

Explanatory Memorandum to: The Regulated Services (Omissions from the Published Register) (Wales) Regulations 2018

This Explanatory Memorandum has been prepared by the Health and Social Services Department and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of The Regulated Services (Omissions from the Published Register) (Wales) Regulations 2018

Huw Irranca-Davies
Minister for Children and Social Care

13 June 2018

Part 1 – OVERVIEW

1. Description

The Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”) reforms the regulation and inspection regime for social care in Wales and provides the statutory framework for the regulation and inspection of social care services and the social care workforce. It enables the Welsh Ministers to put in place a number of items of subordinate legislation through the making of regulations, the publication of guidance and the issuing of codes of practice.

This Explanatory Memorandum relates to *The Regulated Services (Omissions from the Published Register) (Wales) Regulations 2018* which will come into force on 4 July 2018. These Regulations prescribe the information to be omitted from the published register of service providers in prescribed circumstances.

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

No specific matters have been identified.

3. Legislative background

The powers enabling these Regulations to be made are contained in section 38(5)(a) of the 2016 Act. Section 38(1) places a requirement on the Welsh Ministers to maintain a register of service providers. Section 38(5)(a) is a regulation making power to enable the Welsh Ministers to omit prescribed information from the published register in prescribed circumstances.

These Regulations are being laid under the negative procedure.

4. Purpose & intended effect of the legislation

The purpose of these Regulations is to enable the service regulator, the Care Inspectorate Wales - acting on behalf of the Welsh Ministers - to omit information from the register of service providers which may identify the location of vulnerable individuals in care homes for children and in secure accommodation services.

5. Consultation

The approach taken in these Regulations replicates the former position – in place until 2 April 2018 – whereby the Care Inspectorate Wales can choose not to publish sensitive information relating to care homes for children and secure accommodation services.

The Care Standards Act 2000 enabled CIW to do this, as it does not prescribe the content of the register of service providers. However, due to the requirement under section 38 of the Regulation and Inspection of Social Care (Wales) Act 2016 to publish the places at, from or in relation to which the provider is registered to provide those

services, separate regulations are required to give CIW the power to omit prescribed information from the register of service providers in prescribed circumstances.

This approach helps to safeguard individuals who may be particularly vulnerable. For this reason, a public consultation was not considered necessary.

6. Regulatory Impact Assessment (RIA)

A regulatory impact assessment has not been prepared in respect of these Regulations as, for the service regulator, they maintain the status quo of not publishing such sensitive information. No impact, is foreseen on business, charities, voluntary or other public sector bodies.