



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 1

REGULATION OF SOCIAL CARE SERVICES

CHAPTER 3

INFORMATION AND INSPECTIONS

35 Powers of inspector to interview and examine persons

- (1) If an inspector thinks it necessary or expedient for the purposes of carrying out an inspection, the inspector may require any person to be interviewed by the inspector in private.
- (2) But an inspector may not interview in private a person falling within subsection (3) without the person's consent.
- (3) The following persons fall within this subsection—
 - (a) a person to whom the service provider provides (or has provided) care and support;
 - (b) an individual with parental responsibility for the person;
 - (c) a relative of the person;
 - (d) the person's carer;
 - (e) a donee of a lasting power of attorney over the person.
- (4) An inspector may examine in private a person to whom the service provider provides (or has provided) care and support if—
 - (a) the inspector is a registered medical practitioner or registered nurse,

Changes to legislation: There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, Section 35. (See end of Document for details)

- (b) the inspector thinks the examination is necessary or expedient for the purposes of assessing the effect of any such care and support on the well-being of the person, and
 - (c) the person consents to the examination.
- (5) For the purposes of subsections (1) and (4), an interview or examination is to be treated as conducted in private despite the presence of a third party if—
- (a) the person being interviewed or examined wants the third party to be present and the inspector does not object, or
 - (b) the inspector wants the third party to be present and the person being interviewed or examined consents.
- (6) Where an inspector conducts an interview or examination under this section, the inspector must, if requested to do so by—
- (a) the person being interviewed or examined, or
 - (b) an individual accompanying that person,
- produce a document showing the inspector's authorisation under section 33 and, in the case of an examination, a document showing that the inspector is a registered medical practitioner or registered nurse.
- (7) In this section—
- “carer” (“*gofalwr*”) has the meaning given by section 3 of the 2014 Act;
 - “child” (“*plentyn*”) means a person who is aged under 18;
 - “donee of a lasting power of attorney” (“*rhoddai atwrneiaeth arhosol*”) has the same meaning as in Part 1 of the Mental Capacity Act 2005 (c.9);
 - “parental responsibility” (“*cyfrifoldeb rhiant*”) has the meaning given by section 3 of the Children Act 1989 (c.41);
 - “relative” (“*perthynas*”), in relation to a person, means that person's parent, grandparent, child, grandchild, brother, half-brother, sister, half-sister, uncle, aunt, nephew or niece (including any person who is or has been in that relationship by virtue of a marriage or civil partnership or an enduring family relationship).

Commencement Information

II S. 35 in force at 2.4.2018 by [S.I. 2017/1326](#), [art. 2\(3\)\(e\)](#)

Changes to legislation:

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