SL(6)595 – The Regulated Services (Inspection Ratings) (Wales) Regulations 2025

Background and Purpose

These Regulations were previously laid on 25 January 2025 and withdrawn on 25 February 2025 following this Committee's report.

The Regulations make provision about ratings given by the Welsh Ministers in relation to the quality of care and support provided by a service provider following an inspection under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 ("the Act"). They are due to come into force on 31 March 2025.

The Regulations impose requirements on certain service providers in relation to ratings given by the Welsh Ministers, to display such ratings in a specified manner and place and making it an offence to fail to do so; and to provide for an appeal procedure against such ratings in certain circumstances.

Procedure

Draft affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. **Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements**

The Regulations refer to the Minister and the Cabinet Secretary by incorrect titles. It is stated that the Regulations are made by the Minister for Social Care, under the authority of the Cabinet Secretary for Health and Social Services. This should read the Minister for Children and Social Care, under the authority of the Cabinet Secretary for Health and Social Care.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

2. **Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd**

In the Committee's previous report on the withdrawn regulations, it was noted that under regulation 4(2)(b), a service provider is prevented from submitting an appeal against the rating that has been applied to them until the service provider has received the outcome of the Welsh Ministers' review of the inspection ratings. There is no time frame set by the Regulations within which the Welsh Ministers must provide such outcome.

In its response to the report, the Welsh Government noted:

> *The time frame within which Care Inspectorate Wales ("CIW") (who exercise the functions of regulator on behalf of the Welsh Ministers) provide the outcome of a review requested under regulation 4(2)(a) is set out in paragraph 6.9 of CIW's Responding to Inspection Reports Policy (HTML document) \| Care Inspectorate Wales.*
>
> > *"6.9. We aim to respond within 5 working days of receiving a challenge. Where there is (or is likely to be) a delay the Registered Person, Responsible Individual or relevant person will be informed of the delay and advised of a revised timescale for our response."*
>
> *The policy is the means for setting the timescales for sharing the outcome of the Welsh Ministers' review. Providing the time frame for response in the policy rather than legislation addresses the need for providers to have certainty and the need to avoid delay while affording greater flexibility at operational level where timings can be affected by several variable factors.*

Welsh Government response

A Welsh Government response is required to reporting point 1 only.

Government Response:

Technical Scrutiny point 1: We are grateful to the Committee for pointing out the incorrect titles of the Minister and Cabinet Secretary in the signature clause. We will amend the titles of the Minister and Cabinet Secretary as shown in the table below prior to the making of the Regulations.

Technical drafting corrections to be made prior to the making of the Regulations

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	***CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING***
For "*Y Gweinidog Gofal Cymdeithasol, o dan awdurdod Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau Cymdeithasol"* substitute "*Y Gweinidog Plant a Gofal Cymdeithasol, o dan awdurdod Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol*".	For "*Minister for Social Care, under the authority of the Cabinet Secretary for Health and Social Services*" substitute "*Minister for Children and Social Care, under the authority of the Cabinet Secretary for Health and Social Care*".

Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.	

Legal Advisers
Legislation, Justice and Constitution Committee
6 March 2025