



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

Regulations - Phase 3

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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 Phase 3 of the Regulation and Inspection of Social Care (Wales) Act 2016. Each regulation is hyperlinked to its relevant documents.

Phase 3

The third phase of regulations focus on the requirements and standards expected of service providers and responsible individuals within voluntary adoption societies and adoption support agencies, fostering services, adult placement (shared lives) services, and certain advocacy services.

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

Advocacy services are being regulated for the first time under the 2016 Act.

[Read the statement](#) by the Deputy Minister for Health and Social Services, issued on 7 January 2019 about Phase 3 of implementation.

The Regulations for phase 3 came into force on 29 April 2019.

- [The Regulated Services \(Annual Returns and Registration\) \(Amendment\) \(Wales\) Regulations 2019](#)

The Phase 2 regulations in respect of Annual Returns and the Registration have been amended to incorporate and accommodate Phase 3 services. The dates on which the first annual returns are required have been changed to May 2020 for Phase 2 services and May 2021 for Phase 3 services.

- [The Regulated Adoption Services \(Service Providers and Responsible Individuals\) \(Wales\) Regulations 2019](#)

These regulations place requirements on regulated adoption services - voluntary adoption societies and adoption support agencies - and their responsible individuals. They also prescribe the offences committed by those who fail to comply with certain requirements.

[Accompanying statutory guidance](#) was published in April 2019.

At the same time similar requirements have been placed on local authority adoption services, through [regulations](#) under the Adoption and Children Act 2002 and a code of practice under the Social Services and Well-Being (Wales) Act 2014. These also take effect from 29 April 2019.

[The Code of practice for local authority adoption services](#)

The [consultation summary report in respect of these regulations, guidance and code of practice](#) was published in March 2019.

- [The Regulated Fostering Services \(Service Providers and Responsible Individuals\) \(Wales\) Regulations 2019](#)

These regulations place requirements on regulated fostering services – those not provided by local authorities, IFAs – and their responsible individuals. They also prescribe the offences committed by those who fail to comply with certain requirements.

[Accompanying statutory guidance](#) was published in April 2019.

At the same time, [similar requirements have been placed on local authority fostering services](#), through regulations and a code of practice under the Social Services and Well-Being (Wales) Act 2014. These also take effect from 29 April 2019.

These have been amended by [The Local Authority Fostering Services \(Wales\) \(Amendment\) Regulations 2019](#).

[The Code of practice for local authority fostering services](#)

The [consultation summary report in respect of these regulations, guidance and code of practice](#) was published in December 2018.

- [The Adult Placement \(Service Providers and Responsible Individuals\) \(Wales\) Regulations 2019](#)

These regulations place requirements on independent and local authority adult placement service providers and their responsible individuals. They also prescribe the offences committed by those who fail to comply with certain requirements.

[Accompanying statutory guidance](#) was published in April 2019.

The [consultation summary report in respect of these regulations and guidance](#) was published in December 2018.

- [The Regulated Advocacy \(Service Providers and Responsible Individuals\) \(Wales\) Regulations 2019](#)

These regulations place requirements on providers of regulated advocacy services and their responsible individuals. These are advocacy services arranged by local authorities under their duties to assist children, including looked after children, and care leavers in making representations about their needs for care and support.

The Regulations also prescribe the offences committed by those who fail to comply with certain requirements.

[Accompanying statutory guidance](#) was published in April 2019.

The [consultation summary report in respect of these regulations and guidance](#) was published in December 2018.

- [The Regulated Advocacy Services \(Service Providers and Responsible Individuals\) \(Wales\) \(Amendment\) Regulations 2019](#)

These make minor corrections to the principal Regulations and come into force 1 July 2019.

- [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments\) Regulations 2019](#)

These regulations make changes to primary legislation to support the implementation of Phase 3.

- [The Regulation and Inspection of Social Care \(Wales\) Act 2016 \(Consequential Amendments to Secondary Legislation\) Regulations 2019](#)

These regulations make changes to other secondary legislation to support the implementation of Phase 3.

- [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 \(Consequential and Miscellaneous Amendments\) Regulations 2019](#)

These make further consequential amendments to secondary legislation as a result of implementing Phase 3. They also make a cross-referencing correction to [The Regulated Services \(Penalty Notices\) \(Wales\) Regulations 2019](#).

These came into force 1 July 2019.