

Statutory Instruments with Clear Reports

5 February 2018

SL(5)178– The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2018

Procedure: Negative

These Regulations are made under section 186 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”).

The Act introduces a new system of regulation for care and support services in Wales, replacing that established by the Care Standards Act 2000 (“the 2000 Act”).

Part 1 of the Act replaces the system of registration for the providers of social care services, set out in Parts 1 and 2 of the 2000 Act, where establishments and agencies were registered. This required a separate registration for each location where a service was provided.

The Act takes a different approach which is service based. A provider must register with the Welsh Ministers in order to provide any care and support service which is regulated under the Act and that registration will contain the details of all the locations at which the provider provides the regulated service.

Part 1 of the Act is commenced on 2 April 2018 in relation to the following regulated services:

- (a) a care home service;
- (b) a secure accommodation service;
- (c) a residential family centre service; and
- (d) a domiciliary support service.

Establishments and agencies that provide adoption, fostering and adult placements will remain subject to registration and inspection under the 2000 Act until the commencement in full of Part 1 of the Act.



Regulation 2 and Schedule 1 make amendments to secondary legislation as a consequence of this partial commencement.

Regulation 3 and Schedule 2 specify the secondary legislation revoked by these Regulations.

Parent Act: Regulation and Inspection of Social Care (Wales) Act 2016;

Date Made: 17 January 2018

Date Laid: 19 January 2018

Coming into force date: 2 April 2018

SL(5)177 – The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018

Procedure: Affirmative

These Regulations are made under section 186 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) which enables Welsh Ministers to make consequential amendments to primary legislation where it is appropriate for the purposes of the Act.

The Regulations deal with consequential amendments to primary legislation arising from the commencement of the provisions in Part 1 of the Act which relate to the regulation of care homes, secure accommodation services, residential family centre services and domiciliary support services in Wales. These are examples of what the Act refers to as “regulated services”.

All these are services which have been regulated under Part 2 of the Care Standards Act 2000 (“the 2000 Act”). Many of the amendments therefore replace references to one of the sorts of establishment or agency which were regulated under the 2000 Act and replace them with references to the appropriate sort of “regulated service” under the Act.

The Regulations also contain one amendment which is made under section 198 of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”). Regulation 52 amends section 86 of the 2014 Act to remove wording which implies that



accommodation provided, equipped or maintained by the Welsh Ministers for looked after children need necessarily be a children's home.

Parent Acts: Regulation and Inspection of Social Care (Wales) Act 2016 and

Social Services and Well-being (Wales) Act 2014

Date Made: Not stated

Date Laid: Not stated

Coming into force date: 2 April 2018 2017

SL(5)179 – The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2018

Procedure: Affirmative

These Regulations amend the Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016.

Section 80(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) requires Social Care Wales to keep a register of social care workers of such description as may be specified by the Welsh Ministers.

These Regulations specify an additional description of social care workers in respect of which Social Care Wales must keep a register, namely those who are employed or engaged by a regulated domiciliary support service to provide care and support to persons referred to in paragraph 8 of Schedule 1 to the Act.

Parent Act: Regulation and Inspection of Social Care (Wales) Act 2016

Date Made: Not stated

Date Laid: Not stated

Coming into force date: 2 April 2018

