WELSH STATUTORY INSTRUMENTS

2013 No. 225 (W.30)

SOCIAL CARE, WALES

The Domiciliary Care Agencies (Wales) (Amendment) Regulations 2013

Made - - - -	*5 February 2013*
Laid before the National Assembly for Wales - -	*7 February 2013*
Coming into force - -	*28 February 2013*

The Welsh Ministers, in exercise of the powers conferred by sections 12(2), 22(1), 22(2)(a), 22(3) and 118(5) to (7) of the Care Standards Act 2000(**1**) and having consulted such persons as they consider appropriate(**2**) make the following Regulations:

Title, commencement and application

1.—(1) The title of these Regulations is the Domiciliary Care Agencies (Wales) (Amendment) Regulations 2013 and they come into force on 28 February 2013.

(2) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

"the principal Regulations" ("*y prif Reoliadau*") means the Domiciliary Care Agencies (Wales) Regulations 2004(**3**);

"the Registration Regulations" ("*y Rheoliadau Cofrestru*") means the Registration of Social Care and Independent Health Care (Wales) Regulations 2002(**4**).

Amendment of the principal Regulations

3.—(1) The principal Regulations are amended as follows.

(**1**) 2000 c. 14 ("the Act"). These powers are exercisable by the "appropriate Minister". This term is defined in section 121(1) of the Act in relation to Wales as the National Assembly for Wales. The functions of the National Assembly for Wales under the Act were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32). See section 121(1) of the Act for the definitions of "prescribed" and "regulations".

(**2**) *See* section 22(9) of the Act for the requirement to consult.

(**3**) S.I.2004/219 (W.23).

(**4**) S.I. 2002/919 (W. 107).

(2) In regulation 2 (interpretation), insert in the appropriate place in the alphabetical order—

""required qualification" ("*cymhwyster gofynnol*") means a qualification contained in a list maintained by the Welsh Ministers(**5**) for the purpose of these Regulations;".

(3) In regulation 8(3)(c) (fitness of registered provider) after "person" insert "except that the documents mentioned in paragraphs 6A and 6B of Schedule 2 are only required if the person manages or intends to manage the agency".

(4) In regulation 9 (appointment of manager)—

(a) at the end of paragraph (5), after the words "Schedule 2" insert "and the information mentioned in paragraphs 6A and 6B of Schedule 2 is not required".

(b) after paragraph (5), insert—

"(6) If the registered provider intends to manage the agency, that individual must—

(a) comply with the requirements specified in regulation 10 (fitness of registered manager); and

(b) forthwith give notice to the appropriate office of the Welsh Ministers of the date on which such management is to begin."

(5) In regulation 10 (fitness of manager)—

(a) at the beginning of subparagraph (2)(c) insert "subject to paragraph (7),";

(b) after paragraph (2), insert the following—

"(3) Subject to paragraph (4), a reference to qualifications, skills and experience includes a requirement that the person must possess a required qualification.

(4) Where a person, who does not hold a required qualification, was appointed as the manager of an agency before 28 February 2013 that person is not fit to manage an agency unless he or she obtains a required qualification not later than—

(a) 31 December 2013; or

(b) such later date as the Welsh Ministers agree is reasonable in all the circumstances.

(5) Nothing in paragraphs (3) or (4) affects any requirement for a manager to possess other qualifications, skills or experience relevant to the matters set out in paragraph (2)(b).

(6) A person is not fit to manage an agency unless the person is registered as a manager of an agency with the Care Council for Wales not later than—

(a) 31 December 2013; or

(b) such later date as the Welsh Ministers agree is reasonable in all the circumstances.

(7) Where the Welsh Ministers have agreed an extension of time under paragraphs (4)(b) or 6(b), the information referred to in paragraphs 6A and 6B of Schedule 2 must be available in accordance with the terms of that agreement."

(6) In Schedule 2 (information required in respect of registered providers and managers of an agency and persons nominated to deputise for a registered person) after paragraph 6, insert—

"**6A.** Documentary evidence of a required qualification.

6B. Documentary evidence of registration with the Care Council for Wales."

(**5**) The National Assembly for Wales is the registration authority for the purpose of the Care Standards Act 2000 in relation to Wales (*see* section 5(1) of that Act). This function was transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006.