

Date: Wednesday 5 November 2003

Venue: Committee Room 1, National Assembly for Wales

Title: The Domiciliary Care Agencies (Wales) Regulations 2004

Purpose

The proposed regulations are being handled under the protocol for dealing with secondary legislation agreed by the Committee on 11 June 2003 (*Paper HSS(2)-01-03(p2c)*), whereby members notify in advance any queries they have or amendments they wish to make to the draft.

Points of Clarification raised by Dai Lloyd AM, Plaid Cymru

Further clarification is sought on:

- the definition of personal care;
- the entry criteria, or rights of access, for Care Standards Inspectorate Wales to de-regulated homes;
- guidance given to service providers for those suffering from learning disabilities.

Amendments proposed

Part I

Amendment 1 (*Jonathan Morgan AM, Conservative*) :

add a new point to Schedule 1

"The range of sub-contracted services by the agency."

Rationale: There is no mention, in the body of the regulations or the Schedules, of the prospect of sub-

contracted services being provided by the agency to other organisations. Service users should be aware of the range of services that the agency provides. Regulation 4 paragraph (1), sub paragraph (d), would therefore ensure that the Statement of Purpose contained such information.

Part II

Amendment 2 (*Jonathan Morgan AM, Conservative*):

in Schedule 1 add a new point:

"The procedure to be followed by the agency to remove a person who has been found guilty of an offence committed whilst providing services to a care user."

Amendment 3 (*Jonathan Morgan AM, Conservative*):

add a new sub paragraph to regulation 12 (Notification of Offences)

"(d) the procedure to remove a person when the offence has been committed during the provision of care services."

Rationale: No reference is made to the need for a procedure in the event of a registered person being found guilty of an offence committed during the provision of care services.

Part III Amendments

Amendment 4 (*Jonathan Morgan AM, Conservative*):

in regulation 14 (Arrangement for the provision of personal care) delete sub paragraph (a) of paragraph (1).

Rationale: To remove the requirement that the service delivery plan be consistent with any plan prepared by the local authority, to allow a greater degree of flexibility in preparing plans which are according to need

Amendment 5 (*Gwenda Thomas AM, Labour*)

Regulation 14(2)(a) to be amended to read:

"(2)The registered person shall-

(a) make the service delivery plan available to

(i) the service user, and,

(ii) any person acting on behalf of a service user who was consulted in its preparation or revision;"

Reason: it requires the domiciliary care agency to make the service delivery plan available to any person acting on behalf of the service user as well as the service user themselves.

Amendment 6 (*Gwenda Thomas AM, Labour*)

Add to regulation 14(5) (a) "ensuring appropriate steps are taken immediately to reduce the risk of further abuse, neglect or other harm"

Reason: it introduces a further measure of protection for the service user, including a requirement for immediate action.

Amendment 7 (*Jonathan Morgan AM, Conservative*):

in regulation 14, paragraph (5), add a new sub paragraph (b) and reorder accordingly

"(b) specify that a person against whom an allegation of abuse, neglect or harm, is made shall not be in contact with any service user during the course of the investigation procedure;"

Rationale: To ensure that during any investigation into an accusation of abuse, neglect or harm, the accused does not have any contact with service users.

Amendment 8 (*Jonathan Morgan AM, Conservative*):

delete regulation 22 paragraph (2) and replace with the following

"(2) The National Assembly shall issue guidance outlining the complaints procedure which shall enable staff to:

- a. inform the agency of their view about any matter to which this regulation applies;
- b. inform the National Assembly, without reference to the agency, of their view about any matter to which this regulation applies.