

2011 No. 105 (W. 24)

**CHILDREN AND YOUNG
PERSONS, WALES**

**The Care Standards Act 2000
(Notification) (Wales) Regulations
2011**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under the Care Standards Act 2000 (“the Act”) and apply in relation to Wales. The Welsh Ministers are the registration authority in relation to Wales for the purposes of Part 2 of the Act.

Section 30A(2) of the Act provides that the registration authority must notify all local authorities in England and Wales as soon as practicable if they take any of the actions specified in section 30A(2) against a person (‘P’) carrying on or managing an establishment or agency specified in section 30A(6) (these are children’s homes, residential family centres, fostering agencies, voluntary adoption agencies, adoption support agencies and providers of social work services). The information to be included in those notifications is set out in regulation 2.

Section 30A(3) provides for further notifications in relation to P to be sent when the registration authority becomes aware of the prescribed circumstances. Regulation 3 prescribes the circumstances.

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**The Care Standards Act 2000
(Notification) (Wales) Regulations
2011**

Made 18 January 2011

Laid before the National Assembly for Wales
24 January 2011

Coming into force 1 April 2011

The Welsh Ministers makes the following Regulations in exercise of the powers conferred by sections 30A(3) and (4) and 118(5) to (7) of the Care Standards Act 2000(1).

Citation, commencement, application and interpretation

1.—(1) These Regulations may be cited as the Care Standards Act 2000 (Notification) (Wales) Regulations 2011 and come into force on 1 April 2011.

(2) These Regulations apply in relation to Wales.

(3) In these Regulations “the Act” means the Care Standards Act 2000.

Information to be contained in a notification sent under section 30A(2) of the Act

2.—(1) Notifications sent under section 30A(2) of the Act must contain where appropriate the information set out in paragraphs (2), (3), (4) and (5).

(1) 2000 c.14. Section 30A was inserted into the Care Standards Act (“the Act”) by the Children and Young Persons Act 2008. “Prescribed” means prescribed in regulations made in relation to Wales by the National Assembly for Wales. Functions of the National Assembly for Wales under these sections of the Care Standards Act 2000 were transferred to the Welsh Ministers by paragraph 30 of Schedule 11 to the Government of Wales Act 2006 (c. 32).

(2) Notifications under all paragraphs of section 30A(2) must contain —

- (a) a description of the establishment or agency⁽¹⁾;
- (b) the registration certificate number of the establishment or agency;
- (c) the name and address of the person carrying on or managing the establishment or agency;
- (d) the date on which the notification is sent; and
- (e) the paragraph of section 30A(2) of the Act under which the notification is being sent.

(3) A notification under section 30A(2)(aa) or (ab) (decided to adopt or give notice to suspend or extend such a suspension) must contain the duration and reason for the suspension.

(4) A notification under section 30A(2)(b) (notification of proceedings for a relevant offence⁽²⁾) must contain —

- (a) the date on which the summons was issued;
- (b) a summary of the alleged relevant offence; and
- (c) the date of the first court hearing, if known.

(5) A notification under section 30A(2)(c) (notice restricting accommodation at certain establishments under section 22B of the Act) must contain the date on which the notice is to cease to have effect, if specified.

Notifications under section 30A(3) of the Act

3. The information which the registration authority must provide to each local authority in respect of a person who carries on or manages an establishment or agency ('P') in the circumstances specified is as follows —

- (a) where P has been served with a notice under section 30A(2)(a) (notice of a decision to adopt a proposal under section 17(4)(a) of the Act) and has appealed the notice —
 - (i) the fact that P has appealed that notice; and
 - (ii) the outcome of P's appeal.
- (b) in relation to a notice served on P under section 30A(2)(aa) or (ab) of the Act (decided to adopt or give notice to suspend or extend such a suspension) and P has appealed that notice —

(1) See section 30A(6) of the Act for a list of the establishments and agencies to which section 30A applies.

(2) See section 30A(7) of the Act for the definition of "relevant offence".

- (i) the fact that P has appealed that notice; and
 - (ii) the outcome of P's appeal.
- (c) in relation to a notice served on P under section 30A(2)(b) of the Act (notification of proceedings for a relevant offence) —
 - (i) the outcome of proceedings against P for that relevant offence; and
 - (ii) where P has appealed against the outcome, the outcome of the appeal.
- (d) in relation to a notice served on P under section 30A(2)(c) of the Act (notice restricting accommodation at certain establishments under section 22B of the Act) —
 - (i) that P has appealed that notice; and
 - (ii) the outcome of P's appeal.

Gwenda Thomas

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18 January 2011