

## **Explanatory Memorandum to the Regulated Services (Annual Returns) (Wales) (Amendment) (Coronavirus) Regulations 2021**

This Explanatory Memorandum has been prepared by the Health and Social Services Department and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1.

### **Minister/Deputy Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of Regulated Services (Annual Returns) (Wales) (Amendment) (Coronavirus) Regulations 2021.

Julie Morgan

**Deputy Minister for Health and Social Services**

**26 March 2021**

## **PART 1**

### **1. Description**

The Regulation and Inspection of Social Care (Wales) Act ('the 2016 Act') provides the statutory framework for the regulation and inspection of social care services and the regulation of the social care workforce in Wales. To help achieve this it provides the Welsh Ministers with a range of regulation-making and other subordinate legislation powers.

This Explanatory Memorandum relates to *the Regulated Services (Annual Returns) (Wales) (Amendment) (Coronavirus) Regulations 2021* ("the Amendment Regulations") which make changes to *the Regulated Services (Annual Returns) (Wales) Regulations 2017* ("the 2017 regulations").

The purpose of the Amendment Regulations is to delay, until 26 May 2022, the requirement for providers of regulated services to submit an annual return, in respect of any the financial years 2018-19, 2019-20 and 2020-21 during which they have been registered under the 2016 Act, to the Welsh Ministers (in practice, Care Inspectorate Wales). The Amendment Regulations also reduce the required content for the annual returns the financial years 2018-19, 2019-20 and 2020-21.

The Regulations are being laid before the Senedd under the negative procedure and will come into force on 16 April 2021.

### **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

No specific matters have been identified.

### **3. Legislative background**

Section 10 of the 2016 Act requires all providers of regulated services to submit an annual return to the Welsh Ministers (in practice Care Inspectorate Wales) which must then be published by Care Inspectorate Wales. The purpose of annual returns is to provide objective, transparent, and comparable information to the public about regulated services.

The Amendment Regulations are made under powers in sections 10(2)(a)(vii), (viii) and (ix), and (4) and 187(1) of the 2016 Act. Section 10(4) enables Welsh Ministers to specify the time limit for submitting annual returns. Section 10(2)(a)(vii), (vii) and (ix) enables Welsh Ministers to prescribe additional categories of information which are required to be provided within an annual return in addition to those required by section 10(2)(a)(i) to (vi) of the 2016 Act. The Amendment Regulations are also being made under section 187(1) of the 2016 Act, which specifies that regulations made under the 2016 Act are to be made by statutory instrument and allows Welsh Ministers to make regulations which make different provision, for different cases and for different areas. They are subject to the negative resolution procedure.

#### **4. Purpose and intended effect of the legislation**

The purpose of the Amendment Regulations is to defer, by one year (until 26 May 2022) the requirement for providers to submit their annual returns to the Welsh Ministers (in practice Care Inspectorate Wales) in order to alleviate pressure on regulated services during the pandemic.

The Regulations also disapply a number of requirements within the 2017 Regulations for annual return for any of the financial years 2018-19, 2019-20 and 2020-21. The regulations that are disapplied in relation to an annual return for these financial years are regulations 3, 4, 5, 6 and Schedule 1.

Regulation 3 of the 2017 Regulations makes provision about training, regulation 4 makes provision about workforce planning and regulations 5, 6 and the Schedule require the provision of additional types of information relevant to the provision of care home services, secure accommodation services, residential family centre services and domiciliary support services.

#### **5. Consultation**

A public consultation was not undertaken on these Amendment Regulations.

#### **6. Regulatory Impact Assessment (RIA)**

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these regulations. As a result, it was not considered necessary to carry out a regulatory impact assessment as to the likely costs and benefits of complying with these regulations.