

# Regulation and Inspection of Social Care (Wales) Act 2016 – Re-registration guidance for providers

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.  
This document is also available in Welsh.

## Contents:

- 1. [About this guidance](#)**
  - 1.1 [What this guidance sets out](#)
- 2. [Legal framework](#)**
  - 2.1 [The Regulation and Inspection of Social Care \(Wales\) Act 2016](#)
  - 2.2 [Providers model of registration](#)
  - 2.3 [What this means for you](#)
  - 2.4 [Who has to register](#)
  - 2.5 [Who makes the application](#)
  - 2.6 [When you should apply](#)
  - 2.7 [Responsible Individuals – who can be an RI?](#)
  - 2.8 [Domiciliary support services](#)
- 3 [Our approach to transition explained](#)**
  - 3.1 [Standard applications](#)
  - 3.2 [Complex applications](#)
- 4 [How to submit an application](#)**
  - 4.1 [CIW Online](#)
  - 4.2 [Getting an account](#)
  - 4.3 [Helpful hints before you start](#)
- 5 [The Application Form](#)**
- 6 [The Statement of Purpose](#)**
- 7 [How we will assess applications](#)**
  - 7.1 [Completeness check](#)
  - 7.2 [Quality assessment](#)
- 8 [Determining your application](#)**
  - 8.1 [Factors for determination](#)
  - 8.2 [Does the application form contain all of the required information](#)
  - 8.3 [Fit & proper person](#)
  - 8.4 [Responsible Individual](#)
  - 8.5 [Compliance with relevant legislation](#)
  - 8.6 [Registration decisions](#)
  - 8.7 [Granting an application](#)
  - 8.8 [Granting an application with imposed conditions](#)
  - 8.9 [Refusal of an application](#)
  - 8.10 [Representations and appeals process](#)
  - 8.11 [When will my registration take effect?](#)
- 9 [What happens if you don't submit an application to re-register?](#)**
- 10 [How to get advice and assistance](#)**
  - 10.1 [Advice surgeries](#)
  - 10.2 [Customer care](#)

[Annex 1.](#) Regulated services under the Act

[Annex 2.](#) Responsible Individuals

[Annex 3.](#) Regional partnership areas

[Annex 4.](#) Summary of information required in the application form

[Annex 5.](#) Fit and proper person test

[Annex 6.](#) Illustrative example of CIW Register of Providers under the Act

[Glossary of terms](#)

# 1. About this Guidance

## 1.1 What this guidance sets out

In April 2018 The Regulation and Inspection of Social Care (Wales) Act 2016 (the Act) will come into effect for the following “regulated services”:

- care home services (including children’s homes);
- domiciliary support services;
- secure accommodation services and
- residential family centres

The Act replaces the Care Standards Act 2000 (CSA 2000) and providers who are currently registered under CSA 2000 (with the exception of nurses agencies) are required to re-register under the Act. Re-registration will ensure your continued registration under the correct legislation.

The Act supports the aims of the Social Services and Well-being (Wales) Act 2014 which enshrines the rights of people using care and support services in law.

This guidance is designed to give you the information you need to prepare for and re-register the regulated services you provide under the Act. This guidance reflects our proposed approach to enabling services to make the transition from the old legislation to the new. **However, the regulations being made under the Act will not be finalised until January 2018 and therefore we may need to revise some minor elements of this guidance.**

### Terminology

We have used the following terminology throughout this guidance:

**“Regulated service(s)”** – this refers to any of the types of services defined under the Act, such as a care home service or domiciliary support service. The full list of regulated services is set out at [Annex 1](#) of this guidance.

**“Service(s)”** – this refers to an individual service. For care homes this would be a care home, carried out at a specific location, such as Suncare Care Home, Cardiff. For domiciliary support services this would be an individual service, carried out in a specific area, such as Suncare Domiciliary Support Service Cwm Taf.

**“Legal entity”** – this means an individual, company, or organisation that has legal rights and obligations.

## 2 Legal framework

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

The Act will change the way providers of services are registered and regulated. It will place service quality and improvement at the heart of regulation; strengthen protection for those who need it and ensure services deliver high-quality care and support.

The Act will change:

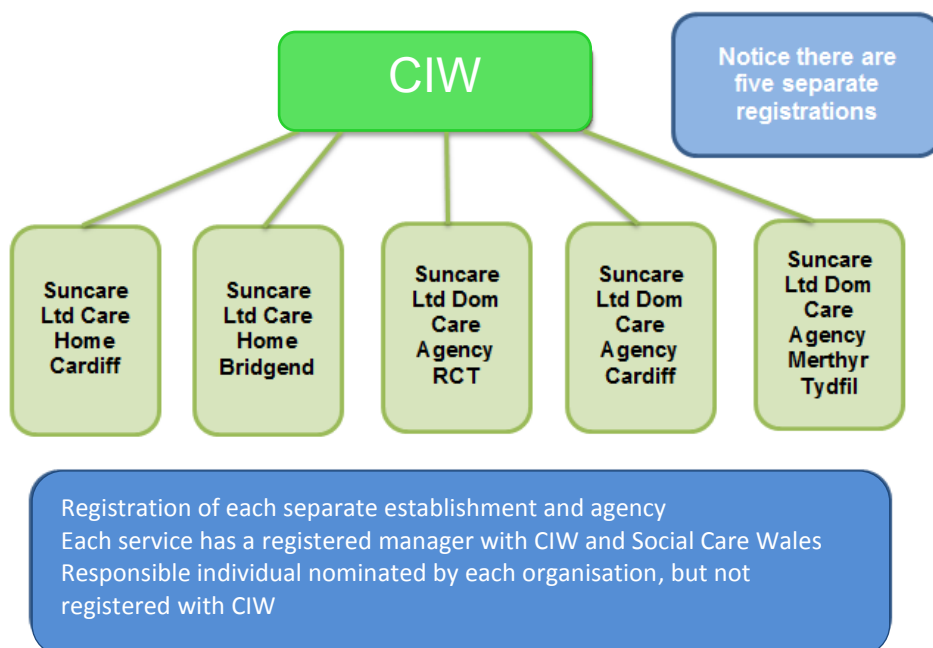
- how we register and inspect services;
- how we secure improvement in the quality of care and support and
- how the social care workforce is regulated.

### 2.2 Provider model of registration

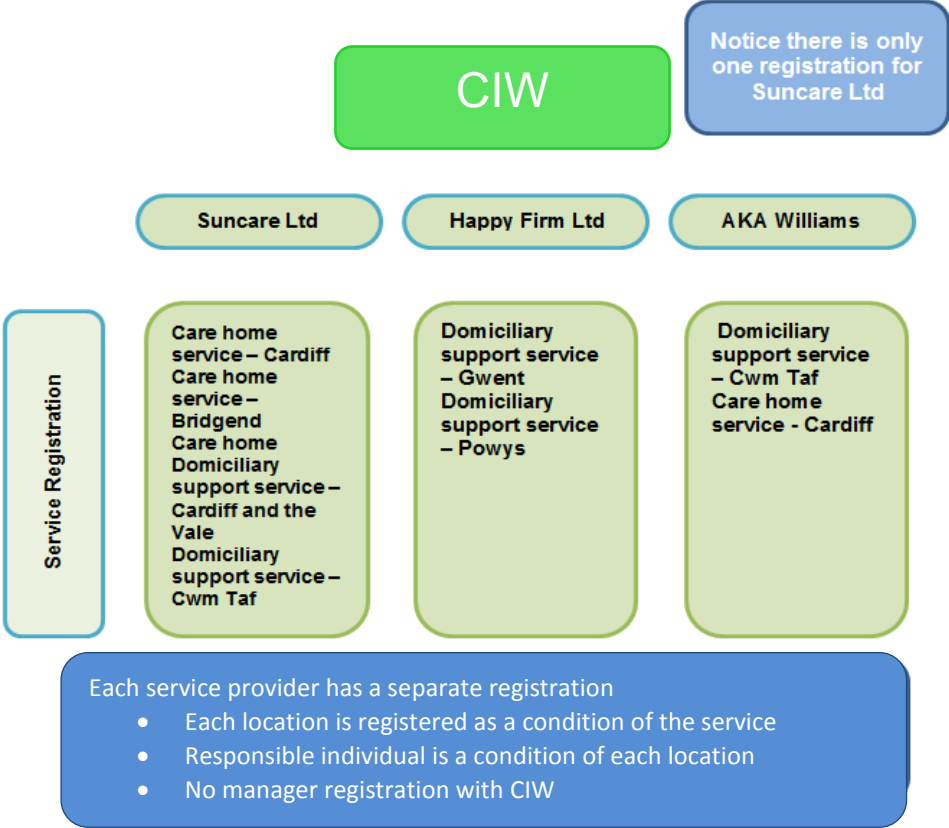
The CSA 2000 established a system whereby “establishments and agencies” were registered. In effect this required a separate registration for each location where a service was provided. Under the Act, a provider must register to provide any service which is regulated by the Act and a single registration will contain all the details of the types of service and the details of the locations where the service(s) is provided.

The Act enables you to submit one application to register in respect of numerous services.

The diagram below shows how providers of multiple services are **currently registered under the CSA 2000**:



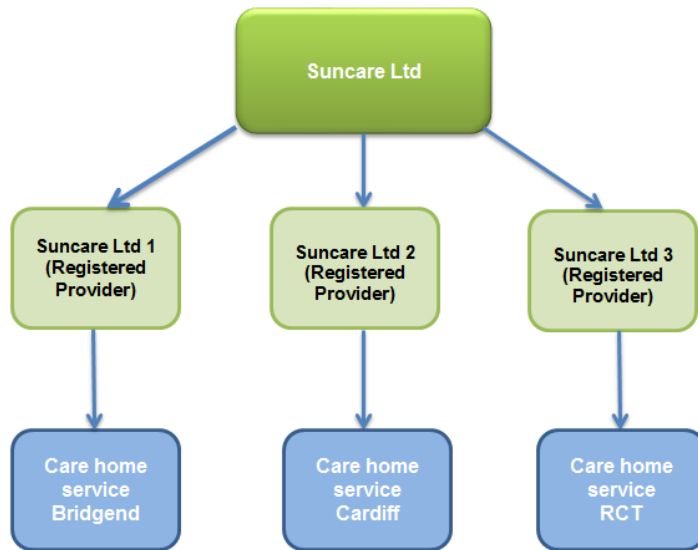
The next diagram shows how providers of multiple services will be **registered under the Act**:



**2.3 What this means for you**

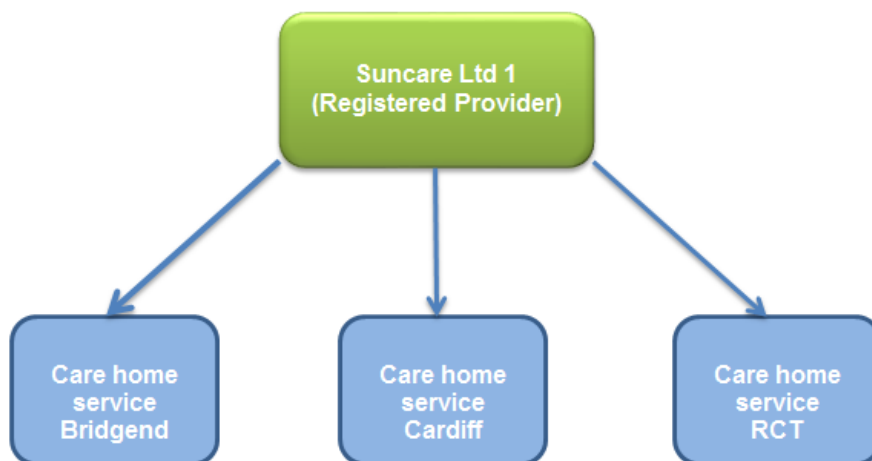
If you are currently registered to provide more than one service, the Act gives you the opportunity to re-structure the way you are registered to provide services.

Some providers may have a number of legal entities each separately registered to provide a different service, as shown in the diagram below.



Under the Act a provider has a single registration with us and that single registration will contain all the details of the locations where the service(s) is provided.

You may chose to use re-registration under the Act as an opportunity to re-structure your organisation and register all of your services with us under a single legal entity. The diagram below shows how this registration would work.



If you do re-structure your organisation in a similar way to the example given, we will need to be satisfied that the legal entity you are proposing to register is the one directly responsible for providing the service.

The “Frequently Asked Questions” provide more detailed guidance on how this may impact upon you.



## 2.4 Who has to register

Any person providing a “regulated service” under the Act is required to register with us. However, the law will come into force at different times for different regulated services. The table below shows when the law comes into force for each of the regulated services:

<b>Regulated Service:</b>	<b>Law coming into force:</b>
<b>Care home services (to include children’s homes.)</b>	<b>April 2018</b>
<b>Domiciliary Support services</b>	<b>April 2018</b>
<b>Residential family centre services</b>	<b>April 2018</b>
<b>Secure accommodation services</b>	<b>April 2018</b>
<b>Adoption services</b>	<b>April 2019</b>
<b>Fostering services</b>	<b>April 2019</b>
<b>Advocacy services</b>	<b>April 2019</b>
<b>Adult Placement services</b>	<b>April 2019</b>

The Act provides definitions of these services ([Annex 1](#)) and the Regulations made under the Act will set out various exemptions from registration.

Nurses agencies are not a regulated service under the Act and therefore will no longer be registered with CIW after April 2018. However, nurses agencies will need to ensure that if they provide a service that meets the definition of a domiciliary support service they must be registered.

After April 2018 managers of regulated services will no longer be required to register with us. Once the service they are managing is registered under the Act, the manager’s registration with us will fall away. You will not be required to take any action in respect of this. However, whilst a service remains registered under the CSA 2000 the requirement for the manager of that service to be registered with CIW will continue to apply. The requirement for managers to be registered with Social Care Wales will continue.

## 2.5 Who makes the application

Under the Act the following types of providers can submit an application to be registered to provide regulated services:

- individuals,
- partnerships,
- corporate bodies, such as limited companies, incorporated charities and local authorities, and
- unincorporated bodies, such as unincorporated charities or committees.

In the case of an individual provider, the application will need to be submitted by the individual applying for registration.

In the case of a partnership, the application will need to be submitted by one of the partners.

In the case of corporate bodies or unincorporated bodies, the application will need to be submitted by someone authorised to do so on behalf of the organisation. However, the application form will ask you to make various declarations about the members of the organisation. You should therefore make sure that the person completing the application form is of sufficient seniority within your organisation to make these declarations.

## 2.6 When should you apply?

You will be able to submit your application to register under the Act from **February 2018** if you provide one of the following services:

- Care home services
- Domiciliary care services
- Secure accommodation services
- Residential family centres

Applications will be submitted via CIW online.

During 2018/19, we will register providers in blocks as follows:

1. Providers of **care homes services** must submit their application to re-register by **30 June 2018**. If you provide any other service (for example a domiciliary support service) you must register this at the same time.
2. Providers of **domiciliary support services, secure accommodation services** and **residential family centres** must submit an application to re-register by **31 August 2018**.

Adoption services, fostering services, advocacy services and adult placement services will not be required to register under the Act until April 2019.

Until your application for re-registration under the Act has been determined by us, you will continue to be registered under the CSA 2000.

It should be noted that while you can submit an application to register from February 2018 and we will begin to consider it, we will not be able to determine your application until after the regulations come into force in April 2018.

## **2.7 Responsible Individuals (RIs) – who can be a RI?**

As part of your application you must designate a responsible individual(RI) in relation to a service. Section 21 of the Act ([Annex 2](#)) sets out who is eligible to be designated as a responsible individual dependant on the type of provider.

For individual providers, the individual must be the RI.

For partnerships, one of the partners must be the RI.

For organisations, other than Local Authorities, the designated RI must be an individual with an appropriate level of seniority. For example, within a limited company our expectation is that the RI should be a Director, registered with Companies House. An alternative individual of sufficient seniority may be eligible, such as a Chief Executive or very senior member of staff. In considering the eligibility of this person we will need to be satisfied that the individual has:

- authority to hire and fire managers and any other staff working in the service;
- authority to set pay rates for all staff working directly within the service;
- authority to decide on investment decisions in the service;
- oversight of health and safety for the relevant service; and
- accountability for determining assurance arrangements and setting any benchmarks within the service.

You may be asked to provide additional documents to demonstrate that the individual you have designated does hold this level of seniority.

For Local Authorities our expectation is that the person designated by the Director of Social Services must hold a position of sufficient seniority within the organisation.

In considering the designation of an individual as RI, as the regulator, we must be satisfied in relation to the following:

- the eligibility of the individual to be RI;
- whether the individual is fit and proper to be designated as RI; and
- whether the individual will comply with the RI duties set out in the regulations made under the Act.

How we consider the designation of the RI is set out in more detail under the paragraph [8.4](#) of this guidance.

## 2.8 Domiciliary Support Service

If you provide a Domiciliary Support service the way we register your service will change. On the application form you will be asked to identify the “regional partnership area(s)” in which the service is provided and to designate a responsible individual for each partnership area. [Annex 3](#) sets out these areas.

Please see the “Frequently Asked Questions” for further information on how this may impact upon you.

## 3 Our approach to transition explained

The application form used for the purpose of transition is a shortened version of the full application form for registration under the Act. All applicants will be required to provide the same level of information in the first instance. However, depending on our assessment of your application and our knowledge of your service how we deal with your application may vary.

We intend to divide applications into two groups; ‘standard’ and ‘complex’. The factors we will consider to categorise your application are as follows:

### 3.1 ‘Standard’ application type:

Where you are seeking to re-register a single service and:

- the organisation or individual currently registered with us is not changing;
- the service is not changing;
- there are no current non-compliance notices issued against the service; and
- there is an appointed manager that is registered with Social Care Wales.

### 3.2 ‘Complex’ application type:

Where you are seeking to re-register and any one of the following circumstances applies:

- You are applying to register more than one service under a single application e.g. two care home services or a care home service and a domiciliary support agency.
- Issues are identified with the fitness of the provider and or RI, including:
- a service which is currently or has been a service of concern within the last 12 months;
- a service with current non-compliance notice(s) issued against it;
- is in administration;
- the registration is suspended;
- they are under investigation by other agencies.
- The responsible individual has indicated that he/she is the RI/nominated individual for a number of regulated services in the UK.
- A fact finding or criminal investigation is being undertaken in relation to the service or provider.

- The service does not have an appointed manager registered with Social Care Wales.
- You intend to change the nature of the service that is currently being provided, for example a residential care home service intends to offer nursing care.
- The service has not been in operation for over 12 months.
- We have imposed restrictive conditions on your registration.
- You intend to appoint the same manager in respect of more than one service

[Section 7](#) of this guidance sets out in more detail how we will process applications and the circumstances in which we may seek further information. In all cases we will be proportionate in our decision making and keep you informed of where we are in the process of determining your application.

## 4 How to submit an application

### 4.1 CIW Online

You will be required to submit your application via CIW Online.

We do recognise that a small number of providers may have difficulty accessing CIW Online. We suggest the following alternatives;

- Local libraries often provide reliable internet access.
- Arrangements can be made for you to visit a regional office and complete your application online with digital assistance.

If, having explored these options, you are experiencing any difficulties in accessing the application form online, please contact us in the first instance.

### 4.2 Getting an account

If you have completed the Self Assessment of Service Statement (SASS) via CIW Online you will already have an account. You can use this account to submit your application.

If you do not have a CIW Online account you will be able to create one in order to submit your application.

### 4.3 Helpful hints before you start:

To save you time, before you start completing the application form make sure you have the following documents and information to hand:

- An electronic version of the current Statement of Purpose for each service – you will be required to upload this with your application.
- All RIs and individual applicants must have a valid DBS certificate, and where applicable your update service details. Please see the “Frequently Asked Questions” for further information on what is a valid DBS.

- All RIs must complete a questionnaire about their ability to comply with the duties set out in the regulations – they will be required to upload this with their section of the application.
- The information set out in [Annex 4](#).

## 5 The Application form

The on-line application form has been designed so that you will only see sections that are relevant to the application you are making.

It will include ‘help text’ to provide additional information/clarification for any terminology that may be unfamiliar and will include links to other useful information.

Applicants will be able to move through the application – saving as they go – and be able to return to uncompleted parts where they need to.

Certain questions on the form will ask if you agree to the information to be included as a condition of your registration, such as the maximum number of people you intend to provide a service for.

The application form will require information on the following:

- Information about the service provider - we will need to obtain a greater level of detail about the individuals involved as part of our fit and proper person assessment.
- The type of regulated service(s) you are applying to provide.
- Information about the regulated service(s), including:
  - a) the location;
  - b) premises;
  - c) age range of people using the service;
  - d) maximum number of people using the service (where appropriate)
  - e) information about the designated responsible individual(s) for the service(s);
  - f) an uploaded Statement of Purpose for the service(s).

[Annex 4](#) contains a more detailed a summary of the information required in the application form.

Once you have provided us with the details of the RI(s) we will send an email to the designated responsible individual to notify them they need to log in to CIW Online and complete their section of the application form. We will notify you when all sections of your application form are complete so that you can submit it.

The application form will ask you to indicate if you are happy to communicate with us electronically. This will include all letters and legal Notices.

The final submission of applications will not be possible if mandatory fields have not been completed. The form has been designed so that you will be alerted to the need to complete any incomplete sections.

## 6. The Statement of Purpose

The Statement of Purpose becomes the key document we will consider when making decisions about registration. It should set out the vision for the service and your aspirations for meeting the needs of the people you care for. It should clearly demonstrate that you fully understand their needs and demonstrate how, particularly through the levels and training of staff, the care routines, the environment and your links to other agencies, you will do your best to promote the best possible outcomes for the people you care for.

You will need to provide a statement of purpose for each service. It should contain information about:

- the service provider;
- the location of the service;
- about the service provided;
- how the service is provided;
- the staffing arrangements;
- the facilities and services provided and
- governance and quality monitoring arrangements.

We intend to publish a Guide to Compiling a Statement of Purpose when the regulations have been finalised. We strongly advise you to consider this before making your application.

During the re-registration process, there will be a particular focus on the quality of the Statement of Purpose. If we identify that your Statement of Purpose needs to be improved or revised we will return it to you. We will expect you to amend the content and return it to us within a prescribed timeframe.

## 7. How we will assess applications

In reaching our determination decision, we will be reasonable and proportionate in the information we request and only ask for additional evidence when it is necessary to assist us in our decision making. We will endeavour to determine re-registration applications in a timely fashion. If we need to contact you for any additional information or where there are specific issues that need to be resolved in relation to your service, we may need to extend the time it takes us to process your application.

**Again** it should be noted that while you can submit an application to register from February 2018 and we will begin to consider it, we will not be able to

determine your application until after the relevant sections of the Act come into force in April 2018.

## 7.1 Initial completeness check

**Important:** Once an application has been submitted we will undertake a 'completeness check' to ensure that key information (e.g. company registration number; DBS certificate number; NMC or GMC Statement of Purpose) is valid and/or included. Where the check shows that initial fields are valid and/or included the application will be accepted and progress to the 'Quality assessment'.

Once we are satisfied that the form is "complete", you will receive an acknowledgement confirming our acceptance of your application.

If the application is not fully completed or the information is invalid it will not be accepted and you will receive an email to inform you of this. We will advise you of the sections of the form requiring your attention.

## 7.2 Quality assessment

We will carry out a 'quality' assessment of all accepted applications. The type of quality assessment undertaken will depend on whether your application has been assessed as 'standard' or 'complex'.

### 'Standard' application type

Where the application is deemed to be '**standard**' we will undertake a quality assessment which includes the following:

- Checking the legal entity of the service provider;
- An assessment of the service provider's fitness to include a review of;
  - a) any inspection reports during the last two years including any non-compliance notices issued;
  - b) a chronology of events since the last inspection, to include any concerns we have received in relation to the service.
  - c) the manager's registration status with Social Care Wales; and
  - d) any ongoing applications such as variation of conditions.
- The eligibility of the responsible individual.
- The fitness of the responsible individual to include a review of the RI questionnaire submitted as part of the application.
- Where a provider or RI is registered with any professional regulator (Social Care Wales or NMC for example), we will check the registers and endeavour to obtain any additional information as required.
- A review of the Statement of Purpose.



Please note that if any issues arise whilst we are undertaking the quality assessment we may have to change the application type to 'complex' and request additional information from you, as detailed below.

### **'Complex' application type**

Where the application is deemed to be '**complex**' we will undertake a quality assessment which may include one or a combination of the following actions, depending on the circumstances:

- An inspection – using the current inspection framework. This is likely to be required where:
  - a) we need to test whether sufficient improvement has been achieved in relation to any current non-compliance notice(s) from a previous inspection, or
  - b) you are applying to register a service at a premises (including extensions or conversions) which has not previously been registered with us.
  
- Meeting with the service provider. This is likely to be required where:
  - a) following inspection, there are ongoing concerns about the quality of the service and/or outcomes for people using the service; or
  - b) we have concerns in relation to your fitness as a service provider.

The purpose of this meeting will be to discuss this further so that you can demonstrate your commitment and capability to improve in order to meet the requirements of the Act.

- Further enquiries in relation to RIs. This could include one or more of the following:
  - a) Requesting references: If we have concerns about the suitability of an RI we may request further information in the form of references.
  - b) Meeting with the RI: Where we have concerns in relation to the fitness of a responsible individual or their ability to comply with the duties imposed upon them in the regulations, we may require them to attend a meeting to discuss these.
  
- Further enquiries with other relevant regulators. Where a provider or RI is also registered with another regulator (CQC; Social Care Wales or NMC for example), we may make enquiries with that regulator.
  - a) This may be to inform our assessment of whether a RI will be able to carry out their duties, particularly where they are the RI for multiple services.

- b) If you have indicated that your registration was cancelled, refused or that you have been prosecuted by another regulator we may need to contact them for further information.
- Requests for further supporting documents. In certain circumstances we may require further information to support your application, for example if you are adding a conversion to an existing premises as part of your re-registration, we are likely to require floor plans and undertake a site visit.

## 8 Determining your application

### 8.1 Factors for determination

When determining your application we will consider the following:

- Does the application form contain all of the required information?
- Are we satisfied that the applicant is a ‘fit and proper person’?
- Are we satisfied that the designated RI is suitable, as set out in paragraph [8.4](#)?
- Are we satisfied that you will comply with the requirements of the regulations and any other relevant legislation?

### 8.2 Does the application form contain all of the required information?

Our initial completeness check will ensure that your application form contains all of the required information. If we find that the information or documentation that you have provided is not sufficiently detailed we will take a proportionate approach to this. If we require further information, clarification or additional supporting documents we will ask you for this whilst we are undertaking the quality assessment.

### 8.3 ‘Fit and proper person’

When making any decision about the registration of a provider we must be satisfied that the provider and RI are “fit and proper” to be providing regulated services. Section 9 of the Act ([Annex 5](#)) sets out the fit and proper person test. Subsections (4) – (8) set out evidence that we **must** consider, although we **may** have regard to all matters that we think appropriate. Issues likely to have an impact on our decision are factors such as: the commission of offences, an association with a person who has committed offences, previous involvement in the misconduct or mismanagement of a regulated service and issues of non-compliance with the regulations made under the Act.

Our assessment of fitness will include any information that is already known to us about a service provider or RI. If you provide regulated services elsewhere in the UK, we may contact other regulators to assist us in making our decision.

Individual applicants and RIs will be required to undergo a Disclosure and Barring Service (DBS) check as part of the re-registration process. A service provider will not be able to submit their application without a DBS certificate number being provided by individual applicants or RIs. **For this reason all individuals and RIs are strongly encouraged to sign up to the DBS Updates Service prior to February 2018, as this will ensure you do not encounter any delays in making your application to re-register.** For more information on how to do this visit the DBS link on our website:

[www.careinspectorate.wales](http://www.careinspectorate.wales)

In the event of a positive disclosure on a DBS check we will consider whether any further action is required. In some cases an interview will need to take place in order to establish whether the disclosure is likely to have an impact on the RI's suitability to be designated as a RI of a regulated service.

Individual applicants and RIs will also be required to provide details of any registrations they may have with professional or regulatory bodies, such as the Nursing and Midwifery Council or Social Care Wales. We will validate these registrations and endeavour to obtain any information which may impact upon the fitness of an individual, where relevant.

#### **8.4 Responsible Individuals**

In relation to RIs we will need to be satisfied that the designated individual is:

- eligible (see paragraph [2.7](#));
- meets the fit and proper person test (see paragraph [8.3](#)), and
- that they will comply with the RI duties set out in the regulations made under the Act.

The regulations made under the Act place certain duties on the RI and we will need to be satisfied that the RI designated for each service will comply with these. These duties have an emphasis on ensuring the effective management and oversight of the service with a focus on continued improvement.

All RIs will be required to complete a questionnaire as part of the re-registration process. This questionnaire is intended to establish an RI's ability to comply with the duties imposed upon them by the regulations.

An individual may be designated as a RI for more than one service, but we will need to be satisfied that this will not impact upon their ability to perform their duties in relation to each service. We will also consider whether the RI is concerned with any other regulated services within the UK.

#### **8.5 Compliance with all relevant legislation**

We will need to be satisfied that the service you are applying to provide will comply with all relevant legislation. This will include the regulations made under

the Act and any other legislation that is relevant to the service, such as health and safety legislation.

The regulations made under the Act impose requirements on providers in relation to regulated services. These include requirements as to the standard of care and support to be provided.

Welsh Government Guidance<sup>1</sup> will accompany these regulations and set out how providers may comply with the requirements. In assessing your application we will need to be satisfied that you are likely to comply with these requirements. The Statement of Purpose will be the key document we will use in reaching our decision.

## **8.6 Registration decisions**

If you are applying to register a single service, you will receive a single determination Notice

If you have applied to register more than one service as part of the same application, you will have one registration with us, but will receive one determination Notice per service. This is to prevent any delays in relation to determining a single service from delaying determinations in relation to your other services.

## **8.7 Granting an application**

It is our expectation that the vast majority of providers will transition to registration under the Act with little difficulty.

If you have indicated on your application form that you agree to the proposed conditions of registration and we intend to grant your application, we will issue a Notice of Decision to grant your application.

## **8.8 Granting an application with imposed conditions**

If we intend to grant your application to register, but you have indicated that you do not agree to the proposed conditions on your application form or we propose to impose additional conditions, we will issue a Notice of Proposal to impose conditions. For example, if you have asked to register a care home with a maximum capacity of 60 people, but we propose to register you with a maximum capacity of 50 people.

The Notice will set out the conditions we intend to impose, the reasons why and the timescale you have to make representations about our proposal.

---

<sup>1</sup> A draft of this guidance (“Statutory guidance for service providers and responsible individuals on meeting service standard regulations”) was published as part of the Welsh Government consultation on the implementation of Phase 2 of the Act in April 2017.

In certain circumstances we may specify action which, if taken by you within a specified time limit, would result in us not imposing that condition. For example, a proposal to reduce the maximum number of people you are registered to provide a service to, unless you took remedial action to the premises.

### **8.9 Refusal of an application**

If we intend to refuse your application to register, we will issue a Notice of Proposal to refuse your application.

The Notice will set out the reasons why we are refusing your application and the timescale you have to make representations about our proposal.

In certain circumstances we may specify action which, if taken by you within a specified time limit, would result in us not taking the proposed action. For example, a proposal to refuse your application, unless you designated a satisfactory alternative RI.

### **8.10 Representations and Appeals process**

In the event that we issue a Notice of Proposal to either impose conditions on your registration or refuse your application, you will be given a deadline to make representations to us. This will be set out in the Notice, but must be a minimum of 28 days.

We will aim to respond by issuing a Notice of Decision within 28 days of the deadline for representations elapsing. If we are not able to respond within 28 days we will notify you of this and the reasons why. In such cases we will issue a Notice of Decision within 56 days of the deadline for representations elapsing.

The Notice of Decision will set out whether we intend to take the proposed action, the reasons why and explain any rights of appeal you have.

### **8.11 When will my registration take effect?**

If we issue a **Notice of Decision to grant** your application, this takes effect on the date upon which it is issued. Your registration will therefore commence on the same day we issue you with this Notice.

**A Notice of Decision to grant your application issued following a Notice of Proposal** takes effect 28 days after it is issued, unless you submit an appeal to the Tribunal.

Therefore, if you do not submit an appeal, your registration will take effect 28 days after we issue the Notice of Decision. If you do submit an appeal your registration will not take effect until either the Tribunal determines your appeal or the appeal is withdrawn.

Under the Act we are not required to issue you with a certificate of registration. However, our website will contain a register of all registered providers and their conditions of registration. [Annex 6](#) provides an illustrative example of how your registration on our website may look.

## **9 What happens if you don't submit an application to register?**

We will be reminding anyone who has failed to submit an application one month before their deadline set out in paragraph [2.6](#) of this guidance. However, it will be your responsibility to ensure that you have submitted an application prior to this date.

Failure to submit an application by the dates outlined in this guidance may mean that a service will be operating illegally, without registration. We will seek to work with you to ensure that those who wish to be registered under the Act submit an application to do so. Where you fail to make any application to register under the Act and continue to provide a regulated service we will have no option but to commence criminal enforcement action against you.

## **10 How to get advice and assistance**

### **10.1 Advice surgeries**

From October 2017 to February 2018 we will hold a series of advice surgeries at our regional offices and by telephone to offer support and advice for you. The venues, times and how to book will be made available via our website and newsletter.

### **10.2 Support for applicants**

We will provide a customer care team to field telephone and e-mail enquiries from applicants when completing their online applications. This service will be available in both Welsh and English.

## Annex 1. Regulated Services under the Act

### Care home services

- (1) A “*care home service*” is the provision of accommodation, together with nursing or care at a place in Wales, to persons because of their vulnerability or need.
- (2) But accommodation together with nursing or care provided at the following places does not constitute a care home service—
- (a) a hospital;
  - (b) a school (but see sub-paragraph (3));
  - (c) a residential family centre;
  - (d) a place providing a secure accommodation service;
  - (e) a place providing accommodation for an adult arranged as part of an adult placement service.
- (3) Accommodation together with nursing or care provided at a school does constitute a care home service if, at the time accommodation is provided for children at the school—
- (a) accommodation has been provided at the school or under arrangements made by the school's proprietor for at least one child for more than 295 days in any period of 12 months falling within the previous 24 months, or
  - (b) such accommodation is intended to be provided for at least one child for more than 295 days in any period of 12 months falling within the following 24 months.
- (4) The provision of accommodation and care to a child by a parent, relative or foster parent does not constitute a care home service.
- (5) In sub-paragraph (2)(b), “*school*” has the meaning given by section 4 of the Education Act 1996 (c.56).
- (6) In sub-paragraph (4), “*parent*” means a person who has parental responsibility for a child (within the meaning given by section 3 of the Children Act 1989 (c.41)).
- (7) For the purposes of sub-paragraph (4) a person is a foster parent in relation to a child if the person—
- (a) is a local authority foster parent, or
  - (b) fosters the child privately.

### Secure accommodation services

A “*secure accommodation service*” is the provision of accommodation for the purpose of restricting the liberty of children at residential premises in Wales where care and support is provided to those children.

### Residential family centre services

- (1) A “*residential family centre service*” is the provision of accommodation for children and their parents at a place in Wales where—
- (a) the parents’ capacity to respond to the children's needs and to safeguard their well-being is monitored or assessed, and
  - (b) the parents are given such care and support as is thought necessary.

(2) In sub-paragraph (1), “*parent*” in relation to a child, means any person who is looking after the child.

### **Adoption services**

An “*adoption service*” is a service provided in Wales by—

- (a) an adoption society within the meaning of the Adoption and Children Act 2002 (c.38) which is a voluntary organisation within the meaning of that Act, or
- (b) an adoption support agency within the meaning given by section 8 of that Act.

### **Fostering services**

A “*fostering service*” means any service provided in Wales by a person other than a local authority which consists of or includes—

- (a) the placement of children with local authority foster parents, or
- (b) exercising functions in connection with such placement.

### **Adult placement services**

(1) An “*adult placement service*” means 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).

(2) In sub-paragraph (1) “*carer agreement*” means 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.

### **Advocacy services**

(1) An “*advocacy service*” is a service specified for the purposes of this paragraph by regulations made by the Welsh Ministers.

(2) A service may be specified as an advocacy service only if, and to the extent that, the following requirements are satisfied in relation to the service.

(3) The first requirement is that the service is a service which is carried on (whether or not for profit) for the purpose of representing the views of individuals, or assisting individuals to represent those views, in respect of matters relating to those individuals’ needs for care and support (including matters relating to assessing whether those needs exist).

(4) The second requirement is that the service is not carried on by a person, in the course of a legal activity (within the meaning of the Legal Services Act 2007 (c.29)), who is—

- (a) an authorised person for the purposes of that Act, or
- (b) a European lawyer (within the meaning of the European Communities (Services of Lawyers) Order (S.I. 1978/1910)).

(5) Before making regulations under sub-paragraph (1) the Welsh Ministers must consult any persons they think appropriate.



- (6) But the requirement to consult does not apply to regulations which—
- (a) amend other regulations made under that sub-paragraph, and
  - (b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.

### **Domiciliary support services**

(1) A “*domiciliary support service*” is the provision of care and support to a person who by reason of vulnerability or need (other than vulnerability or need arising only because the person is of a young age) is unable to provide it for him or herself and is provided at the place in Wales where the person lives (including making arrangements for or providing services in connection with such provision).

(2) But the provision of care and support does not constitute a domiciliary support service if—

- (a) it is provided by an individual without the involvement of an undertaking acting as an employment agency or employment business (within the meaning given to those expressions by section 13 of the Employment Agencies Act 1973 (c.35)), and who works wholly under the direction and control of the person receiving the care and support, or

- (b) it is provided—

- (i) at a place where a care home service, secure accommodation service, residential family centre service or accommodation arranged as part of an adult placement service is provided, or
- (ii) at a hospital.

(3) A person who introduces individuals who provide a domiciliary support service to individuals who may wish to receive it but has no ongoing role in the direction or control of the care and support provided is not to be treated as providing a domiciliary support service (regardless of whether or not the introduction is for profit).

## Annex 2. Responsible individuals

- (1) In this Part, “*responsible individual*” means an individual—
- (a) who is eligible to be a responsible individual under subsection (2),
  - (b) who the Welsh Ministers are satisfied is a fit and proper person to be a responsible individual (see section 9), and
  - (c) designated by a service provider in respect of a place at, from or in relation to which the provider provides a regulated service and specified as such in the service provider's registration.
- (2) To be eligible to be a responsible individual the individual must—
- (a) where the service provider is an individual, be the service provider;
  - (b) where the service provider is a partnership, be one of the partners;
  - (c) where the service provider is a body corporate other than a local authority—
    - (i) be a director or similar officer of the body,
    - (ii) in the case of a public limited company, be a director or company secretary, or
    - (iii) in the case of a body corporate whose affairs are managed by its members, be a member of the body;
  - (d) where the service provider is an unincorporated body, be a member of the body;
  - (e) where the service provider is a local authority, be an officer of the local authority designated by the authority's director of social services.
- (3) For the purposes of subsection (2)(e), a local authority's director of social services may designate an officer only if the director thinks that the officer has the necessary experience and expertise to be a responsible individual.
- (4) The same responsible individual may be designated in relation to more than one place at, from or in relation to which a regulated service is provided.

## **Annex 3. Regional partnership areas in relation to Domiciliary Support Services**

### **1. Partnership arrangements under the direction of Gwent regional partnership Board**

- Aneurin Bevan University Health Board
- Monmouthshire County Council
- Newport City Council
- Torfaen County Borough Council
- Blaenau Gwent County Borough Council
- Caerphilly County Borough Council.

### **2. Partnership arrangements under the direction of North Wales regional partnership board**

- Betsi Cadwaladr University Health Board
- Flintshire County Council
- Wrexham County Borough Council
- Isle of Anglesey County Council
- Gwynedd County Council
- Denbighshire County Council
- Conwy County Borough Council.

### **3. Partnership arrangements under the direction of Cardiff and Vale regional partnership board**

- Cardiff and Vale University Health Board
- Cardiff City and County Council
- Vale of Glamorgan Council.

### **4. Partnership arrangements under the direction of Western Bay regional partnership board**

- Abertawe Bro Morgannwg University Health Board
- Swansea City and County Council
- Bridgend County Borough Council
- Neath Port Talbot County Borough Council.

### **5. Partnership arrangements under the direction of Cwm Taf regional partnership board**

- Cwm Taf University Health Board
- Rhondda Cynon Taf County Borough Council

- Merthyr Tydfil County Borough Council.

## **6. Partnership arrangements under the direction of the West Wales regional partnership board**

- Hywel Dda University Health Board
- Pembrokeshire County Council
- Carmarthenshire County Council
- Ceredigion County Council

## **7. Partnership arrangements under the direction of Powys regional partnership board**

- Powys Teaching Health Board
- Powys County Council.

## Annex 4. Summary of information required in the application form

Information about the service provider	
Individuals	<p>Name            Address            D.O.B            Contact details            Professional qualifications and experience            Employment history            Details of any previous or current involvement in other regulated services in the UK            Details of any other business interests            DBS certificate number/updates service</p>
Body Corporates	<p>Organisation name            Organisation address            Company number/Charity number            Organisation contact details            Links to other companies            Director details, including: name, D.O.B, contact details and details of any other involvement with regulated services.            Details of any previous or current involvement in other regulated services in the UK            Details of any other business interests            Designation of a responsible individual</p>
Unincorporated bodies	<p>Organisation name            Organisation address            Organisation contact details            Links to other organisations            Member details, including: name, D.O.B, contact details and details of any other involvement with regulated services.            Details of any previous or current involvement in other regulated services in the UK            Details of any other business interests            Designation of a responsible individual</p>

Partnerships	Partnership name Partnership address Partnership contact details Partner details, including: name, D.O.B, contact details and details of any other involvement with regulated services. Details of any previous or current involvement in other regulated services in the UK Details of any other business interests Designation of a responsible individual
--------------	--

<b>Information about the RI</b>	
Individual	Name Address D.O.B Contact details Professional qualifications and experience Employment history Details of any previous or current involvement in other regulated services in the UK Details of any other business interests DBS certificate number/updates service

<b>Information about the service</b>	
Accommodation based services (care home services, residential family centres & secure accommodation service)	Name Address Contact details Maximum capacity of the service Age range of individuals using the service Range of needs you intend to provide a service for Manager of the service, including their name, D.O.B and Social Care Wales registration number Statement of Purpose

<p>Community based services (domiciliary support services)</p>	<p>Name Regional partnership footprint area Office address(es) Contact details Maximum capacity of the service Age range of individuals using the service Range of needs you intend to provide a service for Average number of hours of domiciliary support you intend to provide per week Manager of the service, including their name, D.O.B and Social Care Wales registration number Statement of Purpose</p>
--	---

## Annex 5. Fit and proper person: relevant considerations

- (1) This section applies to any decision of the Welsh Ministers as to whether—
  - (a) a service provider,
  - (b) a person applying to be a service provider,
  - (c) a responsible individual, or
  - (d) a person to be designated as a responsible individual,is a fit and proper person to be a service provider or, as the case may be, a responsible individual.
- (2) In making such a decision the Welsh Ministers must have regard to all matters they think appropriate.
- (3) In particular, the Welsh Ministers must have regard to any evidence falling within subsections (4) to (8).
- (4) Evidence falls within this subsection if it shows that the person has—
  - (a) committed—
    - (i) any offence involving fraud or other dishonesty, violence, firearms or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003 (c.42) (offences attracting notification requirements),
    - (ii) an offence under this Act or regulations made under it,
    - (iii) an offence under Part 2 of the Care Standards Act 2000 (c.14) or regulations made under it, or
    - (iv) any other offence which the Welsh Ministers think is relevant, or
  - (b) practised unlawful discrimination or harassment on the grounds of any characteristic which is a protected characteristic under section 4 of the Equality Act 2010 (c.15), or victimised another person contrary to that Act, in or in connection with the carrying on of any business.
- (5) Evidence is within this subsection if—
  - (a) it shows that any other person associated or formerly associated with the person (whether on a personal, work or other basis) has done any of the things set out in subsection (4), and
  - (b) it appears to the Welsh Ministers that the evidence is relevant to the question as to whether the person is a fit and proper person to be a service provider or, as the case may be, a responsible individual.
- (6) Evidence is within this subsection if it shows that the person has been responsible for, contributed to or facilitated misconduct or mismanagement in the provision—
  - (a) of a regulated service or a service provided outside Wales which, if provided in Wales, would be a regulated service;
  - (b) of a service which would have fallen within paragraph (a) had the regulatory system established by this Part been operating at the time the service was being provided.
- (7) When having regard to evidence within subsection (6), the Welsh Ministers must, among other things, take account of—
  - (a) the seriousness and duration of the misconduct or mismanagement;
  - (b) harm caused to any person, or any evidence of an intent to cause harm;
  - (c) any financial gain made by the person;
  - (d) any action taken by the person to remedy the misconduct or mismanagement.
- (8) Evidence is within this subsection if it shows that the person has previously failed to comply with—



- (a) an undertaking given under section 7(1)(a)(ii) or 11(3)(a)(ii),
  - (b) a condition imposed under this Part, or
  - (c) a requirement imposed by regulations under section 27(1) or 28(1).
- (9) The Welsh Ministers may by regulations amend this section to vary the evidence to which they must have regard.

## Annex 6. Illustrative example of CIW Register of Providers under the Act

<b>Provider:</b>	<b>Service</b>	<b>Service location:</b>	<b>Date of registration:</b>	<b>Conditions of registration:</b>
Suncare Ltd	Care Home	Sunny Care Home, Cardiff	6 August 2018	<ul style="list-style-type: none"> <li>• The responsible individual for this service is Susan Jones.</li> <li>• A maximum of 60 individuals can be accommodated at this service.</li> </ul>
	Care Home	Sunny Care Home, Bridgend	18 July 2018	<ul style="list-style-type: none"> <li>• The responsible individual for this service is Richard Williams.</li> <li>• A maximum of 46 individuals can be accommodated at this service.</li> </ul>
	Domiciliary support service	Sunny Care, Cardiff and the Vale	6 December 2018	<ul style="list-style-type: none"> <li>• The responsible individual for this service is Richard Williams.</li> </ul>
	Domiciliary support service	Sunny Care, Cwm Taf	22 October 2018	<ul style="list-style-type: none"> <li>• The responsible individual for this service is David Jackson.</li> </ul>

## **Glossary of terms**

### **Disclosure and Barring Service (DBS)**

The Disclosure and Barring Service (DBS) helps employers make safer recruitment decisions and prevent unsuitable people from working with vulnerable groups, including children. A standard DBS check will show any unspent convictions, warnings and reprimands. An enhanced DBS check will show all cautions, warnings and reprimands, as well as spent and unspent convictions. It can also search the children and vulnerable adults 'barred list' to see if the applicant is prohibited from working with these groups. Local police can add any relevant information about the applicant.

### **Enforcement**

A range of actions taken by CIW against a service provider who does not comply with regulatory requirements or the conditions of their registration. This can range from the issuing of non-compliance notices to cancellation of a service provider's registration.

### **Fit and proper person**

Someone deemed by the Welsh Ministers to be eligible and suitable for the role of service provider or responsible individual. See Annex 5 for the full test.

### **Inspection**

This is when the inspectorate checks and assesses the standard of care and support provided by a service provider in the course of providing a regulated service.

### **Legal entity**

This means an individual, company, or organisation that has legal rights and obligations.

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

Legislation introducing a new system of service regulation and inspection that will come into force in April 2018 and be fully implemented and operational by April 2019.

### **Regulations**

Sets out the requirements that providers and responsible individuals must meet in order to register and operate a service.

### **Regulated service(s)**

This refers to any of the types of services defined under the Act, such as a care home service or domiciliary support service. The full list of regulated services is set out at [Annex 1](#) of this guidance.

## **Responsible individual (RI)**

A person designated by a service provider to act on their behalf in relation to a registered service(s).

## **Service**

This refers to an individual service. For care homes this would be a care home, carried out at a specific location. For domiciliary support services this would be an individual service, carried out in a specific area.

## **Social Care Wales**

Social Care Wales is the social care workforce regulator in Wales. It sets standards for, and develops the social care workforce; making them accountable for their work and provides information on care and support for the public, the workforce and other organisations.

## **Statement of Purpose**

The Statement of Purpose is the key document which sets out your visions for the service and how you intend to meet the needs of the people using it.

## **The Act**

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

## **The 2014 Act**

The Social Services and Well-being (Wales) Act 2014. This legislation is the legal framework for improving the well-being of people who need care and support, and carers, and for transforming social services in Wales.

## **Transition**

Process for re-registering services already registered under Care Standards Act 2000 to registration under RISCA.