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WELSH STATUTORY INSTRUMENTS

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**2019 No. 237 (W. 56)**

**SOCIAL CARE, ENGLAND AND WALES**

The Regulation and Inspection of Social Care  
(Wales) Act 2016 (Consequential Amendments  
to Secondary Legislation) Regulations 2019

|  |         |                         |
|--|---------|-------------------------|
| <i>Made</i>  | - - - - | <i>12 February 2019</i> |
| <i>Laid before the National<br/>Assembly for Wales</i> | - -     | <i>13 February 2019</i> |
| <i>Coming into force</i>                               | - -     | <i>29 April 2019</i>    |

The Welsh Ministers, in exercise of the power conferred by section 186 of the Regulation and Inspection of Social Care (Wales) Act 2016<sup>(1)</sup>, make the following Regulations:

**Title and commencement**

1.—(1) The title of these Regulations is the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2019.

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

**Amendments**

2. Schedule 1 (amendments consequential upon the commencement of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016) has effect.

**Revocations**

3. Schedule 2 (revocations) has effect.

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12 February 2019

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

## SCHEDULE 1

Regulation 2

### Amendments consequential upon the commencement of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016

#### **Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975**

1.—(1) The Rehabilitation of Offenders Act 1974 (Exceptions) Order 1975<sup>(2)</sup> is amended as follows.

(2) In article 2(1)—

(a) in the appropriate place insert—

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

(b) for the definition of “adoption service” substitute—

““adoption service”—

(a) in relation to England, means the discharge by a local authority in England of relevant adoption functions within the meaning of section 43(3)(a) of the Care Standards Act 2000<sup>(3)</sup>, and

(b) in relation to Wales, means the discharge by a local authority in Wales of functions under the Adoption and Children Act 2002<sup>(4)</sup> of making or participating in arrangements for the adoption of children or the provision of adoption support services as defined in section 2(6) of that Act;”;

(c) in the definition of “children’s home”, for paragraph (b) substitute—

“(b) in relation to Wales, means premises at which—

(i) a care home service is provided wholly or mainly to persons under the age of 18, or

(ii) a secure accommodation service is provided,

and in this paragraph “care home service” and “secure accommodation service” have the meaning given in Part 1 of the 2016 Act ;”;

(d) for the definition of “fostering agency” substitute—

““fostering agency”—

(a) in relation to England, has the meaning given by section 4(4) of the Care Standards Act 2000, and

(b) in relation to Wales, means a provider of a fostering service within the meaning of paragraph 5 of Schedule 1 to the 2016 Act;”;

(e) for the definition of “fostering service” substitute—

““fostering service” means—

(a) in relation to England, the discharge by a local authority in England of relevant fostering functions within the meaning of section 43(3)(b)(i) of the Care Standards Act 2000, and

(b) in relation to Wales, the discharge by a local authority in Wales of functions under section 81 of the Social Services and Well-being (Wales) Act 2014<sup>(5)</sup>

(2) S.I. 1975/1023, amended by S.I. 2014/1707 and 2018/48; there are other amending instruments but none are relevant.

(3) 2000 c. 14.

(4) 2002 c. 38.

(5) 2014 anaw 4.

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(in connection with placements with local authority foster parents) or regulations made under or by virtue of any of sections 87, 92(1)(a), (b), (d) or 93 of that Act;”;

(f) for the definition of “voluntary adoption agency” substitute—

““voluntary adoption agency”—

(a) in relation to England, has the meaning given by section 4(7) of the Care Standards Act 2000, and

(b) in relation to Wales, means a provider of an adoption service within the meaning of paragraph 4(a) of Schedule 1 to the 2016 Act;”.

(3) In article 4(1), after sub-paragraph (ja) insert —

“(jb) any decision by the Welsh Ministers—

(i) to refuse an application for registration under section 7 of the 2016 Act,

(ii) to refuse (under section 12 of the 2016 Act) an application made by a person under section 11(1)(a)(i) or (ii) of the 2016 Act to vary their registration,

(iii) to cancel a person’s registration under section 15(1)(b) to (f) or 23(1) of the 2016 Act,

(iv) to vary a person’s registration under section 13(3)(b) or (4)(b) or 23(1) of the 2016 Act;”.

### **Adoption Agencies Regulations 1983**

2.—(1) The Adoption Agencies Regulations 1983(6) are amended as follows.

(2) In regulation 1(3) (citation, commencement, extent and interpretation), for the definition of “registration authority” substitute—

““registration authority”—

(a) in relation to England, has the same meaning as in section 5 of the 2000 Act, and

(b) in relation to Wales, means the Welsh Ministers;”.

### **Disqualification from Caring for Children (England) Regulations 2002**

3.—(1) The Disqualification from Caring for Children (England) Regulations 2002(7) are amended as follows.

(2) In regulation 2(7A) (grounds for disqualification)—

(a) for the opening words substitute—

“In relation to the registration of a care home service, which is provided wholly or mainly for children, or a secure accommodation service (each have the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”))—”;

(b) in paragraph (d), after “children” insert “, or a secure accommodation service;”.

(3) In the Schedule (specified offences), in paragraph 1(3), after “children” insert “or a secure accommodation service”.

(6) *S.I. 1983/1964*. Sections 3 and 9(1) of the Adoption Act 1976 (*c. 36*) (“the 1976 Act”) were repealed in part by the Care Standards Act 2000 (*c. 14*) (section 117(2), Schedule 5, paragraph 2). Section 9 of the 1976 Act was repealed in full by the Adoption and Children Act 2002 (*c. 38*) (section 139(3) and Schedule 5). Notwithstanding the repeal of the enabling power these Regulations continue in force in so far as they relate to the retention, storage, transfer and disclosure of information in relation to the adoption of a person who was adopted before 30 December 2005. *See S.I. 2005/2897*, article 13.

(7) *S.I. 2002/635*; paragraph (7A) was inserted into regulation 2 and sub-paragraph (3) inserted into paragraph 1 of the Schedule by *S.I. 2018/48 (W. 15)*. There are other amending instruments but none are relevant to these Regulations.

## **Registration of Social Care and Independent Health Care (Wales) Regulations 2002**

4.—(1) The Registration of Social Care and Independent Health Care (Wales) Regulations 2002<sup>(8)</sup> are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1)—

- (i) in the definition of “the Act”, omit the words from “or” to the end;
- (ii) in the definition of “appropriate office of the National Assembly”, omit paragraphs (e), (f), (i) and (j);
- (iii) in the definition of “statement of purpose”, omit paragraphs (e), (f), (g), (j) and (k);
- (iv) omit the following definitions—

- (aa) “the 1976 Act”;
- (bb) “adoption service”;
- (cc) “Adoption Support Agency”;
- (dd) “adult placement scheme”;
- (ee) “fostering service”;
- (ff) “local authority fostering service”;
- (gg) “voluntary adoption service”;

(b) in paragraph (3), omit sub-paragraph (d).

(3) In regulation 9 (contents of certificate), in paragraph (e), for the words from “section 4(8)(a)(iii)” to the end substitute “section 4(8)(a)(iii), (iv) and (v) or 9(a)(i) of the Act”.

(4) In Schedule 1 (information to be supplied on an application for registration as a person who carries on an establishment or agency), in Part 2 (information about the establishment)—

(a) for paragraph 5 substitute—

“5. The description of the establishment or agency specified in section 4(8)(a)(iii), (iv) or (v) or (9)(a)(i) of the Act.”;

(b) in paragraph 13, for the words from “section 4(8)(a)(iii)” to “the Act” substitute “section 4(8)(a)(iii), (iv) and (v) or (9)(a)(i) of the Act”.

## **Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003**

5.—(1) The Voluntary Adoption Agencies and the Adoption Agencies (Miscellaneous Amendments) Regulations 2003<sup>(9)</sup> are amended as follows.

(2) In regulation 1(2) (citation, commencement and interpretation)—

(a) in the definition of “adoption support services”, for the words from “of that Act” to the end substitute “of that Act by the Secretary of State.”;

(b) for the definition of “registration authority” substitute—

““registration authority” means the Chief Inspector.”.

(3) In regulation 3(2) (statement of purpose), omit the words from “and” in the second place it occurs to the end.

(4) In regulation 4 (review of statement of purpose), for paragraph (b) substitute—

<sup>(8)</sup> S.I. 2002/919 (W. 107); relevant amending instruments are S.I. 2003/237 (W. 35), 2003/710 (W. 86), 2003/2527 (W. 242), 2004/219 (W. 23), 2004/1756 (W. 188), 2010/2574 (W. 214) and 2018/48 (W. 15).

<sup>(9)</sup> S.I. 2003/367; relevant amending instruments are S.I. 2005/3341 and 2007/603.

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“(b) notify the registration authority.”

(5) For regulation 24G(3) (records with respect to services) substitute—

“(3) In this regulation “adoptive child” has the same meaning as in the Adoption Support Agencies (England) and Adoption Agencies (Miscellaneous Amendments) Regulations 2005.”

#### **Disqualification from Caring for Children (Wales) Regulations 2004**

6.—(1) The Disqualification from Caring for Children (Wales) Regulations 2004(10) are amended as follows.

(2) In the Schedule—

(a) in paragraph 4A, after “age of 18” insert “or a secure accommodation service”;

(b) in paragraph 25A—

(i) for the opening words substitute—

“In relation to the registration of a care home service, which is provided wholly or mainly to persons under the age of 18, or a secure accommodation service (each have the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”))—”;

(ii) in sub-paragraph (d), after “age of 18” insert “, or a secure accommodation service,”.

#### **Adoption Support Services Regulations 2005**

7.—(1) The Adoption Support Services Regulations 2005(11) are amended as follows.

(2) In regulation 5 (arrangements for securing the provision of services), for paragraph (2) substitute—

“(2) In paragraph (1) “registered adoption support agency” means an adoption support agency which is—

(a) in relation to England, an adoption support agency in respect of which a person is registered under Part 2 of the Care Standards Act 2000, or

(b) registered as a provider in Wales of an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.”

#### **Disclosure of Adoption Information (Post-commencement Adoptions) Regulations 2005**

8.—(1) The Disclosure of Adoption Information (Post-commencement Adoptions) Regulations 2005(12) are amended as follows.

(2) In regulation 2 (interpretation), for the definition of “registered adoption support agency” substitute—

““registered adoption support agency” means an adoption support agency which is—

(a) in relation to England, an adoption support agency in respect of which a person is registered under Part 2 of the Care Standards Act 2000, or

(b) registered as a provider in Wales of an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016;”.

(10) S.I. 2004/2695 (W. 235), amended by S.I. 2018/48 (W. 15), there are other amendments not relevant to these Regulations.

(11) S.I. 2005/691, to which there are amendments not relevant to these Regulations.

(12) S.I. 2005/888, to which there are amendments not relevant to these Regulations.

### **Adoption Information and Intermediary Services (Pre-commencement Adoptions) Regulations 2005**

**9.**—(1) The Adoption Information and Intermediary Services (Pre-commencement Adoptions) Regulations 2005(13) are amended as follows.

(2) In regulation 10 (counselling), after paragraph (5) insert—

“(6) In this regulation “registered adoption support agency” means—

- (a) in relation to England, an adoption support agency in respect of which a person is registered under Part 2 of the Care Standards Act 2000, or
- (b) in relation to Wales, an adoption support agency registered as an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.”

### **Special Guardianship Regulations 2005**

**10.**—(1) The Special Guardianship Regulations 2005(14) are amended as follows.

(2) In regulation 4(2) (arrangements for securing provision of services), for paragraph (b) substitute—

“(b) “adoption support agency” has the same meaning as in the Adoption and Children Act 2002;

(c) “fostering agency”—

- (a) in relation to England, means a fostering agency within the meaning of section 4(4) of the Care Standards Act 2000, and
- (b) in relation to Wales, means a fostering service within the meaning of paragraph 5 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016;
- (d) “registered” in relation to any such agency means that a person is registered in respect of it under Part 2 of the Care Standards Act 2000 or Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.”

### **Adoption Support Services (Local Authorities) (Wales) Regulations 2005**

**11.**—(1) The Adoption Support Services (Local Authorities) (Wales) Regulations 2005(15) are amended as follows.

(2) In regulation 2(1) (interpretation), for the definition of “foster parent” substitute—

““foster parent” (“*rhiant maeth*”) means—

- (a) a person who is approved as a foster parent under the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018(16), and
- (b) includes a person with whom a child is placed under regulation 26 of the Care Planning, Placement and Case Review (Wales) Regulations 2015(17) (temporary approval of a relative, friend or other person connected with the child) or regulation 28 of those Regulations (temporary approval of a particular prospective adopter);”.

(3) In regulation 5 (provision of services), for paragraph (2) substitute—

“(2) In paragraph (1) “registered adoption support agency” means an adoption support agency which is—

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(13) S.I. 2005/890, to which there are amendments not relevant to these Regulations.

(14) S.I. 2005/1109, to which there are amendments not relevant to these Regulations.

(15) S.I. 2005/1512 (W. 116), to which there are amendments not relevant to these Regulations.

(16) S.I. 2018/1333 (W. 60).

(17) S.I. 2015/1818 (W. 261), to which there are amendments not relevant to these Regulations.

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- (a) in relation to England, an adoption support agency in respect of which a person is registered under Part 2 of the Care Standards Act 2000, or
  - (b) registered as a provider in Wales of an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016,
- but in relation to the provision of any adoption support service, does not include an adoption support agency which is not registered in respect of that particular service.”

### **Special Guardianship (Wales) Regulations 2005**

**12.**—(1) The Special Guardianship (Wales) Regulations 2005<sup>(18)</sup> are amended as follows.

(2) In regulation 1(3) (title, commencement, application and interpretation)—

(a) for the definition of “adoption support agencies” substitute—

““adoption support agencies” (“*asiantaethau cymorth mabwysiadu*”)—

- (a) in relation to Wales, means a provider of adoption services within the meaning of paragraph 4(b) of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016, and
- (b) in relation to England, has the same meaning as in section 4(7A) of the Care Standards Act 2000;”;

(b) for the definition of “independent fostering agencies” substitute—

““independent fostering agencies” (“*asiantaethau maethu annibynnol*”)—

- (a) in relation to Wales, means a fostering service within the meaning of paragraph 5 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016, and
- (b) in relation to England, means a fostering agency within the meaning of section 4(4)(a) of the Care Standards Act 2000;”;

(c) for the definition of “voluntary adoption agencies” substitute—

““voluntary adoption agencies” (“*asiantaethau mabwysiadu gwirfoddol*”)—

- (a) in relation to Wales, means a provider of an adoption service within the meaning of paragraph 4(a) of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016, and
- (b) in relation to England, has the same meaning as in section 4(7) of the Care Standards Act 2000;”.

### **Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005**

**13.**—(1) The Access to Information (Post-Commencement Adoptions) (Wales) Regulations 2005<sup>(19)</sup> are amended as follows.

(2) In regulation 2 (interpretation), for the definition of “registered adoption support agency” substitute—

““registered adoption support agency” (“*asiantaeth cefnogi mabwysiadu gofrestredig*”) means

- (a) in relation to Wales, an adoption support agency which is registered as an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, or

<sup>(18)</sup> S.I. 2005/1513 (W. 117), to which there are amendments not relevant to these Regulations.

<sup>(19)</sup> S.I. 2005/2689 (W. 189), to which there are amendments not relevant to these Regulations.



- (b) in relation to England, an adoption support agency in respect of which a person is registered under Part 2 of the Care Standards Act 2000;”.
- (3) In regulation 15(3) (duty to secure counselling) omit the definition of “registered adoption support agency”.

#### **Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005**

**14.**—(1) The Adoption Information and Intermediary Services (Pre-Commencement Adoptions) (Wales) Regulations 2005(**20**) are amended as follows.

(2) In regulation 2 (interpretation), for the definition of “registered adoption support agency” substitute—

““registered adoption support agency” (*“asiantaeth cymorth mabwysiadu gofrestredig”*) means—

- (a) in relation to Wales, an adoption support agency which is registered as an adoption service under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016, or
- (b) in relation to England, an adoption support agency in respect of which a person is registered under Part 2 of the Care Standards Act 2000;”.

#### **Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006**

**15.**—(1) The Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) (Wales) Regulations 2006(**21**) are amended as follows.

(2) In regulation 4 (other persons to be regarded as forming a single household for the purposes of section 254 of the Act)—

- (a) in paragraph (1), for the words from “receiving care receives” to the end substitute “receiving care and support services receives, care and support under an individual placement agreement in accordance with the Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019(**22**).”;
- (b) in paragraph (2), for the words from “the Fostering Services (Wales) Regulations 2003” to the end substitute “the Care Planning, Placement and Case Review (Wales) Regulations 2015.”;
- (c) for paragraph (3) substitute—

“(3) In this regulation “individual placement plan” has the meaning given in regulation 1(2) of the Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019.”

#### **Childcare (Supply and Disclosure of Information) (England) Regulations 2007**

**16.**—(1) The Childcare (Supply and Disclosure of Information) (England) Regulations 2007(**23**) are amended as follows.

(2) In regulation 9(2) (required provision of information to various prescribed persons)—

- (a) after sub-paragraph (a) insert—

(20) [S.I. 2005/2701 \(W. 190\)](#), to which there are amendments not relevant to these Regulations.

(21) [S.I. 2006/1715 \(W. 177\)](#), amended by [S.I. 2016/216 \(W. 85\)](#); there are other amending instruments by none are relevant to these Regulations.

(22) [S.I. 2019/163 \(W. 40\)](#).

(23) [S.I. 2007/722](#), to which there are amendments not relevant to these Regulations.

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- “(aa) a provider of a fostering service within the meaning of paragraph 5 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016;”;
- (b) in sub-paragraph (b), for “that Act” substitute “the Care Standards Act 2000”;
- (c) after sub-paragraph (b) insert—
  - “(ba) a provider of an adoption service within the meaning of paragraph 4(a) of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016;”.

### **Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010**

17.—(1) The Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010<sup>(24)</sup> are amended as follows.

(2) In regulation 2 (interpretation)—

- (a) in the definition of “applicant”, in paragraph (c), for “28(6)(a)” substitute “8(6)(a)”;
- (b) in the definition of “foster parent”, for “2(1)” substitute “2”;
- (c) in the definition of “fostering panel”, for “24” substitute “4”;
- (d) for the definition of “fostering service provider” substitute—
  - ““fostering services provider” (*darparrydd gwasanaethau maethu*) has the meaning given in regulation 2 of the Fostering Regulations;”;
- (e) in the definition of “the Fostering Regulations”, for “Fostering Services (Wales) Regulations 2003” substitute “Fostering Panels (Establishment and Functions) (Wales) Regulations 2018”;
- (f) in the definition of “organisation”, for “fostering service provider” substitute “fostering services provider”.

(3) In regulation 4 (qualifying determination – prescribed descriptions for the purposes of section 93(2)(b) of the Social Services and Well-being (Wales) Act 2014)—

- (a) in paragraph (a)—
  - (i) for “27(6)” substitute “7(11)”;
  - (ii) for “28(6)” substitute “8(6)”;
- (b) in paragraph (b)—
  - (i) for “27(6)” substitute “7(11)”;
  - (ii) for “29(7)” substitute “9(7)(a)”.

(4) In regulation 14(3)(a) (functions of a panel constituted to review a fostering determination), for “29A” substitute “10”.

(5) In each of the provisions mentioned in paragraph (6), for “fostering service provider” substitute “fostering services provider”.

(6) The provisions are—

- (a) regulation 4(a) and (b);
- (b) regulation 14(2), (2)(b), (3)(b) and (4).

<sup>(24)</sup> S.I. 2010/746 (W. 75), amended by S.I. 2016/211 (W. 84), there are other amending instruments but none are relevant.

### **Child Minding and Day Care (Disqualification) (Wales) Regulations 2010**

**18.**—(1) The Child Minding and Day Care (Disqualification) (Wales) Regulations 2010<sup>(25)</sup> are amended as follows.

(2) In Schedule 1 (orders etc relating to the care of children), in paragraph 16A—

(a) for the opening words substitute—

“In relation to the registration of a care home service, which is provided wholly or mainly to persons under the age of 18, or a secure accommodation service (each has the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”))—”;

(b) in sub-paragraph (d), after “age of 18” insert “, or a secure accommodation service,”.

(3) In Schedule 3 (specified offences), in paragraph 1 (offences in England and Wales), for the opening words of sub-paragraph (5) substitute—

“An offence in relation to a secure accommodation service or a care home service, which is provided wholly or mainly to persons under the age of 18 (each has the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”)) under or by virtue of any of the following provisions of the 2016 Act—”.

### **Child Minding and Day Care (Exceptions) (Wales) Order 2010**

**19.**—(1) The Child Minding and Day Care (Exceptions) (Wales) Order 2010<sup>(26)</sup> is amended as follows.

(2) After article 11 insert—

“**11A.** A person does not provide day care where the care is provided to a child who receives a secure accommodation service (within the meaning of the Regulation and Inspection of Social Care (Wales) Act 2016) at a place where such services are provided and in respect of which a person is registered under Part 1 of the Act.”

### **Mental Health (Care Co-ordination and Care and Treatment Planning) (Wales) Regulations 2011**

**20.**—(1) The Mental Health (Care Co-ordination and Care and Treatment Planning) (Wales) Regulations 2011<sup>(27)</sup> are amended as follows.

(2) In regulation 2(1) (interpretation), in the definition of “adult placement carer”, for the words from “adult placement agreement” to the end substitute “individual placement agreement entered into by the carer in accordance with regulation 12 of the Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019<sup>(28)</sup>”.

### **Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012**

**21.**—(1) The Council Tax Reduction Schemes (Prescribed Requirements) (England) Regulations 2012<sup>(29)</sup> are amended as follows.

(2) In Schedule 1, in paragraph 25(8)—

(a) in paragraph (k), omit “Fostering Services (Wales) Regulations 2003”;

(b) after paragraph (k) insert—

<sup>(25)</sup> S.I. 2010/1703 (W. 163); amended by S.I. 2018/48 (W. 15), there are other amending instruments but none are relevant.

<sup>(26)</sup> S.I. 2010/2839 (W. 233); amended by S.I. 2018/48 (W. 15), there are other amending instruments but none are relevant.

<sup>(27)</sup> S.I. 2011/2942 (W. 318), to which there are amendments not relevant to these Regulations.

<sup>(28)</sup> S.I. 2019/163 (W. 40).

<sup>(29)</sup> S.I. 2012/2885, to which there are amendments not relevant to these Regulations.

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“(ka) by a foster parent under the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018<sup>(30)</sup> or a person with whom a child is placed under regulation 26 of the Care Planning, Placement and Case Review (Wales) Regulations 2015 (temporary approval of a relative, friend or other person connected with the child) or regulation 28 of those Regulations (temporary approval of a particular prospective adopter) in relation to a child other than one whom the foster parent is fostering or the person is looking after; or”.

### **Food Hygiene Rating (Wales) Regulations 2013**

- 22.—(1) The Food Hygiene Rating (Wales) Regulations 2013<sup>(31)</sup> are amended as follows.
- (2) In regulation 5(1)(b) (exempt food business establishments), for paragraph (ii) substitute—
- “(ii) persons who are adult placement carers within the meaning of regulation 1(3) of the Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019<sup>(32)</sup>”.

### **Representations Procedure (Wales) Regulations 2014**

- 23.—(1) The Representations Procedure (Wales) Regulations 2014<sup>(33)</sup> are amended as follows.
- (2) Omit regulation 22 (handling of care standards representations).

### **Childcare (Childminder Agencies) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014**

- 24.—(1) The Childcare (Childminder Agencies) (Registration, Inspection and Supply and Disclosure of Information) Regulations 2014<sup>(34)</sup> are amended as follows.
- (2) In regulation 19(2) (required provision of information to various prescribed persons)—
- (a) after sub-paragraph (a) insert—
- “(aa) a provider of a fostering service (within the meaning of paragraph 5 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016)”;
- (b) in sub-paragraph (b), for “that Act” substitute “the Care Standards Act 2000”;
- (c) after sub-paragraph (b) insert—
- “(ba) a provider of an adoption service (within the meaning of paragraph 4(a) of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016)”.

### **Care Planning, Placement and Case Review (Wales) Regulations 2015**

- 25.—(1) The Care Planning, Placement and Case Review (Wales) Regulations 2015<sup>(35)</sup> are amended as follows.
- (2) In regulation 2(1) (interpretation)—

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<sup>(30)</sup> S.I. 2018/1333 (W. 60).

<sup>(31)</sup> S.I. 2013/2903 (W. 282).

<sup>(32)</sup> S.I. 2019/163 (W. 40), regulation 1(3) of which defines an “adult placement carer” as a person who has entered into a carer agreement with a service provider. “Carer agreement” is defined in paragraph 6 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2).

<sup>(33)</sup> S.I. 2014/1795 (W. 188), to which there are amendments not relevant to these Regulations.

<sup>(34)</sup> S.I. 2014/1920, to which there are amendments not relevant to these Regulations.

<sup>(35)</sup> S.I. 2015/1818 (W. 261), to which there are amendments not relevant to these Regulations.

- (a) in the definition of “the Fostering Regulations”, for “the Fostering Services (Wales) Regulations 2003” substitute “the Fostering Panels (Establishment and Functions) (Wales) Regulations 2018”;
- (b) in the definition of “fostering service provider”, in paragraph (a)—
  - (i) for “a fostering service provider” substitute “a fostering services provider”;
  - (ii) for “2(1)” substitute “2”.
- (3) In regulation 22(1) (interpretation)—
  - (a) omit the definition of “registered person” and the “and” immediately preceding it;
  - (b) in the appropriate places insert—
    - ““independent fostering service” (“*gwasanaeth maethu annibynnol*”) means—
      - (a) a fostering service within the meaning of paragraph 5 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016, and
      - (b) a fostering agency within the meaning of section 4(4)(a) of the Care Standards Act 2000;”;
      - ““registered provider” (“*darparwr cofrestredig*”) means—
        - (a) a regulated fostering services provider within the meaning of regulation 2 of the Fostering Regulations, and
        - (b) a registered person within the meaning of regulation 2(1) of the Fostering Services (England) Regulations 2011.”
  - (4) In regulation 23(2)(c) (conditions to be complied with before placing a child with a local authority foster parent), for “28(5)(b)” substitute “8(5)(b)”.
  - (5) In each of the provisions mentioned in paragraph (6), for “registered person” substitute “registered provider”.
  - (6) The provisions are—
    - (a) regulation 29(1), (2) and (3);
    - (b) Schedule 6—
      - (i) paragraph 1(a), (b) and (c);
      - (ii) paragraph 2(b) and (e).
  - (7) In regulation 29 (independent fostering agencies – discharge of authority functions), in the heading, for “fostering agencies” substitute “fostering services”.
  - (8) In regulation 63 (records – establishment of records), in paragraph (2)(e), for “fostering agency” in both places where it occurs substitute “fostering service”.
  - (9) In the heading to Schedule 6, for “fostering agency” substitute “fostering service”.

### **Care and Support (Business Failure) (Wales) Regulations 2015**

**26.**—(1) The Care and Support (Business Failure) (Wales) Regulations 2015(36) are amended as follows.

(2) In regulation 1(3) (title, commencement, application and interpretation), in the definition of “a provider”, omit the words from “or” in the first place it occurs to the end.

*Status: This is the original version (as it was originally made). This item of legislation is currently only available in its original format.*

## **Childcare (Disqualification) and Childcare (Early Years Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018**

27.—(1) The Childcare (Disqualification) and Childcare (Early Years Free of Charge) (Extended Entitlement) (Amendment) Regulations 2018<sup>(37)</sup> are amended as follows.

(2) In Schedule 1 (orders etc relating to the care of children), in paragraph 18—

(a) for the opening words substitute—

“In relation to the registration of a care home service, which is provided wholly or mainly to persons under the age of 18, or a secure accommodation service (each has the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”))—”;

(b) in sub-paragraph (d), after “age of 18” insert “, or a secure accommodation service,”.

(3) In Schedule 3 (specified offences), in paragraph 1, in sub-paragraph (14), for the opening words substitute—

“An offence in relation a care home service, which is provided wholly or mainly to persons under the age of 18, or a secure accommodation service (each has the meaning given in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”)) under or by virtue of any of the following provisions of the 2016 Act—”.

### SCHEDULE 2

Regulation 3

#### Revocations

The following instruments are revoked.

| <i>Regulations revoked</i>  | <i>Reference</i>        |
|---|-------------------------|
| Fostering Services (Wales) Regulations 2003                                 | S.I. 2003/237 (W. 35)   |
| Fostering Services (Wales) (Amendment) Regulations 2003                     | S.I. 2003/896 (W. 116)  |
| Nurses Agencies (Wales) Regulations 2003                                    | S.I. 2003/2527 (W. 242) |
| Nurses Agencies (Wales) (Amendment) Regulations 2003                        | S.I. 2003/3054 (W. 292) |
| Adult Placement Schemes (Wales) Regulations 2004                            | S.I. 2004/1756 (W. 188) |
| Adoption Support Agencies (Wales) Regulations 2005                          | S.I. 2005/1514 (W. 118) |
| Local Authority Adoption Service (Wales) Regulations 2007                   | S.I. 2007/1357 (W. 128) |
| Adult Placement Schemes (Wales) (Miscellaneous Amendments) Regulations 2010 | S.I. 2010/2585 (W. 217) |
| Care Standards Act 2000 (Notification) (Wales) Regulations 2011             | S.I. 2011/105 (W. 24)   |

<sup>(37)</sup> S.I. 2018/794.

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## EXPLANATORY NOTE

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

These Regulations are made under section 186 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”).

The Act introduces a new system of regulation for care and support services in Wales, replacing that established by the Care Standards Act 2000 (“the 2000 Act”).

Part 1 of the Act replaces the system of registration for providers of social care services, set out in Parts 1 and 2 of the 2000 Act, which require the registration of establishments and agencies and necessitates a separate registration for each location where a service was provided.

The Act takes a different approach which is service based. A provider must register with the Welsh Ministers in order to provide any care and support service which is regulated under the Act and that registration will contain the details of all the locations at which the provider provides the regulated service.

These Regulations make consequential amendments to secondary legislation in England and Wales which refer for various purposes to one of the categories of establishment or agency which were regulated under the 2000 Act in order to replace such references with services regulated under the Act.

Part 1 of the Act was commenced on 2 April 2018 in relation to the following regulated services—

- (a) care home services;
- (b) secure accommodation services;
- (c) residential family centre services;
- (d) domiciliary support services.

On 29 April 2019 Part 1 of the Act is commenced in relation to the remaining regulated services—

- (a) adoption services;
- (b) fostering services;
- (c) adult placement services;
- (d) advocacy services.

Advocacy services are not currently regulated under the 2000 Act.

Regulation 2 and Schedule 1 make consequential amendments to secondary legislation.

Regulation 3 and Schedule 2 specify the secondary legislation revoked by these Regulations.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these Regulations.