**Regulation and Inspection of Social Care (Wales) Act 2016**

**Responsible individuals**

**What’s it all about?**

The Regulation and Inspection of Social Care (Wales) Act 2016 provides a revised, streamlined framework for the regulation and inspection of social care services in Wales. It embeds the aims of the Social Services and Well-being (Wales) Act 2014 and the Well-being of Future Generations (Wales) Act 2015.

The Act is being introduced to improve the **quality of care and support** in Wales.
It will do this by strengthening protection, increasing accountability and giving a stronger voice to people who use care and support services.

**Who will it affect?**

Local authorities, care providers, managers, staff and people who use the following **regulated services**: care homes, secure accommodation, residential family centres, adoption and fostering, adult placements, advocacy, and domiciliary support.

**What’s going to be different?**

The Act marks a shift away from a system of regulation focused on compliance with minimum standards towards a system and culture which takes greater account of the impact that care and support services have on people’s lives and **well-being**.



* Local and national **market stability reports** introduced
* Better **market** **oversight** of important providers by the regulator
* Standardised **reporting** across local authorities
* Local authority inspections **focus on impact**and well-being
* The Care Council and SSIA will become **Social Care Wales**: an agent for change in the sector
* **Duty to co-operate** with CSSIW
* Better **accountability** through ‘responsible individuals’
* New annual **provider returns**
* Changes to CSSIW service **registration**
* Provider inspections **focus on impact** and well-being
* **Mandatory registration** of care workers, as well
as social workers and managers
* **Workforce** registration with **Social Care Wales**
* Regulation of care worker**training**

**How will this affect responsible individuals?**

The Act rebalances accountability in the social care system, away from just those working on the frontline to ensure employers, company owners and directors are accountable in law. From April 2018, service providers must designate a senior representative – an owner, partner, board member or local authority senior officer –
as a ‘responsible individual’ as part of their registration.

The concept of a responsible individual (RI) is not a new one. However, prior to the Act it was not a specific regulatory requirement of a service provider’s registration. Providers will have to designate responsible individuals under the new legislation, but RIs are not required to register with Social Care Wales. RIs will have to meet a ‘fit and proper person’ test and fulfil statutory duties placed on them under regulations.

**A responsible individual**

* Must be a ‘fit and proper person’
* Can be designated at more than one establishment

Excludes those:

* With any offence involving fraud or other dishonesty, violence, firearms or drugs or any offence listed in Schedule 3 to the Sexual Offences Act 2003
* Responsible for or contributed
to or facilitated misconduct or mismanagement in the provision
of a regulated service



**Responsibilities**

RIs will ensure the quality of the service. They are likely to be accountable for:

* Quality of care in each service
* Accuracy of information in the provider’s annual returns
* Appointment of a suitable and fit registered manager
* Content of the provider’s annual returns



The enhanced role of the RI provides a clear chain of accountability from the boardroom to front-line practice. RIs will be accountable for creating a culture where the impact of the service can be measured on the well-being of the person using it.

**Good to know**

There will be no impact on service registration until April 2018, with a phased
re-registration process and full implementation by April 2019. Ministers will publish guidance about how RIs may comply with the requirements placed upon them by regulation.

Regulations define that responsible individuals are to be treated as social care workers under the Act. Social Care Wales must promote and maintain high standards of conduct and practice among social care workers, high standards in the training of social care workers and public confidence in social care workers, including for RIs.