



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 1

REGULATION OF SOCIAL CARE SERVICES

CHAPTER 2

REGISTRATION ETC. OF SERVICE PROVIDERS

Responsible individuals

21 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

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- (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.
- (5) The Welsh Ministers may, by regulations—
- (a) specify circumstances in which the Welsh Ministers (instead of a service provider) may designate an individual to be a responsible individual despite the requirements of subsection (2) not being met in respect of the individual, and
 - (b) make provision for this Part to apply with prescribed modifications to such a responsible individual.

22 Cancellation of designation of a responsible individual

- (1) The Welsh Ministers may cancel a responsible individual’s designation only on one or more of the following grounds—
- (a) they have reason to believe the individual no longer satisfies the requirements of section 21(2);
 - (b) they have reason to believe the individual has been convicted of, or has been given a caution in respect of, a relevant offence in connection with a regulated service provided by the service provider;
 - (c) they are no longer satisfied that the individual is a fit and proper person to be a responsible individual (see section 9);
 - (d) they have reason to believe that the individual has not complied with a requirement imposed on the individual by regulations under section 28(1).
- (2) In subsection (1)(b), “relevant offence” has the same meaning as in section 15.
- (3) If the Welsh Ministers propose to cancel a responsible individual’s designation they must give the individual an improvement notice.
- (4) An improvement notice given under subsection (3) must specify—
- (a) the reason why the Welsh Ministers propose to cancel the responsible individual’s designation,
 - (b) either—
 - (i) action that they think the individual must take, or
 - (ii) information they think the individual must provide,
 in order to satisfy them that the individual’s designation should not be cancelled, and
 - (c) a time limit within which the action must be taken or the information must be provided.

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- (5) If the Welsh Ministers are not satisfied that—
- (a) action specified in an improvement notice has been taken, or
 - (b) information so specified has been provided,
- within the time limit specified in the notice they may give a notice of cancellation.
- (6) The Welsh Ministers may give a notice of cancellation of a responsible individual's designation without taking the steps mentioned in subsections (3) to (5) if they have reasonable cause to believe that unless the designation is cancelled a person will or may be exposed to a risk of harm.
- (7) A notice of cancellation must be given to—
- (a) the responsible individual, and
 - (b) the service provider who designated the individual.
- (8) An individual ceases to be designated as a responsible individual when the notice of cancellation is given to the service provider.
- (9) A notice of cancellation must—
- (a) give reasons for the decision,
 - (b) explain the right of appeal conferred by section 26,
 - (c) explain the requirement on the service provider to apply for variation of registration (see section 11(1)(c)), and
 - (d) state the time limit prescribed under section 11(2) (prescribed time limit for applying to designate a new responsible individual).
- (10) In subsection (6), “harm” means abuse or impairment of—
- (a) physical or mental health, or
 - (b) physical, intellectual, emotional, social or behavioural development,
- and in a case where the harm relates to the impairment of a child's health or development, the child's health or development is to be compared with that which could reasonably be expected of a similar child.