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WELSH STATUTORY INSTRUMENTS

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**2017 No. 56 (W. 26)**

**SOCIAL CARE, WALES  
NATIONAL HEALTH SERVICE, WALES**

**The Care and Support (Area  
Planning) (Wales) Regulations 2017**

<i>Made</i>	- - - -	<i>24 January 2017</i>
<i>Laid before the National Assembly for Wales</i>	- -	<i>27 January 2017</i>
<i>Coming into force</i>	- -	<i>1 April 2017</i>

The Welsh Ministers, in exercise of the powers conferred by section 14A(6)(b) and (7) of the Social Services and Well-being (Wales) Act 2014(1), make the following Regulations:

**Title, commencement, application and interpretation**

1.—(1) The title of these Regulations is the Care and Support (Area Planning) (Wales) Regulations 2017.

(2) These Regulations come into force on 1 April 2017 and apply in relation to Wales.

(3) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Social Services and Well-being (Wales) Act 2014;

“area plan” (“*cynllun ardal*”) means the plan which a relevant body is required to prepare in accordance with section 14A(2) of the Act;

“joint area plan” (“*cynllun ardal ar y cyd*”) means an area plan which has been prepared by a relevant body jointly with another relevant body in accordance with the powers in section 14A(4) or (5) of the Act;

“population assessment report” (“*adroddiad asesiad poblogaeth*”) means the report which is required to be produced in accordance with regulation 5 of the population assessments regulations;

“Regional Partnership Board” (“*Bwrdd Partneriaeth Rhanbarthol*”) means one of the boards which are required to be established in accordance with regulations 2 to 8 of the partnership arrangements regulations;

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(1) 2014 anaw 4. Section 14A was inserted by the Well-being of Future Generations (Wales) Act 2015 (anaw 2), Schedule 4, paragraph 34.

“relevant body” (“*corff perthnasol*”) has the same meaning as in section 14A(1) of the Act;  
 “relevant Regional Partnership Board” (“*Bwrdd Partneriaeth Rhanbarthol perthnasol*”) means the Regional Partnership Board which has been established for the area of the relevant body;  
 “the partnership arrangements regulations” (“*y rheoliadau trefniadau partneriaeth*”) means the Partnership Arrangements (Wales) Regulations 2015(2);  
 “the population assessments regulations” (“*y rheoliadau asesiadau poblogaeth*”) means the Care and Support (Population Assessments) (Wales) Regulations 2015(3).

### **Publication of area plans**

2.—(1) The first area plan (or, if applicable, the first joint area plan) must be published by 1 April 2018.

(2) Subsequent area plans (or, if applicable, joint area plans) must be published within one year after the date on which the most recent population assessment report is required to be published.

### **Review**

3. In the event that an addendum to a population assessment report is issued in accordance with regulation 7 of the population assessments regulations, the relevant body which has prepared an area plan following that report (or, if applicable, the relevant bodies which have prepared a joint area plan following that report) must—

- (a) review the most recent area plan (or joint area plan, if applicable);
- (b) consider whether the plan needs to be revised;
- (c) if it is decided to revise the plan, prepare a revised plan as soon as practicable following the issue of the addendum;
- (d) publish any revised plan.

### **Copies of plans**

4. A relevant body which has prepared an area plan (or, if applicable, the relevant bodies which have prepared a joint area plan) must—

- (a) include a copy of the plan (and, if applicable, a copy of any revised plan) as part of the annual report published by the relevant Regional Partnership Board in accordance with regulation 12 of the partnership arrangements regulations, and
- (b) submit any such plan or revised plan to the Welsh Ministers.

### **Citizen engagement**

5.—(1) In preparing an area plan or revised area plan (or, if applicable, a joint area plan or revised joint area plan), a relevant body (or, in the case of a joint area plan, the relevant bodies) must take reasonable steps to engage with—

- (a) people in the area who have or may have needs for care and support,
- (b) people in the area with parental responsibility for children who have or may have needs for care and support, and
- (c) carers in the area who have or may have needs for support.

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(2) S.I. 2015/1989 (W. 299).

(3) S.I. 2015/1367 (W. 135).

(2) In paragraph (1), “the area” (“*yr ardal*”) means the area covered by the area plan (or, if applicable, the joint area plan).

(3) A relevant body (or, in the case of a joint area plan, the relevant bodies) must establish a procedure for the engagement required by paragraph (1).

### **Engagement with private sector and third sector organisations and public bodies**

6.—(1) In preparing an area plan or revised area plan (or, if applicable, a joint area plan or revised joint area plan), a relevant body (or, in the case of a joint area plan, the relevant bodies) must engage with any private sector organisation, third sector organisation or public body which it believes is concerned with or has an interest in the provision of care and support or preventative services to the population of the area covered by the plan.

(2) For the purposes of this regulation—

“public body” (“*corff cyhoeddus*”) means a body (whether corporate or unincorporated) exercising public functions. For the purpose of this definition, a public function is a function that is a function of a public nature for the purposes of the Human Rights Act 1998<sup>(4)</sup>;

“third sector organisation” (“*sefydliad trydydd sector*”) has the same meaning as in section 16(2) of the Act<sup>(5)</sup>.

### **Monitoring and evaluation**

7. A relevant body (or, in the case of a joint area plan, the relevant bodies) must take appropriate steps to monitor and evaluate the services and other action set out in the area plan (or, if applicable, the joint area plan).

*Rebecca Evans*  
Minister for Social Services and Public Health  
under authority of the Cabinet Secretary for  
Health, Well-being and Sport, one of the Welsh  
Ministers

24 January 2017

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<sup>(4)</sup> 1998 c. 42.

<sup>(5)</sup> In section 16(2) of the Act, “third sector organisation” means an organisation which a person might reasonably consider to exist wholly or mainly to provide benefits to society.

**Status:** This is the original version (as it was originally made). This item of legislation is currently only available in its original format.

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## EXPLANATORY NOTE

*(This note is not part of the Regulations)*

Section 14A of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”) requires local authorities and Local Health Boards to each prepare and publish a plan following the carrying out of an assessment of needs under section 14 of the 2014 Act (known as a “population assessment”). This plan (known as an “area plan”) must set out, amongst other things, the range and level of services the body proposes to provide, or arrange to be provided, in response to the population assessment.

These Regulations make provision about area plans, including specifying when an area plan is to be published (regulation 2), the review and revision of area plans (regulation 3), persons who should be provided with copies of area plans (regulation 4), the taking of steps to engage with citizens, private and third sector organisations and public bodies in the preparation of area plans (regulations 5 and 6) and the monitoring and evaluation of area plans (regulation 7).

The Regulations include provision for how each of the regulations is to apply if a local authority or Local Health Board has decided to exercise powers under section 14A(4) or (5) of the 2014 Act to prepare and publish a joint area plan.

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.