

Draft Regulations laid before the National Assembly for Wales under section 187(2)(m) of the Regulation and Inspection of Social Care (Wales) Act 2016, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2016 No. (W.)

SOCIAL CARE, WALES

**The Social Care Wales (Extension
of Meaning of “Social Care
Worker”) Regulations 2016**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 79(2)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) empowers the Welsh Ministers to make regulations to provide that certain persons are to be treated as social care workers.

These Regulations provide that the persons who are to be treated as social care workers are those described in paragraphs (a) to (l) of section 79(3) of the Act. Those include persons designated as responsible individuals by service providers; persons engaged in work for the purposes of a local authority’s social services functions (or in the provision of services similar to those provided in the exercise of those functions); persons engaged in the provision of unregulated personal care and support for any person; persons registered as child minders or as providers of day care for children; persons who manage or are employed in an undertaking carrying on an employment business or employment agency in connection with the provision of personal care and support to any person in Wales; certain social work students and inspectors of specified social care services.

The persons mentioned above are specified as social care workers for the purposes of the functions of Social Care Wales (“SCW”) under sections 68(2), 112, 114 and 116 of the Act. Under section 68(2) of the Act, SCW must exercise its functions with a view to promoting and maintaining high standards in the

provision of care and support services, high standards of conduct and practice among social care workers, high standards in the training of social care workers and public confidence in social care workers. Section 112 of the Act provides that SCW must prepare and publish codes of practice setting standards of conduct and practice expected of both social care workers and of any persons employing or seeking to employ social care workers. Section 114 of the Act empowers SCW to make rules to approve certain courses and section 116 sets out other functions of SCW in respect of education and training.

The Welsh Ministers' Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. A copy can be obtained from the Department of Health and Social Services, Welsh Government, Cathays Park, Cardiff, CF10 3NQ.

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**The Social Care Wales (Extension
of Meaning of “Social Care
Worker”) Regulations 2016**

Made

Coming into force

3 April 2017

The Welsh Ministers, in exercise of the powers conferred upon them by sections 79(2)(b) and 187(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016(1) make the following Regulations.

In accordance with section 187(2)(m) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

Title, commencement and application

1.—(1) The title of these Regulations is the Social Care Wales (Extension of Meaning of “Social Care Worker”) Regulations 2016.

(2) These Regulations come into force on 3 April 2017.

(3) These Regulations apply in relation to Wales.

Interpretation

2. In these Regulations—

(1) 2016 anaw 2.

“the Act” (“*y Ddeddf*”) means the Regulation and Inspection of Social Care (Wales) Act 2016;
“SCW” (“*GCC*”) means Social Care Wales⁽¹⁾.

Persons to be treated as social care workers

3. For the purposes only of the functions of SCW under sections 68(2), 112, 114 and 116 of the Act, persons of any of the descriptions in paragraphs (a) to (l) of section 79(3) of the Act are to be treated as social care workers.

Minister for Social Services and Public Health, under
authority of the Cabinet Secretary for Health,
Wellbeing and Sport, one of the Welsh Ministers
Date

(1) The Care Council for Wales was renamed Social Care Wales by section 67(3) of the Act.