



Gofal Cymdeithasol **Cymru**
Social Care **Wales**

Regulations - Phase 2

First published: 29 April 2019

Last updated: 25 September 2022

This document was downloaded from socialcare.wales and may not be the latest version.
Go to <https://socialcare.wales/resources-guidance/information-and-learning-hub/regulation-and-inspection/regulations-phase-2> for the latest version.

Regulations are secondary legislation to be used where more details or prescription is needed in implementing an Act.

Below you'll find a list of regulations made under the Regulation and Inspection of Social Care (Wales) Act 2016. Each regulation is hyperlinked to its relevant documents.

Phase 2

Phase 2 included regulations relating to the registration and the requirements and standards expected of service providers and responsible individuals in care homes; secure accommodation; residential family centres and domiciliary support services.

The regulation and statutory guidance replace regulations and National Minimum Standards, in respect of these services, put in place under the Care Standards Act 2000.

[Read the written statement by the Minister for Children and Social Care, issued on 21 November 2017 about the second phase of implementing the Act.](#)

Read the consultation summary reports for Phase 2, published in November 2017

[Phase 2 of implementation – Service Requirements](#)

[Phase 2 of implementation – Workforce Aspects](#)

The following regulations, unless otherwise stated, came into force on 2 April 2018:

- [The Regulated Services \(Registration\) \(Wales\) Regulations 2017](#) (came into force 1 February 2018)

In addition to section 6(1) of the Act, these regulations set out the information to be included within an application to register as a provider of a regulated service.

They have been amended at Phase 3.

Care Inspectorate Wales has published [guidance for providers in respect of the registration of services under the Act.](#)

There is also [guidance for service providers registering for the first time.](#)

Applications for registration opened on 1 February 2018.

- [The Regulated Services \(Annual Returns\) \(Wales\) Regulations 2017](#)

In addition to section 10(2) of the Act, these Regulations set out further detail (including the information to be provided in respect of the annual returns that service providers will be required to send to Care Inspectorate Wales.

They have been amended at Phase 3

- [The Regulated Services \(Notifications\) \(Wales\) Regulations 2017](#)

These regulations prescribe further information that must be contained within certain notifications that local authorities are required to make to Care Inspectorate Wales.

These also apply to Phase 3 services and have not required changes.

- [The Regulated Services \(Service Providers and Responsible Individuals\) \(Wales\) Regulations 2017](#)

These regulations place services standard requirements on service providers and responsible individuals of care homes; secure accommodation; residential family centre and domiciliary support services. They also prescribe the offences committed by those who fail to comply with certain requirements and detail what should be done in the event that a service provider goes into liquidation or if a service provider, who is an individual, dies.

These regulations were amended following public consultation at Phase 3. You can read the [summary of responses](#).

- [The Regulated Services \(Service Providers and Responsible Individuals\) \(Wales\) \(Amendment\) Regulations 2019](#) (came into force 1 April 2019)

The regulations include changes:

- to the exceptions for domiciliary support services, to provide clarity where nursing care is provided in people's own homes
- to exceptions for care home services to conditionally exempt residential holiday schemes for disabled children from the scope of regulation. Providers must inform Welsh Government of their arrangements, in advance of holidays taking place
- to require oversight and monitoring by care home and secure accommodation providers of money placed in savings on behalf of children.

The Welsh Government has published [revised statutory guidance](#) to accompany the regulations.

Service providers and responsible individuals must have regard to this guidance, which Care Inspectorate Wales will use to inform its decisions to grant or refuse applications to register as a service provider. The guidance will also to inform decisions about the extent to which registered providers are meeting the requirements set out in the regulations.

- [The Regulated Services \(Penalty Notices\) \(Wales\) Regulations 2019](#)

These regulations establish a penalty notice system, whereby Care Inspectorate Wales may issue a penalty to providers and responsible individuals of regulated services instead of bringing proceedings for certain offences.

They came into force on 1 July 2019, replacing the original set of regulations made in 2017. They apply to both Phase 2 and Phase 3 services.

Care Inspectorate Wales has published a [Securing Improvement and Enforcement policy](#), which is currently being updated in light of the offences created at Phases 2 and 3, and the introduction of penalty notices as enforcement tool.

- [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2018](#)

These regulations make changes to primary legislation to support the implementation of Phase 2.

- [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments to Secondary Legislation\) Regulations 2018](#)

These regulations make changes to other secondary legislation to support the implementation of Phase 2.