

SL(5)326 – The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments to Secondary Legislation) Regulations 2019

Background and Purpose

The Regulation and Inspection of Social Care (Wales) Act 2016 reforms the regulation and inspection regime for social care in Wales, replacing that established under the Care Standards Act 2000.

These Regulations make amendments to secondary legislation consequential upon the commencement of provisions within Part 1 of the 2016 Act, through the Regulation and Inspection of Social Care (Wales) Act 2016 (Commencement No. 6, Savings, Transitory and Transitional Provisions) Order 2019 which is due to be made in April 2019.

Procedure

Negative.

Technical Scrutiny

The following points are identified for reporting under Standing Order 21.2(vi) in respect of this instrument – that its drafting appears to be defective:

- Paragraph 10 of Schedule 1 to these Regulations makes amendments to the “Special Guardianship Support Services Regulations 2005” when there is no such statutory instrument. The the correct reference should be to the Special Guardianship Regulations 2005.
- Paragraph 15(2)(c) of Schedule 1 to these Regulations makes a substitution to the Licensing and Management of Houses in Multiple Occupation and Other Houses (Miscellaneous Provisions) Wales Regulations 2006 providing that:

“individual placement plan has the meaning given in regulation 1(2) of the Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019”

However, the term “individual placement plan” does not appear in those Regulations. The reference in paragraph 15(2)(c) should be to “individual placement agreement” which does appear (and is defined) in those Regulations.

- Paragraph 17(3)(b)(ii) of Schedule 1 to these Regulations makes a substitution in regulation 4 of the Independent Review of Determinations (Adoption and Fostering) (Wales) Regulations 2010. Review of the 2010 Regulations provides that the substitution should actually read “9(7)” rather than “9(7)(a)” to properly encompass the function of the provision.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.



Implications arising from exiting the European Union

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Government Response

Government response is required.

Legal Advisers

Constitutional and Legislative Affairs Committee

19 February 2019

