

These notes refer to the Regulation and Inspection of Social Care (Wales) Act 2016 (c.2) which received Royal Assent on 18 January 2016

REGULATION AND INSPECTION OF SOCIAL CARE (WALES) ACT 2016

EXPLANATORY NOTES

GENERAL OVERVIEW OF THE ACT

8. The Act is split into 11 Parts and 3 Schedules –
 - Part 1 – Regulation of social care services
 - Part 2 – Overview and Interpretation of Parts 3 to 8
 - Part 3 – Social Care Wales
 - Part 4 – Social Care Workers
 - Part 5 – Social Care Workers: Standards of conduct, education etc.
 - Part 6 – Social Care Workers: Fitness to practise
 - Part 7 – Orders prohibiting work in social care: Unregistered persons
 - Part 8 – Social Care Wales: Duty to establish panels etc.
 - Part 9 – Co-operation and joint working by the regulatory bodies etc.
 - Part 10 – Miscellaneous and general
 - Part 11 –Final provisions
9. The Act introduces a new system of regulation of care and support services, replacing that established under the Care Standards Act 2000 (“the 2000 Act”). Part 1 sets out the regulatory processes applying to a person who applies to, and subsequently delivers, a social care service in Wales which is regulated under the Act. It also provides detail in respect of the regulation of local authority social services functions and establishes the new processes for both local authorities and the Welsh Ministers to undertake assessment of the care and support market.
10. **Part 3** renames the Care Council for Wales as Social Care Wales (“SCW”). In addition to being the body which undertakes the regulation of the social care workforce in Wales, this Part provides SCW with the power to give advice and assistance and carry out studies for the purposes of improving the standards of social care provided in Wales.
11. **Parts 4 - 8** replace the relevant provisions of the 2000 Act dealing with the registration of social care workers, the rules about the fitness of such workers to practise etc. Many of the detailed rules in this area were previously contained in rules made by the Care Council for Wales using powers under the 2000 Act. Much of that detail is now contained in this Act itself; SCW’s powers to make rules under the Act are mostly related to procedural matters. These Parts have also been informed by the recent Law Commission report on the regulation of health and social care workers - http://www.lawcom.gov.uk/wp-content/uploads/2015/03/lc345_regulation_of_healthcare_professionals.pdf.

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12. [Part 9](#) contains provision about information sharing and joint working between the Welsh Ministers as the regulator of social care services, SCW and other relevant bodies.
13. [Part 10](#) details the Welsh Ministers powers to initiate an inquiry into any matter concerned with the provision of care and support. It also contains provision about how documents are to be sent and when they are treated as delivered for the purposes of the Act.
14. [Part 11](#) contains the general final provisions, including provisions about minor and consequential amendments, powers to make subordinate legislation under the Act, commencement and interpretation.