking the steps described in regulations 51 and 52.</p>	<ul style="list-style-type: none"><li>• The responsible individual follows the service provider's prescribed systems and processes to enable proper oversight of the management, quality, safety and effectiveness of the service. This includes, but is not limited to, ensuring the service:<ul style="list-style-type: none"><li>○ focuses on the needs of the individual and supports the adult placement carer;</li><li>○ listens to individuals and the adult placement carers;</li><li>○ responds positively to any concerns or complaints;</li><li>○ does not place individuals or adult placement carers at unnecessary risk;</li></ul></li></ul>

	<ul style="list-style-type: none"><li>○ achieves best possible outcomes for individuals and the adult placement carers;</li><li>○ fulfils the statement of purpose; and</li><li>○ has sufficient numbers of staff who are trained, competent and skilled to undertake their role.</li></ul> <ul style="list-style-type: none"><li>● The responsible individual has systems in place to review and assess the way in which the manager implements actions from the findings of internal quality assurance and external inspection reports, within required timescales.</li><li>● There are clear lines of accountability, delegation and responsibility set out in writing between the responsible individual and the manager (unless the manager is also the responsible individual).</li><li>● Arrangements are in place for the manager to have direct access to the responsible individual in addition to the opportunity to meet formally as part of the responsible individual's quality reviews (unless the manager is also the responsible individual).</li><li>● Arrangements are in place to ensure that the manager is supported by supervision and training, and has opportunities to gain skills for professional development that will support them in their role.</li></ul>
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Regulation 46	Guidance
<p><b>Duty to appoint a manager</b></p> <p><b>46.—</b>(1) The responsible individual must appoint a person to manage the service. But this requirement does not apply if the conditions in paragraph (2) or (3) apply.</p> <p>(2) The conditions are—</p> <ul style="list-style-type: none"> <li>(a) the service provider is an individual;</li> <li>(b) the service provider proposes to manage the service;</li> <li>(c) the service provider is fit to manage the service;</li> <li>(d) the service provider is registered as a social care manager with SCW; and</li> <li>(e) the service regulator agrees to the service provider managing the service.</li> </ul> <p>(3) The conditions are—</p> <ul style="list-style-type: none"> <li>(a) the service provider is a partnership, body corporate or unincorporated body;</li> <li>(b) the service provider proposes that the individual designated as the responsible individual for the service is to be appointed to manage the service;</li> <li>(c) that individual is fit to manage the service;</li> <li>(d) that individual is registered as a social care manager with SCW; and</li> <li>(e) the service regulator agrees to that individual managing the service.</li> </ul> <p>(4) For the purposes of paragraph (2)(c), the service provider is not fit to manage the service unless the requirements of regulation 28(2) (fitness of staff) are met in respect of the service provider.</p> <p>(5) The duty in paragraph (1) is not discharged if the person appointed to manage the service is absent for a period of more than three months.</p>	<ul style="list-style-type: none"> <li>• The responsible individual ensures a manager who is registered with SCW (subject to regulation 28(2)(e) is appointed and in place to manage the delivery of the service on a day to day basis for each place at, from, or in relation to which services are provided.</li> <li>• The responsible individual takes responsibility and accountability for the appointment of the manager regardless of whether they are directly involved in the recruitment process.</li> <li>• The responsible individual is assured that the person appointed as the manager for the service has the appropriate knowledge, skills and competence to manage the service safely and in accordance with the requirements of the Regulations.</li> <li>• The responsible individual demonstrates that the appointment of the manager has been undertaken with due diligence and in line with the requirements of regulation 28(fitness of staff).</li> <li>• Where a manager is absent for a period more than three months, the service provider ensures there is an appropriately qualified, experienced and competent manager, registered with SCW (subject to regulation 28(2)(e), in place to manage the service.</li> </ul>

Regulation 47	Guidance
<p><b>Fitness requirements for appointment of manager</b></p> <p><b>47.—</b>(1) The responsible individual must not appoint a person to manage the service unless that person is fit to do so.  (2) For the purposes of paragraph (1), a person is not fit to manage the service unless the requirements of regulation 28(2) (fitness of staff) are met in respect of that person.</p>	<ul style="list-style-type: none"> <li>• The responsible individual has suitable arrangements in place to ensure the manager is fit and is capable of running the service in line with its statement of purpose. This includes ensuring: <ul style="list-style-type: none"> <li>○ the manager is appropriately qualified;</li> <li>○ the manager is registered with SCW (subject to regulation 28(2)(e));</li> <li>○ the manager is experienced in managing care services and in the provision of the type of care being provided; and</li> <li>○ the vetting of prospective managers includes the relevant checks required by regulations to assure the responsible individual that the person is fit and able to work with vulnerable individuals.</li> </ul> </li> </ul>
Regulation 48	Guidance
<p><b>Restrictions on appointing a manager for more than one service</b></p> <p><b>48.—</b>(1) The responsible individual must not appoint a person to manage more than one service, unless paragraph (2) applies.  (2) This paragraph applies if—</p> <ul style="list-style-type: none"> <li>(a) the service provider has applied to the service regulator for permission to appoint a manager for more than one service, and</li> <li>(b) the service regulator is satisfied that the proposed management arrangements— <ul style="list-style-type: none"> <li>(i) will not have an adverse impact on the health or well-being of individuals, and</li> <li>(ii) will provide reliable and effective oversight of each service.</li> </ul> </li> </ul>	<ul style="list-style-type: none"> <li>• Where a manager is appointed to manage more than one service, this is agreed in advance with the service regulator.</li> </ul>

Regulation 49	Guidance
<p><b>Duty to report the appointment of manager to the service provider</b></p> <p><b>49.</b> On the appointment of a manager in accordance with regulation 46(1), the responsible individual must give notice to the service provider of—</p> <ul style="list-style-type: none"> <li>(a) the name of the person appointed, and</li> <li>(b) the date on which the appointment is to take effect.</li> </ul>	<ul style="list-style-type: none"> <li>• The responsible individual has suitable arrangements in place to: <ul style="list-style-type: none"> <li>○ inform the service provider of the details of the appointment of the manager;</li> <li>○ provide the information specified by the Regulations concerning the individual; and</li> <li>○ notify the service regulator and SCW when a new manager is appointed.</li> </ul> </li> </ul>

Regulation 50
<p><b>Duty to report the appointment of manager to the workforce and service regulators</b></p> <p><b>50.—</b>(1) On the appointment of a manager in accordance with regulation 46(1), the responsible individual must give notice to the workforce and service regulators of—</p> <ul style="list-style-type: none"> <li>(a) the name, date of birth and SCW registration number of the person appointed, and</li> <li>(b) the date on which the appointment is to take effect.</li> </ul> <p>(2) In a case where the service provider is an individual and the service regulator has agreed to the service provider managing the service, the service provider must give notice to the workforce regulator of—</p> <ul style="list-style-type: none"> <li>(a) the name, date of birth and SCW registration number of the service provider, and</li> <li>(b) the date from which the service provider is to manage the service.</li> </ul>

Regulation 51	Guidance
<p><b>Arrangements when manager is absent</b></p> <p><b>51.</b>—(1) The responsible individual must put suitable arrangements in place to ensure that the service is managed effectively at any time when there is no manager or when the manager is not present at the service.</p> <p>(2) If there is no manager or the manager is not present at the service for a period of more than 28 days, the responsible individual must—</p> <ul style="list-style-type: none"> <li>(a) notify the service provider and the service regulator, and</li> <li>(b) inform them of the arrangements which have been put in place for the effective management of the service.</li> </ul>	<ul style="list-style-type: none"> <li>• The responsible individual has structures in place which ensure that where the manager is not available or is absent for any reason there is an effective and competent deputising system to provide leadership on a day-to-day basis which: <ul style="list-style-type: none"> <li>○ continues to provide support to the adult placement carer and/or the individual placed with the adult placement carer;</li> <li>○ maintains the safety, quality and effectiveness of the service;</li> <li>○ ensures minimal disruption to the individual using the service and the adult placement carers;</li> <li>○ ensures compliance with the Regulations; and</li> <li>○ maintains staff professional development.</li> </ul> </li> <li>• Where the manager, registered with SCW (subject to regulation 28(2)(e), is unavailable or absent for any reason for more than 28 days the responsible individual will inform the service regulator in writing and without delay of the reason for the absence and the arrangements for cover.</li> </ul>
Regulation 52	Guidance
<p><b>Visits</b></p> <p><b>52.</b>—(1) The responsible individual must—</p> <ul style="list-style-type: none"> <li>(a) visit the premises from which the service is provided;</li> <li>(b) meet with members of staff who are employed to provide</li> </ul>	<ul style="list-style-type: none"> <li>• The responsible individual visits the service in person to monitor the performance of the service in relation to its statement of purpose and to inform the quality of care review. The visit includes the following: <ul style="list-style-type: none"> <li>○ talking to, with consent and in private, a sample of</li> </ul> </li> </ul>

<p>the service in relation to each place in respect of which the responsible individual is designated, and</p> <p>(c) meet with individuals for whom the service is being provided and their adult placement carer.</p> <p>(2) The frequency of such visits and meetings is to be determined by the responsible individual having regard to the statement of purpose but must take place at least every three months.</p>	<p>individuals using the service, any representatives, adult placement carers and staff; and</p> <ul style="list-style-type: none"> <li>○ inspecting the premises of the service provider, a selection of records of events and any complaints records.</li> </ul> <ul style="list-style-type: none"> <li>● The responsible individual ensures systems are in place to provide evidence that visits are logged and documented.</li> </ul>
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## 2.2 Requirements on responsible individuals for ensuring effective oversight of the service (Part 13)

<b>Regulation 53</b>	<b>Guidance</b>
<p><b>Oversight of adequacy of resources</b></p> <p><b>53.</b>—(1) The responsible individual must report to the service provider on the adequacy of the resources available to provide the service in accordance with the requirements on the service provider in Parts 2 to 11 of these Regulations.</p> <p>(2) Such reports must be made on a quarterly basis.</p> <p>(3) But this requirement does not apply where the service provider is an individual.</p>	<ul style="list-style-type: none"> <li>● The responsible individual ensures that systems and processes are in place which enable them to collate information about the service and any areas that may need closer observation/consideration and/or improvement. This includes, but is not limited to: <ul style="list-style-type: none"> <li>○ staff turnover;</li> <li>○ staff sickness levels;</li> <li>○ complaints;</li> <li>○ safeguarding issues;</li> <li>○ inspection reports by the service regulator; and</li> <li>○ inspection outcomes and/or reports from other relevant agencies, i.e. Health and Safety Executive (HSE) and fire service.</li> </ul> </li> <li>● The responsible individual has suitable arrangements in</li> </ul>

	<p>place to alert the service provider immediately where the service is:</p> <ul style="list-style-type: none"> <li>○ not complying with policies and procedures;</li> <li>○ failing or unable to address issues raised in inspection reports; and</li> <li>○ being provided in a way which is contrary to the statement of purpose.</li> </ul>
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<b>Regulation 54</b>	<b>Guidance</b>
<p><b>Other reports to the service provider</b></p> <p><b>54.—</b>(1) The responsible individual must, without delay, report to the service provider—</p> <ul style="list-style-type: none"> <li>(a) any concerns about the management or provision of the service;</li> <li>(b) any significant changes to the way the service is managed or provided;</li> <li>(c) any concerns that the service is not being provided in accordance with the statement of purpose for the service.</li> </ul> <p>(2) But this requirement does not apply where the service provider is an individual.</p>	<ul style="list-style-type: none"> <li>• The responsible individual ensures suitable arrangements are in place to report to the service provider in line with the requirements of regulations 54 and 59.</li> <li>• The responsible individual has a system in place to submit reports to the service provider that accurately reflect overall service quality and performance. This includes arrangements for the responsible individual to feed back and communicate any urgent matters requiring immediate action. This includes, but is not limited to: <ul style="list-style-type: none"> <li>○ sudden or unexplained death of individuals using the service or adult placement carers;</li> <li>○ natural disaster;</li> <li>○ financial irregularities;</li> <li>○ significant outbreak of infection;</li> <li>○ significant concerns raised by the service regulator or commissioners; and</li> <li>○ any event, which affects staff availability.</li> </ul> </li> </ul>

Regulation 55	Guidance
<p><b>Engagement with individuals and others</b></p> <p><b>55.—</b>(1) The responsible individual must put suitable arrangements in place for obtaining the views of—</p> <ul style="list-style-type: none"> <li>(a) the individuals who are receiving care and support,</li> <li>(b) any representatives of those individuals,</li> <li>(c) adult placement carers,</li> <li>(d) service commissioners, and</li> <li>(e) staff employed at the service,</li> </ul> <p>on the quality of care and support provided and how this can be improved.</p> <p>(2) The responsible individual must report the views obtained to the service provider so that these views can be taken into account by the service provider when making any decisions on plans for improvement of the quality of care and support provided by the service.</p>	<ul style="list-style-type: none"> <li>• The responsible individual has suitable arrangements in place to enable feedback on all aspects of service provision and ensure that these arrangements are accessible to, and take into account the views of, all those listed under regulation 55(1).</li> <li>• The responsible individual ensures the methods used to engage with and gain the views of individuals and the adult placement carers using the service are appropriate to their age, level of understanding and take into account any specific condition and/or communication needs.</li> <li>• The responsible individual has positive relationships with, and is accessible to, people outside the service. This includes but is not limited to: <ul style="list-style-type: none"> <li>○ The individual and/or their representative;</li> <li>○ adult placement carers;</li> <li>○ commissioning authorities;</li> <li>○ regulators; and</li> <li>○ professional bodies.</li> </ul> </li> </ul>

## 2.3 Requirements on responsible individuals for ensuring the compliance of the service (Part 14)

Regulation 56	Guidance
<p><b>Duty to ensure there are systems in place to record incidents and complaints</b></p> <p><b>56.</b> The responsible individual must ensure that there are effective systems in place to record incidents, complaints and matters on which notifications must be made in accordance with regulations 41 and 63.</p>	<ul style="list-style-type: none"> <li>• The responsible individual ensures there are suitable arrangements in place for the recording of the matters set out in regulation 56.</li> <li>• The responsible individual has systems and processes in place to ensure that any records made are legible, accurate and kept securely.</li> </ul>
Regulation 57	Guidance
<p><b>Duty to ensure there are systems in place for keeping of records</b></p> <p><b>57.</b> The responsible individual must ensure that there are effective systems in place in relation to the keeping of records, which include systems for ensuring the accuracy and completeness of records which are required to be kept by regulation 40.</p>	<ul style="list-style-type: none"> <li>• Where records are stored electronically, they are secure and staff have individual access codes which provide a clear audit trail which shows who has made any entries and amendments.</li> </ul>
Regulation 58	Guidance
<p><b>Duty to ensure policies and procedures are up to date</b></p> <p><b>58.</b> The responsible individual must put suitable arrangements in place to ensure that the service provider's policies and</p>	<ul style="list-style-type: none"> <li>• The responsible individual ensures suitable arrangements are in place to review policies and procedures, set out in regulation 8, in line with these Regulations.</li> </ul>

<p>procedures are kept up to date, having regard to the statement of purpose.</p>	<ul style="list-style-type: none"> <li>• The responsible individual ensures suitable arrangements are in place to ensure staff and adult placement carers have access to, and knowledge and understanding of, the policies and procedures which support them in their role in achieving the best possible outcomes for individuals.</li> </ul>
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## 2.4 Requirements responsible individuals for monitoring, reviewing and improving the quality of the regulated service (Part 15)

<b>Regulation 59</b>	<b>Guidance</b>
<p><b>Quality of care review</b></p> <p><b>59.</b>—(1) The responsible individual must put suitable arrangements in place to establish and maintain a system for monitoring, reviewing and improving the quality of the service.  (2) The system established under paragraph (1) must make provision for the quality of the service to be reviewed as often as required but at least every six months.  (3) As part of any review undertaken, the responsible individual must make arrangements for—</p> <ol style="list-style-type: none"> <li>considering the outcome of the engagement with individuals and others, as required by regulation 55;</li> <li>analysing the aggregated data on incidents, notifiable incidents, safeguarding matters, whistleblowing, concerns and complaints;</li> <li>reviewing any action taken in relation to complaints;</li> <li>considering the outcome of any audit of the accuracy and completeness of records.</li> </ol>	<ul style="list-style-type: none"> <li>• The responsible individual has suitable arrangements in place to assess, monitor and improve the quality and safety of the service. This includes, but is not limited to: <ul style="list-style-type: none"> <li>○ the collation and analysis of feedback from those listed under regulation 55(1);</li> <li>○ the collation and analysis of feedback on the care and support provided to an individual in a placement;</li> <li>○ issues and lessons learned in the analysis of complaints and safeguarding matters;</li> <li>○ issues arising from monitoring the adequacy and quality of adult placement premises;</li> <li>○ patterns and trends identified through the analysis of notifications, safeguarding matters, whistleblowing concerns and complaints;</li> <li>○ the outcome of any inspection reports from the service regulator;</li> <li>○ the outcome of visits to monitor the service by the responsible individual; and</li> </ul> </li> </ul>

<p>(4) On completion of a review of the quality of care and support in accordance with this regulation, the responsible individual must prepare a report to the service provider which must include—</p> <ul style="list-style-type: none"> <li>(a) an assessment of the standard of care and support provided, and</li> <li>(b) recommendations for the improvement of the service.</li> </ul> <p>(5) But the requirement in paragraph (4) does not apply where the service provider is an individual.</p>	<ul style="list-style-type: none"> <li>○ audits of records.</li> <li>• The responsible individual ensures that the audit systems and processes for monitoring and reviewing the service give assurance that a high quality service is provided, which achieves the best possible outcomes for children.</li> <li>• The responsible individual has suitable arrangements in place to ensure systems and processes are continually reviewed to enable the responsible individual to identify where the quality and/or safety of services is being, or may be, compromised, and to respond appropriately without delay.</li> <li>• The responsible individual has suitable arrangements in place to ensure all feedback is acknowledged, recorded and responded to as appropriate.</li> <li>• The responsible individual has suitable arrangements in place to ensure areas of learning from complaints, safeguarding and whistleblowing are shared with staff to improve the service and encourage safe, compassionate care practices.</li> <li>• The responsible individual ensures areas of learning are analysed and that recommendations are made to the service provider as to how and where the quality and safety of the service can be improved. The report, which includes the information that has informed it (relating to those areas set out above) will inform or form part of the statement of compliance to be included in the service provider’s annual return.</li> </ul>
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Regulation 60	Guidance
<p><b>Statement of compliance with the requirements as to standards of care and support</b></p> <p><b>60.</b>—(1) The responsible individual must prepare the statement required to be included in the annual return under section 10(2)(b) of the Act, in so far as it relates to the place or places in respect of which the responsible individual has been designated. (2) When preparing the statement, the responsible individual must have regard to the assessment of the standard of care and support which is contained in a report prepared in accordance with regulation 59(4).</p>	<ul style="list-style-type: none"> <li>• The responsible individual has prepared and is accountable for the quality and accuracy of the information provided in the statement of compliance and service provider’s annual return.</li> </ul>

## 2.5 Other requirements on responsible individuals (Part 16)

Regulation 61	Guidance
<p><b>Support for staff raising concerns</b></p> <p><b>61.</b> The responsible individual must ensure that the service provider’s whistleblowing policy is being complied with and that the arrangements to enable and support people working at the service to raise such concerns are being operated effectively.</p>	<ul style="list-style-type: none"> <li>• The responsible individual ensures suitable arrangements are in place for: <ul style="list-style-type: none"> <li>○ staff to be aware of and understand the whistleblowing policy;</li> <li>○ staff to understand there is zero tolerance for poor care or for a failure to safeguard the well-being of adults;</li> <li>○ ensuring staff are encouraged and supported to report issues; and</li> <li>○ ensuring staff understand that concerns are welcomed and sought out, not ignored.</li> </ul> </li> </ul>

Regulation 62	Guidance
<p><b>Duty of candour</b></p> <p><b>62.</b> The responsible individual must act in an open and transparent way with—</p> <ul style="list-style-type: none"> <li>(a) the individual;</li> <li>(b) any representative of those individual;</li> <li>(c) adult placement carer;</li> <li>(d) the service commissioner.</li> </ul>	<ul style="list-style-type: none"> <li>• The responsible individual acts in an open and transparent way, also ensuring suitable arrangements are in place to ensure compliance with the requirements of regulation 62.</li> </ul>
Regulation 63	Guidance
<p><b>Notifications</b></p> <p><b>63.—</b>(1) The responsible individual must notify the service regulator of the events specified in Schedule 4.</p> <p>(2) The notifications required by paragraph (1) must include details of the event.</p> <p>(3) Unless otherwise stated, notifications must be made without delay and in writing.</p> <p>(4) Notifications must be made in such manner and in such form as may be required by the service regulator.</p>	<ul style="list-style-type: none"> <li>• The responsible individual has suitable arrangements in place to notify the service regulator of events specified in Schedule 4 of the Regulations</li> </ul>

## Annex A: Parts of the Regulations not the subject of this Guidance

### PART 1

#### General

#### Title, commencement and interpretation

1.—a) The title of these Regulations is the Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019.

(1) These Regulations come into force on 29 April 2019.

(2) In these Regulations—

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

“adult placement carer” (“*gofalwr lleoli oedolion*”) means a person who has entered into a carer agreement<sup>(8)</sup> with a service provider;

“care and support plan” (“*cynllun gofal a chymorth*”) means a plan under section 54 of the 2014 Act<sup>(9)</sup>;

“DBS certificate” (“*tystysgrif GDG*”) means a certificate of a type referred to in paragraph 2 or 3 of Schedule 1;

“employee” (“*cyflogai*”) has the same meaning as in section 230(1) of the Employment Rights Act 1996<sup>(10)</sup>;

“health care professional” (“*proffesiynolyn gofal iechyd*”) means a person who is registered as a member of any profession to which section 60(2) of the Health Act 1999<sup>(11)</sup> applies;

“individual placement agreement” (“*cytundeb lleoli unigolyn*”) means an agreement between a service provider, an adult placement carer and an individual for an adult placement carer to provide accommodation and care and support to that individual;

“personal outcomes” (“*canlyniadau personol*”) means the outcomes that the individual receiving the care and support wishes to achieve in day to day life;

“personal plan” (“*cynllun personol*”) means the plan required to be prepared in accordance with regulation 13(1);

“reasonable adjustments” (“*addasiadau rhesymol*”) means such reasonable adjustments as would be required under the Equality Act 2010<sup>(12)</sup>;

“representative” (“*cynrychiolydd*”) means any person having legal authority, or the consent of the individual receiving the care and support to act on the individual’s behalf;

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(8) “Carer agreement” is defined in paragraph 6(2) of Schedule 1 to the Act as “an agreement for the provision by an individual of accommodation at the individual’s home together with care and support for up to three adults”.

(9) “The 2014 Act” is defined in section 189 of the Act as the Social Services and Well-Being (Wales) Act 2014 (anaw 4).

(10) 1996 c. 18.

(11) 1999 c. 8.

(12) 2010 c. 15.

“service commissioner” (“*comisiynydd y gwasanaeth*”) means the local authority or NHS body which is responsible for making arrangements with the service provider for care and support to be provided to an individual;

“service provider” (“*darparwr gwasanaeth*”) means a person carrying on an adult placement service(13);

“specified area” (“*ardal benodedig*”) means an area specified in a condition to the service provider’s registration as a place in relation to which the service is to be provided;

“staff” (“*staff*”) includes—

(a) persons employed by the service provider to work at the service as an employee or a worker, and

(b) persons engaged by the service provider under a contract for services,

but does not include persons who are allowed to work as volunteers or adult placement carers;

“the Disclosure and Barring Service” (“*y Gwasanaeth Datgelu a Gwahardd*”) and “DBS” (“*GDG*”) mean the body formed by section 87(1) of the Protection of Freedoms Act 2012(14);

“the individual” (“*yr unigolyn*”) means, unless the context indicates otherwise, the adult who is receiving care and support;

“the service” (“*y gwasanaeth*”) means in relation to an adult placement service, the service which is provided in relation to a specified area;

“the service regulator” (“*y rheoleiddiwr gwasanaethau*”) means the Welsh Ministers in the exercise of their regulatory functions(15);

“the statement of purpose” (“*y datganiad o ddiben*”) means the statement of purpose for the place at, from or in relation to which the service is provided(16);

“the workforce regulator” (“*rheoleiddiwr y gweithlu*”) means SCW(17);

“worker” (“*gweithiwr*”) has the same meanings as in section 230(3) of the Employment Rights Act 1996.

## PART 17

### Offences

#### Offences – service providers

**64.**—(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)(18).

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(13) “Adult placement service” is defined in paragraph 6(1) of Schedule 1 to the Act as “a service carried on (whether or not for profit) by a local authority or other person for the purposes of placing adults with an individual in wales under a carer agreement (and includes any arrangements for the recruitment, training and supervision of such individuals)”.

(14) 2012 c. 9.

(15) “Regulatory functions” is defined in section 3(1)(b) of the Act.

(16) Regulation 3 of the Regulated Services (Registration) (Wales) Regulations 2017 (S.I. 2017/1098 (W. 278)) requires a person who wants to provide adult placement services to provide a statement of purpose for each place from which the service is to be provided.

(17) See section 67(3) of the Act for the definition of Social Care Wales as “SCW”.

(18) For penalties upon conviction for an offence under this regulation, see section 51(1) of the Act.

(2) The provisions specified for the purposes of paragraph (1) are the provisions of regulations 3(3), 3(5), 7(3), 8(1), 8(4), 11(1), 16(1), 16(2), 16(3), 28(1), 31(1), 36(1), 40(1), 40(2), 41(1) and 41(3).

(3) A service provider commits an offence if the service provider fails to comply with a requirement of any of the provisions specified in paragraph (4) and such failure results in—

- (a) avoidable harm (whether of a physical or psychological nature) to an individual,
- (b) an individual being exposed to a significant risk of such harm occurring, or
- (c) in a case of theft, misuse or misappropriation of money or property, any loss by an individual of the money or property concerned.

(4) The provisions specified for the purposes of paragraph (3) are the provisions of regulations 2, 3(1), 10(1), 10(3), 13(1), 13(3), 13(5), 14(1), 14(4), 17(1), 17(2), 21 and 27(1).

### **Offences – responsible individuals**

**65.**—(1) It is an offence for the responsible individual to fail to comply with a requirement of any of the provisions specified in paragraph (2)(19).

(2) The provisions specified for the purposes of paragraph (1) are the provisions of regulations 46(1), 47(1), 50(1), 50(2), 52(1), 52(2), 53(1), 53(2), 54(1), 59(4), 60(1), 63(1) and 63(3).

## **PART 18**

### **Service providers who are liquidated etc. or who have died**

#### **Appointment of liquidators etc.**

**66.** An appointed person(20) must—

- (a) without delay, give written notification to the service regulator of their appointment and the reasons for their appointment;
- (b) within 28 days of their appointment, notify the service regulator of their intentions regarding the future operation of the service.

#### **Death of the service provider**

**67.**—(1) Where the service provider who is an individual has died, the personal representatives of the individual must—

- (a) without delay, give written notification of the death to the service regulator;
- (b) within 28 days of the death, notify the service regulator of their intentions regarding the future operation of the service.

(2) The personal representatives of the individual may act in the capacity of the service provider for a period not exceeding 28 days or for such longer period (not exceeding one year) as the service regulator may agree.

(3) Where the personal representatives are acting in the capacity of the service provider in accordance with paragraph (2), Part 1 of the Act applies with the following modifications—

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(19) For penalties upon conviction for an offence under this regulation, see section 51(1) of the Act.

(20) “Appointed person” has the same meaning as in section 30 of the Act.

- (a) section 5 (requirement to register) does not apply;
- (b) section 21(2) (responsible individuals) is to be read as though after paragraph (a) there were inserted—
  - “(aa)where the personal representatives of a service provider who has died are acting in the capacity of the service provider, be one of the personal representatives;”.

## PART 19

### Regulations under section 21(5) of the Act

#### **Designation of responsible individual by Welsh Ministers**

**68.** The Welsh Ministers (instead of a service provider) may designate an individual to be a responsible individual, despite the requirements of section 21(2) of the Act not being met in respect of the individual, in the following circumstances—

- (a) the service provider is an individual who has died and the personal representatives of the service provider have notified the service regulator that they do not intend to make an application under section 11(1)(c) of the Act;
- (b) the service provider is an individual and they have notified the service regulator—
  - (i) that they are no longer able to comply with their duties as a responsible individual, and
  - (ii) the reasons for this being the case;
- (c) the service provider is a corporate body or partnership and they have notified the service regulator—
  - (i) that the individual designated by the service provider as the responsible individual is no longer able to comply with their duties as a responsible individual,
  - (ii) the reasons for this being the case, and
  - (iii) that there is no other individual who is eligible to be a responsible individual and who is able to comply with the duties of a responsible individual.

**SCHEDULE 1                      Regulations 28 and 36**

**PART 1**

Information and documentation to be available in respect of adult placement carers and persons working at the service

1. Proof of identity including a recent photograph.
2. Where required for the purposes of an exempted question in accordance with section 113A(2)(b) of the Police Act 1997<sup>(21)</sup>, a copy of a valid criminal record certificate issued under section 113A of that Act together with, after the appointed day and where applicable, the information mentioned in section 30A(3) of the Safeguarding Vulnerable Groups Act 2006<sup>(22)</sup> (provision of barring information on request).
3. Where required for the purposes of an exempted question asked for a prescribed purpose under section 113B(2)(b) of the Police Act 1997, a copy of a valid enhanced criminal record certificate issued under section 113B of that Act together with, where applicable, suitability information relating to vulnerable adults (within the meaning of section 113BB(2) of that Act).
4. Two written references, including a reference from the last employer, if any.
5. Where a person has previously worked in a position whose duties involved work with children or vulnerable adults, so far as reasonably practicable verification of the reason why the employment or position ended.
6. Documentary evidence of any relevant qualification.
7. Where relevant, documentary evidence of registration with SCW.
8. A full employment history, together with a satisfactory written explanation of any gaps in employment.
9. Evidence of satisfactory linguistic ability for the purposes of providing care and support to those individuals for whom the worker or adult placement carer is to provide care and support.
10. Details of registration with or membership of any professional body.

**PART 2**

**Interpretation of Part 1**

11. For the purposes of paragraphs 2 and 3 of Part 1 of this Schedule—
  - (a) if the person to whom the certificate relates is not registered with the DBS update service, a certificate is only valid if—
    - (i) it has been issued in response to an application by the service provider in accordance with regulation 28(3) or (6), or 36(3) or (6), and
    - (ii) no more than three years have elapsed since the certificate was issued;
  - (b) if the person to whom the certificate relates is registered with the DBS update service, the certificate is valid regardless of when it was issued.

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<sup>(21)</sup> 1997 c. 50.  
<sup>(22)</sup> 2006 c. 47.

## SCHEDULE 2

## Regulation 40

### Records to be kept in respect of services

#### Records to be kept

1. In respect of each adult placement carer, records of—
  - (a) full name;
  - (b) sex;
  - (c) date of birth;
  - (d) address;
  - (e) qualifications relevant to, and experience of work involving vulnerable adults;
  - (f) a copy of the carer agreement;
  - (g) a copy of any relevant individual placement agreements;
  - (h) a record of the monitoring undertaken in respect of the placement.
2. In respect of each individual, records of—
  - (a) all relevant assessments;
  - (b) care and support plans;
  - (c) personal plans;
  - (d) reviews of personal plans.
3. A record of any charges by the service provider to individuals for the provision of care and support and any additional services.
4. Where applicable, a record of all medicines kept by the adult placement carer for each individual and the date and time on which they were administered to the individual.
5. A record of all money or other valuables deposited by the individual with the adult placement carer for safekeeping or received on the individual's behalf, which must include a record of—
  - (a) the date on which the money or valuables were deposited or received;
  - (b) the date on which any money or valuables were—
    - (i) returned to the individual, or
    - (ii) used, at the request of the individual, on their behalf;
  - (c) where applicable, the purpose for which the money or valuables were used;
  - (d) the written acknowledgment of the return of the money or valuables.
6. A record of the following events that occur in the home of the adult placement carer—
  - (a) any serious accident or injury which is significantly detrimental to the well-being of an individual;
  - (b) any theft or burglary;
  - (c) any safeguarding referral made in respect of an individual;
  - (d) date and circumstances of any measures of control, restraint or discipline used on an individual.
7. A record of all complaints made by individuals or their representatives or by persons working at the service or by adult placement carers about the operation of the service, and the action taken by the service provider in respect of any such complaint.
8. A record of all persons working at the service, which must include the following matters—
  - (a) the person's full name, address, date of birth, qualifications and experience;
  - (b) a copy of the person's birth certificate and passport (if any);
  - (c) a copy of each reference obtained in respect of the person;
  - (d) the dates on which the person commences and ceases to be so employed;
  - (e) the position the person holds at the service, the work he or she performs and the number of hours for which he or she is employed each week;

- (f) records of disciplinary action and any other records in relation to the person's employment;
  - (g) a record of the date of a DBS certificate and whether there was any action taken as a result of the content of the certificate.
9. A copy of the duty roster of persons working at the service, and a record of whether the roster was actually worked as intended.

### **SCHEDULE 3      Regulation 41**

#### Notifications by the service provider

1. Any revision to the statement of purpose, 28 days prior to the revised statement of purpose coming into effect.
2. Where the service provider (individual or organisation) changes their name.
3. Where the service provider is a company, any change in the directors of the company.
4. Where the service provider is an individual, the appointment of a trustee in bankruptcy in relation to that individual.
5. Where the service provider is a body corporate or partnership, the appointment of a receiver, manager, liquidator or provisional liquidator in relation to that company or partnership.
6. Where the service provider is a partnership, death of one of the partners.
7. Where the service provider is a partnership, any change in the partners.
8. Expected absence of the responsible individual for 28 days or more, 7 days prior to commencement of the absence.
9. The unexpected absence of the responsible individual, no later than 7 days after the commencement of the absence.
10. Unexpected absence of the responsible individual for 28 days or more, where no prior notification has been given, immediately on the expiry of 28 days following the commencement of the absence.
11. Return from absence of the responsible individual.
12. The responsible individual ceases, or proposes to cease, being the responsible individual for the service.
13. Any abuse or allegation of abuse in relation to an individual that involves the service provider, a member of staff, volunteer and/or a adult placement carer.
14. Where the service provider, responsible individual or appointed manager convicted of a criminal offence.
15. Any allegation of misconduct by a member of staff.
16. Serious accident or injury of an individual placed with an adult placement carer.
17. Any incident reported to the police.
18. Any events which prevent, or could prevent, the service provider from continuing to provide the service safely.
19. The death of an individual placed with an adult placement carer and the circumstances.
20. Any request to a supervisory body in relation to the application of the deprivation of liberty safeguards (DOLS)(23).
21. Any proposal to change the address of the principal office, 28 days prior to the change taking place.

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(23) See Part 1 of the Mental Capacity Act 2005 (c. 9).

## **SCHEDULE 4 Regulation 63**

### Notifications by the responsible individual

1. The appointment of a manager (see regulation 46(1)).
2. The expected absence of the appointed manager for 28 days or more, 7 days prior to the commencement of the absence.
3. The unexpected absence of the appointed manager, no later than 7 days after the commencement of the absence.
4. The unexpected absence of appointed manager for 28 days or more where no prior notification has been given, immediately on the expiry of 28 days following the commencement of the absence.
5. Return from absence of appointed manager.
6. Interim arrangements where the manager is absent for longer than 28 days.
7. Someone other than the appointed manager is proposing to manage or is managing the service.
8. The appointed manager ceases, or proposes to cease, managing the service.