

## Annex A: Penalties on conviction and proposed application of penalty notices – Adult Placement services

Section 51 of the Regulation and Inspection of Social Care (Wales) Act 2016 provides that:

A person guilty of an offence under the Act or prescribed within Regulations is liable:

- (a) on summary conviction (in the Magistrate’s Court) to a fine or to imprisonment for a term not exceeding 6 months, or to both
- (b) on conviction on indictment (in the Crown Court) to a fine or to imprisonment for a term not exceeding 2 years, or to both

For offences where a penalty notice system applies, section 54 of the Act restricts the amount of the sum to be payable under a penalty notice to two and a half times level 4 on the standard scale for fines (under the Criminal Justice Act 1982). Level 4 on the standard scale is currently £2,500.

<b>Service provider offences within The Regulated Services (Service Providers and Responsible Individuals (Wales) Regulations 2017</b> These apply to care home; secure accommodation; residential family centre and domiciliary support service providers.		Penalty on conviction or proposed penalty notice amount	<b>Corresponding service provider offences within the draft Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019</b>	
<b>Regulation</b>			<b>Regulation</b>	
<b>6</b>	<b>Requirements in relation to the provision of the service</b> The service provider must ensure that the service is provided with sufficient care, competence and skill, having regard to the statement of purpose.	Summary: Fine / up to 6 months prison / both  Indictment: Fine / up to 2yrs prison / both	<b>2</b>	<b>Requirements in relation to the provision of the service</b> The service provider must ensure that the service is provided with sufficient care, competence and skill, having regard to the statement of purpose.
<b>7(1)</b>	<b>Requirements in relation to the statement of purpose</b> The service provider must provide the service in accordance with the statement of purpose.	Summary: Fine / up to 6 months prison / both  Indictment: Fine / up to 2yrs prison / both	<b>3(1)</b>	<b>Requirements in relation to the statement of purpose</b> The service provider must provide the service in accordance with the statement of purpose

<p><b>7(3)</b></p>	<p><b>Requirements in relation to the statement of purpose</b>  The service provider must notify the service regulator, the individuals, the placing authority (where relevant) and, where appropriate, any representative of any revision to be made to the statement of purpose at least 28 days before it is to take effect.</p> <p>(4) This paragraph applies in cases where it is necessary to revise the statement of purpose with immediate effect.</p>	<p>Summary:  Fine / up to 6 months prison / both</p> <p>Indictment:  Fine / up to 2yrs prison / both</p> <p><b>Penalty Notice:  2.5 x Level 4 (£6,250)</b></p>	<p><b>3(3)</b></p>	<p><b>Requirements in relation to the statement of purpose</b></p> <p>Unless paragraph (4) applies, the service provider must notify the persons listed in paragraph (6) of any revision to be made to the statement of purpose at least 28 days before it is to take effect.</p> <p>(4) This paragraph applies in cases where it is necessary to revise the statement of purpose with immediate effect.</p> <p>(6) The persons who must be notified of any revision to the statement of purpose in accordance with paragraph (3) or (5) are—</p> <ul style="list-style-type: none"> <li>(a) the service regulator,</li> <li>(b) the individual,</li> <li>(c) the adult placement carer,</li> <li>(d) any representative, unless it is not appropriate to do so or would be inconsistent with the well-being of an individual,</li> <li>(e) the service commissioner.</li> </ul>
<p><b>7(5)</b></p>	<p><b>Requirements in relation to the statement of purpose</b>  If paragraph (4) applies, the service provider must, without delay, notify the persons listed in paragraph (6) of any revision made to the statement of purpose.</p>	<p>Summary:  Fine / up to 6 months prison / both</p> <p>Indictment:  Fine / up to 2yrs prison / both</p>	<p><b>3(5)</b></p>	<p><b>Requirements in relation to the statement of purpose</b>  If paragraph (4) applies, the service provider must, without delay, notify the persons listed in paragraph (6) of any revision made to the statement of purpose.</p>

		<b>Penalty Notice: 2.5 x Level 4 (£6,250)</b>		
<b>11(3)</b>	<b>Requirements in relation to the financial sustainability of the service</b> The service provider must provide copies of the accounts and any related documents to the Welsh Ministers within 28 days of being requested to do so.	Summary: Fine / up to 6 months prison / both  Indictment: Fine / up to 2yrs prison / both  <b>Penalty Notice: Level 4 (£2,500)</b>	<b>7(3)</b>	<b>Requirements in relation to the financial sustainability of the service</b> The service provider must provide copies of the accounts to the Welsh Ministers within 28 days of being requested to do so.
<b>12(1)</b>	<b>Requirements to provide the service in accordance with policies and procedures</b> The service provider must ensure that the following policies and procedures are in place for the service— Admissions and commencement of the service (see Part 5, regulation 14) Safeguarding (see Part 8, regulation 27) Supporting individuals to manage their money (see Part 8, regulation 28) Use of control or restraint (see Part 8, regulation 29) Staff support and development (see Part 10, regulation 36) Staff discipline (see Part 10, regulation 39)	Summary: Fine / up to 6 months prison / both  Indictment: Fine / up to 2yrs prison / both  <b>Penalty Notice: Level 4 (£2,500)</b>	<b>8(1)</b>	<b>Requirements to provide the service in accordance with policies and procedures</b> The service provider must ensure that the following policies and procedures are in place for the service— (a) suitability of the service (see regulation 10); (b) recruitment and training of adult placement carers (see regulation 33); (c) safeguarding (see regulation 22); (d) supporting individuals to manage their money (see regulation 23); (e) appropriate use of control or restraint (see regulation 24); (f) complaints (see regulation 43);

	<p>Infection control (see Part 14, regulation 56)  Medication (see Part 14, regulation 58)  Complaints (see Part 15, regulation 64)  Whistleblowing (see Part 15, regulation 65)</p>			<p>(g) whistleblowing (see regulation 44);  (h) supporting and developing staff (see regulation 29);  (i) disciplinary procedure (see regulation 32).</p>
<b>12(2)</b>	<p><b>Requirements to provide the service in accordance with policies and procedures</b>  Where the service includes the provision of accommodation for children, the service provider must have a policy in place on the prevention of bullying, procedures for dealing with an allegation of bullying and a procedure to be followed when any child for whom accommodation is provided is absent without permission.</p>	<p>Summary:  Fine / up to 6 months prison / both</p> <p>Indictment:  Fine / up to 2yrs prison / both</p> <p><b>Penalty Notice:  Level 4  (£2,500)</b></p>	<b>8(4)</b>	<p><b>Requirements to provide the service in accordance with policies and procedures</b>  The service provider must put arrangements in place to ensure that the service is provided in accordance with those policies and procedures</p>
<b>14(1)</b>	<p><b>Suitability of the service</b>  The service provider must not provide care and support for an individual unless the service provider has determined that the service is suitable to meet the individual's care and support needs and to support the individual to achieve their personal outcomes.</p>	<p>Summary:  Fine / up to 6 months prison / both</p> <p>Indictment:  Fine / up to 2yrs prison / both</p>	<b>10(1)</b>	<p><b>Suitability of the service</b>  The service provider must not agree to place an individual unless it has determined that there is a suitable adult placement which can meet the individual's care and support needs and support the individual to achieve their personal outcomes.</p>
<b>14(3)</b>	<p><b>Suitability of the service</b>  The determination under paragraph (1) must take into account—  (a) the individual's care and support plan,  (b) if there is no care and support plan, the</p>	<p>Summary:  Fine / up to 6 months prison / both</p>	<b>10(3)</b>	<p><b>Suitability of the service</b>  The service provider must when making a determination under paragraph (1) take into account—  (a) the individual's care and support plan,</p>

	<p>service provider's assessment under paragraph (4),</p> <ul style="list-style-type: none"> <li>(c) any health or other relevant assessments,</li> <li>(d) the individual's views, wishes and feelings,</li> <li>(e) any risks to the individual's well-being,</li> <li>(f) any risks to the well-being of other individuals to whom care and support is provided,</li> <li>(g) any reasonable adjustments which the service provider could make to enable the individual's care and support needs to be met, and</li> <li>(h) the service provider's policy and procedures on admissions and commencement of the service.</li> </ul>	<p>Indictment: Fine / up to 2yrs prison / both</p>		<ul style="list-style-type: none"> <li>(b) if there is no care and support plan, the service provider's assessment under paragraph (4),</li> <li>(c) any health or other relevant assessments,</li> <li>(d) the individual's views, wishes and feelings,</li> <li>(e) any risks to the individual's well-being,</li> <li>(f) any risks to the well-being of other individuals to whom care and support is provided,</li> <li>(g) any risks to the well-being of the adult placement carer and members of their household,</li> <li>(h) any reasonable adjustments which the service provider could make to enable the individual's care and support needs to be met, and</li> <li>(i) the service provider's policy and procedures on placements and commencement of the service.</li> </ul>
<b>15(1)</b>	<p><b>Personal plan</b> The service provider must prepare a plan for the individual which sets out—</p> <ul style="list-style-type: none"> <li>(a) how on a day to day basis the individuals' care and support needs will be met,</li> <li>(b) how the individual will be supported to achieve their personal outcomes,</li> <li>(c) the steps which will be taken to mitigate any identified risks to the individual's well-being, and</li> <li>(d) the steps which will be taken to support positive risk-taking and independence, where it</li> </ul>	<p>Summary: Fine / up to 6 months prison / both</p> <p>Indictment: Fine / up to 2yrs prison / both</p>	<b>13(1)</b>	<p><b>Personal plan</b> The service provider must prepare a plan for the individual which sets out—</p> <ul style="list-style-type: none"> <li>(a) how on a day to day basis the individual's care and support needs will be met,</li> <li>(b) how the individual will be supported to achieve his or her personal outcomes,</li> <li>(c) the steps which will be taken to mitigate any identified risks to the individual's well-being, and</li> <li>(d) the steps which will be taken to support positive risk-taking and independence,</li> </ul>

	has been determined this is appropriate.			where it has been determined this is appropriate.
<b>15(3)</b>	<b>Personal plan</b> The personal plan must be prepared prior to commencement of the provision of care and support to the individual, unless paragraph (4) applies.	Summary: Fine / up to 6 months prison / both  Indictment: Fine / up to 2yrs prison / both	<b>13(3)</b>	<b>Personal plan</b> The personal plan must be prepared prior to commencement of the provision of care and support to the individual, unless paragraph (4) applies.  (4) This paragraph applies in a case where the individual is in urgent need of care and support and there has been no time to prepare a personal plan prior to the commencement of the provision of care and support to the individual.
<b>15(5)</b>	<b>Personal plan</b> If paragraph (4) applies, the personal plan must be prepared within 24 hours of the commencement of the provision of care and support to the individual.	Summary: Fine / up to 6 months prison / both  Indictment: Fine / up to 2yrs prison / both	<b>13(5)</b>	<b>Personal plan</b> If paragraph (4) applies, the personal plan must be prepared within 24 hours of the commencement of the provision of care and support to the individual.
<b>16(1)</b>	<b>Review of personal plan</b> The personal plan must be reviewed as and when required but at least every three months.	Summary: Fine / up to 6 months prison / both  Indictment: Fine / up to 2yrs prison / both	<b>14(1)</b>	<b>Review of personal plan</b> The individual's personal plan must be reviewed as and when required but at least every three months.
<b>16(5)</b>	<b>Review of personal plan</b>	Summary:	<b>14(4)</b>	<b>Review of personal plan</b>

	Following the completion of any review required by this regulation, the service provider must consider whether the personal plan should be revised and revise the plan as necessary.	Fine / up to 6 months prison / both  Indictment: Fine / up to 2yrs prison / both		Following the completion of any review required by this regulation, the service provider must consider whether the personal plan should be revised and revise the plan as necessary.
<b>19(1)</b>	<b>Information about the service</b> The service provider must prepare a written guide to the service.	Summary: Fine / up to 6 months prison / both  Indictment: Fine / up to 2yrs prison / both  <b>Penalty Notice: 2 x Level 4 (£5,000)</b>	<b>16(1)</b>	<b>Information about the service</b> The service provider must prepare a written guide to the service.
<b>19(2)</b>	<b>Information about the service</b> The guide must be— (a) dated, reviewed at least annually and updated as necessary, (b) in an appropriate language, style, presentation and format, having regard to the statement of purpose for the service, (c) given to all individuals who are receiving care and support, (d) in the case of child who is looked after by a local authority, given to the placing	Summary: Fine / up to 6 months prison / both  Indictment: Fine / up to 2yrs prison / both  <b>Penalty Notice:</b>	<b>16(2)</b>	<b>Information about the service</b> The guide must be— (a) dated, reviewed at least annually and updated as necessary, (b) in an appropriate language, style, presentation and format, having regard to the statement of purpose for the service, (c) given to all individuals who are receiving care and support, (d) given to all adult placement carers, (e) made available to others on request, unless this is not appropriate or would be

	<p>authority, and</p> <p>(e) made available to others on request, unless this is not appropriate or would be inconsistent with the well-being of an individual</p>	<p><b>2 x Level 4 (£5,000)</b></p>		<p>inconsistent with the well-being of any individual</p>
<b>19(3)</b>	<p><b>Information about the service</b></p> <p>The guide must contain the following information—</p> <p>(a) information about how to raise a concern or make a complaint;</p> <p>(b) information about the availability of advocacy services.</p>	<p>Summary: Fine / up to 6 months prison / both</p> <p>Indictment: Fine / up to 2yrs prison / both</p> <p><b>Penalty Notice: 2 x Level 4 (£5,000)</b></p>	<b>16(3)</b>	<p><b>Information about the service</b></p> <p>The guide must contain the following information—</p> <p>(a) information about how to raise a concern or make a complaint;</p> <p>(b) information about the availability of advocacy services.</p>
<b>20(1)</b>	<p><b>Service agreement</b></p> <p>The service provider must ensure that every individual is given a signed copy of any agreement relating to—</p> <p>(a) the care and support provided to the individual;</p> <p>(b) any other services provided to the individual</p>	<p>Summary: Fine / up to 6 months prison / both</p> <p>Indictment: Fine / up to 2yrs prison / both</p> <p><b>Penalty Notice: Level 4</b></p>	<b>11(1)</b>	<p><b>Carer agreement</b></p> <p>The service provider must not make a placement of an individual with an adult placement carer unless the service provider has entered into a carer agreement<sup>(1)</sup> with the adult placement carer.</p>

<sup>(1)</sup> “Carer agreement” is defined in paragraph 6 of Schedule 1 to the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) as “an agreement for the provision by an individual of accommodation at the individual’s home together with care and support for up to three adults”.

		(£2,500)		
21(1)	<p><b>Standards of care and support – overarching requirements</b></p> <p>The service provider must ensure that care and support is provided in a way which protects, promotes and maintains the safety and well-being of individuals.</p>	<p>Summary: Fine / up to 6 months prison / both</p> <p>Indictment: Fine / up to 2yrs prison / both</p>	17(1)	<p><b>Standards of care and support - overarching requirements</b></p> <p>The service provider must put arrangements in place to ensure that care and support is provided in a way which protects, promotes and maintains the safety and well-being of individuals.</p>
21(2)	<p><b>Standards of care and support – overarching requirements</b></p> <p>The service provider must ensure that care and support is provided to each individual in accordance with the individual’s personal plan.</p>	<p>Summary: Fine / up to 6 months prison / both</p> <p>Indictment: Fine / up to 2yrs prison / both</p>	17(2)	<p><b>Standards of care and support - overarching requirements</b></p> <p>The service provider must put arrangements in place to ensure that care and support is provided to each individual in accordance with the individual’s personal plan.</p>
26	<p><b>Safeguarding - overarching requirement</b></p> <p>The service provider must provide the service in a way which ensures that individuals are safe and are protected from abuse and improper treatment.</p>	<p>Summary: Fine / up to 6 months prison / both</p> <p>Indictment: Fine / up to 2yrs prison / both</p>	21	<p><b>Safeguarding – Overarching requirement</b></p> <p>The service provider must put arrangements in place to ensure that individuals are safe and are protected from abuse, neglect and improper treatment.</p>
34(1)	<p><b>Staffing - overarching requirements</b></p> <p>The service provider must ensure that at all times a sufficient number of suitably qualified,</p>	<p>Summary: Fine / up to 6 months</p>	27(1)	<p><b>Staffing - overarching requirements</b></p> <p>The service provider must ensure that at all times a sufficient number of suitably qualified,</p>

	<p>trained, skilled, competent and experienced staff are deployed to work at the service, having regard to—</p> <p>(a) the statement of purpose for the service;</p> <p>(b) the care and support needs of the individuals;</p> <p>(c) supporting individuals to achieve their personal outcomes;</p> <p>(d) the requirements of the regulations in Parts 3 to 15.</p>	<p>prison / both</p> <p>Indictment: Fine / up to 2yrs prison / both</p>		<p>trained, skilled, competent and experienced staff are deployed to work at the service, having regard to—</p> <p>(a) the statement of purpose for the service;</p> <p>(b) the requirement to support individuals to achieve their personal outcomes;</p> <p>(c) the requirements of the regulations in Parts 2 to 11;</p> <p>(d) the requirement to support and supervise adult placement carers in providing care and support.</p>
<b>35(1)</b>	<p><b>Fitness of staff</b></p> <p>The service provider must not—</p> <p>a) employ a person under a contract of employment to work at the service unless that person is fit to do so;</p> <p>b) allow a volunteer to work at the service unless that person is fit to do so;</p> <p>c) allow any other person to work at the service in a position in which he or she may in the course of his or her duties have regular contact with individuals who are receiving care and support or with other persons who are vulnerable unless that person is fit to do so.</p>	<p>Summary: Fine / &lt;6 months prison / both</p> <p>Indictment: Fine / &lt;2yrs prison / both</p> <p><b>Penalty Notice: 2.5 x Level 4 (£6,250)</b></p>	<b>28(1)</b>	<p><b>Fitness of staff</b></p> <p>The service provider must not—</p> <p>(a) employ a person under a contract of employment to work at the service unless that person is fit to do so;</p> <p>(b) allow a volunteer to work at the service unless that person is fit to do so;</p> <p>(c) allow any other person to work at the service in a position in which he or she may in the course of his or her duties have regular contact with individuals who are receiving care and support unless that person is fit to do so.</p>
<b>38(1)</b>	<p><b>Information for staff</b></p> <p>The service provider must ensure that all persons working at the service (including any person allowed to work as a volunteer) are provided with information about the service and the way it is provided.</p>	<p>Summary: Fine / up to 6 months prison / both</p> <p>Indictment: Fine / up to 2yrs prison /</p>	<b>31(1)</b>	<p><b>Information for staff</b></p> <p>The service provider must ensure that all persons working at the service (including any person allowed to work as a volunteer) are provided with information about the service and the way it is provided.</p>

		both  <b>Penalty Notice: 2 x Level 4 (£5,000)</b>		
<b>59(1)</b>	<b>Records</b> The service provider must keep and maintain the records specified in Part 1 of Schedule 2 in respect of each place at, from or in relation to which the service is provided.	Summary: Fine / up to 6 months prison / both  Indictment: Fine / up to 2yrs prison / both  <b>Penalty Notice: 2 x Level 4 (£5,000)</b>	<b>40(1)</b>	<b>Records</b> The service provider must keep and maintain the records specified in Schedule 2 in respect of each place from which the service is provided.

<p><b>59(3)</b></p>	<p><b>Records</b>  The service provider must—</p> <ul style="list-style-type: none"> <li>(a) ensure that records relating to individuals are accurate and up to date;</li> <li>(b) keep all records securely;</li> <li>(c) make arrangements for the records to continue to be kept securely in the event the service closes;</li> <li>(d) in the case of records about a child accommodated in a care home service provided wholly or mainly for children, ensure that the records are delivered to the placing authority when the service ceases to be provided in respect of the child to whom the records relate;</li> <li>(e) make the records available to the service regulator on request;</li> <li>(f) retain records relating to adults for three years from the date of the last entry;</li> <li>(g) retain records relating to children for fifteen years from the date of the last entry, unless the records are returned to the placing authority in accordance with sub-paragraph (d);</li> <li>(h) ensure that individuals who use the service— <ul style="list-style-type: none"> <li>(i) can have access to their records; and</li> <li>(ii) are made aware they can access their records.</li> </ul> </li> </ul>	<p>Summary:  Fine / up to 6 months prison / both</p> <p>Indictment:  Fine / up to 2yrs prison / both</p> <p><b>Penalty Notice:  2 x Level 4 (£5,000)</b></p>	<p><b>40(2)</b></p>	<p><b>Records</b>  The service provider must—</p> <ul style="list-style-type: none"> <li>(a) ensure that records relating to individuals are accurate and up to date;</li> <li>(b) keep all records securely;</li> <li>(c) make arrangements for the records to continue to be kept securely in the event the service closes;</li> <li>(d) make the records available to the service regulator on request;</li> <li>(e) retain records relating to individuals for three years from the date of the last entry;</li> <li>(f) ensure that individuals who use the service— <ul style="list-style-type: none"> <li>(i) can have access to their records; and</li> <li>(ii) are made aware they can access their records.</li> </ul> </li> </ul>
<p><b>60(1)</b></p>	<p><b>Notifications</b>  The service provider must notify the service regulator of the events specified in Parts 1 and 2 of Schedule 3.</p>	<p>Summary:  Fine / up to 6 months prison / both</p>	<p><b>41(1)</b></p>	<p><b>Notifications</b>  The service provider must notify the service regulator of the events specified in Schedule 3.</p>

		<p>Indictment: Fine / up to 2yrs prison / both</p> <p><b>Penalty Notice: 2 x Level 4 (£5,000)</b></p>		
<b>60(4)</b>	<p><b>Notifications</b> Unless otherwise stated, notifications must be made without delay and in writing.</p>	<p>Summary: Fine / up to 6 months prison / both</p> <p>Indictment: Fine / up to 2yrs prison / both</p> <p><b>Penalty Notice: 2 x Level 4 (£5,000)</b></p>	<b>41(3)</b>	<p><b>Notifications</b> Unless otherwise stated, notifications must be made without delay and in writing.</p>

Responsible individual offences within The Regulated Services (Service Providers and Responsible Individuals (Wales) Regulations 2017 These apply to care home; secure accommodation; residential family centre and domiciliary support service providers.		Penalty on conviction or proposed penalty notice amount	Corresponding responsible individual offences within the draft Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019	
Regulation			Regulation	
<b>67(1)</b>	<p><b>Duty to appoint a manager</b> The responsible individual must appoint a person to manage the service. But this requirement does not apply if paragraph (2) applies.</p> <p>(2) The conditions are— (a) the service provider is an individual; (b) the service provider proposes to manage the service; (c) the service provider is fit to manage the service; (d) the service provider is registered as a social care manager with Social Care Wales; and (e) the service regulator agrees to the service provider managing the service.</p> <p>(3) The conditions are— (a) the service provider is a partnership, body corporate or unincorporated body; (b) the service provider is registered to provide a care home service or residential family centre service at no more than two locations or is registered to provide a domiciliary support service in relation to no more than two areas; (c) the service provider proposes that the</p>	<p>Summary: Fine / up to 6 months prison / both</p> <p>Indictment: Fine / up to 2yrs prison / both</p> <p><b>Penalty Notice: 2.5 x Level 4 (£6,250)</b></p>	<b>46(1)</b>	<p><b>Duty to appoint a manager</b> The responsible individual must appoint a person to manage the service. But this requirement does not apply if the conditions in paragraph (2) or (3) apply.</p> <p>(2) The conditions are— (a) The service provider is an individual; (b) the service provider proposes to manage the service; (c) the service provider is fit to manage the service; (d) the service provider is registered as a social care manager with Social Care Wales; and (e) the service regulator agrees to the service provider managing the service.</p> <p>(3) The conditions are— (a) the service provider is a partnership, body corporate or unincorporated body; (b) the service provider proposes that the individual designated as the responsible individual for the service is to be appointed to manage the service; (c) that individual is fit to manage the service;</p>

	<p>individual designated as the responsible individual for the service is to be appointed to manage the service;</p> <p>(d) that individual is fit to manage the service;</p> <p>(e) that individual is registered as a social care manager with Social Care Wales; and</p> <p>(f) the service regulator agrees to that individual managing the service.</p>			<p>(d) that individual is registered as a social care manager with Social Care Wales; and</p> <p>(e) the service regulator agrees to that individual managing the service.</p>
<b>68(1)</b>	<p><b>Fitness requirements for appointment of manager</b></p> <p>The responsible individual must not appoint a person to manage the service unless that person is fit to do so.</p>	<p>Summary: Fine / up to 6 months prison / both</p> <p>Indictment: Fine / up to 2yrs prison / both</p>	<b>47(1)</b>	<p><b>Fitness requirements for appointment of manager</b></p> <p>The responsible individual must not appoint a person to manage the service unless that person is fit to do so.</p>
<b>71(1)</b>	<p><b>Duty to report appointment of manager to the workforce and service regulators</b></p> <p>On the appointment of a manager in accordance with regulation [ 63 ](1), the responsible individual must give notice to the workforce and service regulators of—</p> <p>(a) the name, date of birth and Social Care Wales registration number of the person appointed, and</p> <p>(b) the date on which the appointment is to take effect.</p>	<p>Summary: Fine / up to 6 months prison / both</p> <p>Indictment: Fine / up to 2yrs prison / both</p>	<b>50(1)</b>	<p><b>Duty to report appointment of manager to the workforce and service regulators</b></p> <p>On the appointment of a manager in accordance with regulation 46(1), the responsible individual must give notice to the workforce and service regulators of—</p> <p>(a) the name, date of birth and Social Care Wales registration number of the person appointed, and</p> <p>(b) the date on which the appointment is to take effect.</p>
<b>71(2)</b>	<p><b>Duty to report appointment of manager to the workforce and service regulators</b></p> <p>In a case where the service provider is an individual and the service regulator has agreed</p>	<p>Summary: Fine / up to 6 months prison / both</p>	<b>50(2)</b>	<p><b>Duty to report appointment of manager to the workforce and service regulators</b></p> <p>In a case where the service provider is an individual and the service regulator has agreed</p>

	to the service provider managing the service, the service provider must give notice to the workforce regulator of— (a) the name, date of birth and Social Care Wales registration number of the service provider, and (b) the date from which the service provider is to manage the service.	Indictment: Fine / up to 2yrs prison / both		to the service provider managing the service, the service provider must give notice to the workforce regulator of— (a) the name, date of birth and Social Care Wales registration number of the service provider, and (b) the date from which the service provider is to manage the service.
<b>73(1)</b>	<b>Visits</b> In the case of care home services, secure accommodation services and residential family centre services(1), the responsible individual must— (a) visit each place in respect of which the responsible individual is designated, and (b) meet with staff and individuals at each such place.	Summary: Fine / up to 6 months prison / both  Indictment: Fine / up to 2yrs prison / both	<b>52(1)</b>	<b>Visits</b> The responsible individual must— (a) visit the premises from which the service is provided; (b) meet with members of staff who are employed to provide the service in relation to each place in respect of which the responsible individual is designated, and (c) meet with individuals for whom the service is being provided and their adult placement carer.
<b>73(3)</b>	<b>Visits</b> The frequency of such visits and meetings is to be determined by the responsible individual having regard to the statement of purpose but must be at least every three months.	Summary: Fine / up to 6 months prison / both  Indictment: Fine / up to 2yrs prison / both	<b>52(2)</b>	<b>Visits</b> The frequency of such visits and meetings is to be determined by the responsible individual having regard to the statement of purpose but must take place at least every three months.

74(1)	<p><b>Oversight of adequacy of resources</b></p> <p>The responsible individual must report to the service provider on the adequacy of the resources available to provide the service in accordance with the requirements on service providers in Parts 3 to 14 of these Regulations.</p>	<p>Summary: Fine / up to 6 months prison / both</p> <p>Indictment: Fine / up to 2yrs prison / both</p> <p><b>Penalty Notice: 2 x Level 4 (£5,000)</b></p>	53(1)	<p><b>Oversight of adequacy of resources</b></p> <p>The responsible individual must report to the service provider on the adequacy of the resources available to provide the service in accordance with the requirements on the service provider in Parts 2 to 11 of these Regulations.</p>
74(2)	<p><b>Oversight of adequacy of resources</b></p> <p>Such reports must be made on a quarterly basis.</p>	<p>Summary: Fine / up to 6 months prison / both</p> <p>Indictment: Fine / up to 2yrs prison / both</p> <p><b>Penalty Notice: 2 x Level 4 (£5,000)</b></p>	53(2)	<p><b>Oversight of adequacy of resources</b></p> <p>Such reports must be made on a quarterly basis.</p>
75(1)	<p><b>Other reports to the service provider</b></p> <p>The responsible individual must, without delay, report to the service provider—</p> <p>(a) any concerns about the management or provision of the service;</p>	<p>Summary: Fine / up to 6 months prison / both</p> <p>Indictment:</p>	54(1)	<p><b>Other reports to the service provider</b></p> <p>The responsible individual must, without delay, report to the service provider—</p> <p>(a) any concerns about the management or provision of the service;</p> <p>(b) any significant changes to the way the</p>

	<p>(b) any significant changes to the way the service is managed or provided.</p> <p>(c) any concerns that the service is not being provided in accordance with the statement of purpose for the service.</p>	<p>Fine / up to 2yrs prison / both</p> <p><b>Penalty Notice:</b> <b>2 x Level 4 (£5,000)</b></p>		<p>service is managed or provided;</p> <p>(c) any concerns that the service is not being provided in accordance with the statement of purpose for the service.</p>
<b>80(4)</b>	<p><b>Quality of care review</b></p> <p>On completion of a review of the quality of care and support in accordance with this regulation, the responsible individual must prepare a report to the service provider which must include— (a) an assessment of the standard of care and support provided, and (b) recommendations for the improvement of the service.</p>	<p>Summary: Fine / up to 6 months prison / both</p> <p>Indictment: Fine / up to 2yrs prison / both</p> <p><b>Penalty Notice:</b> <b>2 x Level 4 (£5,000)</b></p>	<b>59(4)</b>	<p><b>Quality review</b></p> <p>On completion of a review of the quality of care and support in accordance with this regulation, the responsible individual must prepare a report to the service provider which must include—</p> <p>(a) an assessment of the standard of care and support provided, and</p> <p>(b) recommendations for the improvement of the service.</p>
<b>81(1)</b>	<p><b>Statement of compliance with the requirements as to standards of care and support</b></p> <p>The responsible individual must prepare the statement required to be included in the annual return under section 10(2)(b) of the Act, in so far as it relates to the place or places in respect of which the responsible individual has been designated.</p>	<p>Summary: Fine / up to 6 months prison / both</p> <p>Indictment: Fine / up to 2yrs prison / both</p> <p><b>Penalty Notice:</b></p>	<b>60(1)</b>	<p><b>Statement of compliance with the requirements as to standards of care and support</b></p> <p>The responsible individual must prepare the statement required to be included in the annual return under section 10(2)(b) of the Act, in so far as it relates to the place or places in respect of which the responsible individual has been designated.</p>

		<b>2 x Level 4 (£5,000)</b>		
<b>84(1)</b>	<b>Notifications</b> The responsible individual must notify the service regulator of the events specified in Schedule 4	Summary: Fine / up to 6 months prison / both  Indictment: Fine / up to 2yrs prison / both  <b>Penalty Notice: 2 x Level 4 (£5,000)</b>	<b>63(1)</b>	<b>Notifications</b> The responsible individual must notify the service regulator of the events specified in Schedule 4.
<b>84(3)</b>	<b>Notifications</b> Unless otherwise stated, notifications must be made without delay and in writing.	Summary: Fine / up to 6 months prison / both  Indictment: Fine / up to 2yrs prison / both  <b>Penalty Notice: 2 x Level 4 (£5,000)</b>	<b>63(3)</b>	<b>Notifications</b> Unless otherwise stated, notifications must be made without delay and in writing.