



# Carers Strategies (Wales) Measure 2010

2010 nawm 5

A MEASURE of the National Assembly for Wales to make provision for and in connection with the publication and implementation of strategies for the provision of information to, and consultation of, carers.

**This Measure, passed by the National Assembly for Wales on 21 September 2010 and approved by Her Majesty in Council on 10 November 2010, enacts the following provisions:—**

## **1 Carers**

- (1) In this Measure “carer” means an individual who provides or intends to provide a substantial amount of care on a regular basis for—
  - (a) a child who is disabled within the meaning of Part 3 of the Children Act 1989, or
  - (b) an individual aged 18 or over.
- (2) But “carer” does not include an individual who provides or intends to provide that care—
  - (a) by virtue of a contract of employment or other contract with any person, or
  - (b) as a volunteer for any body (whether or not incorporated).
- (3) In this Measure any reference, in relation to a carer, to “the person cared for” is a reference to the person for whom the carer provides the care or intends to provide the care.

## **2 Duty to produce strategy**

- (1) The Welsh Ministers may by regulations require a relevant authority, or two or more relevant authorities to prepare and publish a strategy setting out how the authority will work, or the authorities will work together—
  - (a) to provide appropriate information and advice to carers,

- (b) to ensure that, where it falls to an authority to decide what services (if any) are to be provided to or for a carer or the person cared for, the carer is consulted before that decision is made, and
  - (c) to ensure that each authority consults carers before it makes decisions of a general nature regarding the provision of services to or for carers and the persons they care for.
- (2) Each relevant authority responsible under subsection (1) for the preparation and publication of a strategy must implement the strategy.
- (3) The “relevant authorities” are—
  - (a) any Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c. 42);
  - (b) any NHS trust established under section 18 of that Act;
  - (c) any Special Health Authority established under section 22 of that Act;
  - (d) any county council or county borough council.
- (4) For the purposes of subsection (1)(b) and (c) it does not matter who provides the services.
- (5) In this Measure “responsible authority”, in relation to a strategy, means an authority which has the duty under subsection (1) to prepare and publish the strategy.

### **3 Appropriate information and advice**

- (1) In section 2(1)(a) “appropriate information and advice” means information and advice which is likely to be of interest or benefit to carers in their role as such, or to the person cared for.
- (2) The Welsh Ministers may by regulations make further provision about what constitutes appropriate information and advice for the purposes of that section.
- (3) Information and advice provided to carers in pursuance of a strategy is to be provided free of charge.

### **4 Consultation**

The Welsh Ministers may by regulations make provision specifying steps which relevant authorities must or may take for the purpose of consulting carers as mentioned in section 2(1)(b) and (c).

### **5 Further provision about strategies**

- (1) The Welsh Ministers may by regulations make further provision as to the preparation and publication of strategies under section 2.
- (2) The provision includes (but is not limited to)—
  - (a) further provision as to the services in respect of which the duty to prepare a strategy applies;
  - (b) provision as to the matters to be dealt with in the strategy;
  - (c) provision as to how and when the strategy is to be published;
  - (d) provision about keeping the strategy under review (including setting a period after which the strategy must be reviewed or replaced);

- (e) provision as to the consultation which must be undertaken before or during the preparation, implementation or review of the strategy;
  - (f) provision for arrangements to monitor and evaluate the implementation of the strategy.
- (3) The Welsh Ministers may, for each strategy for which there is more than one responsible authority, designate one of them as the lead authority for the purposes of co-ordinating and overseeing the preparation and publication (and any subsequent review) of the strategy.

## **6 Submission of draft strategy to Welsh Ministers**

- (1) Each strategy must be submitted in draft to the Welsh Ministers by—
- (a) the responsible authority, if there is only one responsible authority;
  - (b) the lead authority, if there is more than one responsible authority (or, where there is no lead authority, the responsible authorities acting together).
- (2) The Welsh Ministers must—
- (a) inform the responsible authority or authorities that they are satisfied that the draft strategy complies with the requirements imposed by or under this Measure, or
  - (b) if they are not so satisfied, give the responsible authority or authorities such direction as the Welsh Ministers think fit for the purpose of ensuring that the strategy does comply with those requirements.
- (3) The responsible authority or authorities must not publish a strategy unless—
- (a) subsection (2)(a), or
  - (b) if the Welsh Ministers have given a direction under subsection (2)(b), that direction, has been complied with.
- (4) The Welsh Ministers may by regulations make provision as to how and when the requirements of this section must be complied with.

## **7 Public access to strategy**

Each responsible authority for a strategy must make a copy of it available for inspection, free of charge, at all reasonable hours at the principal office of the authority.

## **8 Power to add further relevant authorities**

The Welsh Ministers may by order amend section 2(3) by adding further bodies or authorities or descriptions of body or authority.

## **9 Amendment to the Local Authority Social Services Act 1970**

- (1) The Local Authority Social Services Act 1970 (c. 42) is amended as follows.
- (2) At the end of the table in Schedule 1 to the Act insert—

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“Carers Strategies (Wales) Measure 2010	Preparation and implementation of carers strategies.”
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## **10 Orders and regulations**

- (1) Any power to make an order or regulations under this Measure is exercisable by statutory instrument.
- (2) Any order or regulations under this Measure—
  - (a) may make different provision for different cases or purposes,
  - (b) may make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Welsh Ministers think fit.
- (3) A statutory instrument containing regulations under this Measure is subject to annulment in pursuance of a resolution of the National Assembly for Wales.
- (4) Subsection (3) does not apply where subsection (5) applies.
- (5) A statutory instrument containing—
  - (a) an order made by the Welsh Ministers under section 8 of this Measure, or
  - (b) the first regulations made by the Welsh Ministers under each of sections 2(1), 3(2), 4, 5(1) and 6(4), (whether or not the instrument also contains provision made under any other section) must not be made unless a draft of the instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

## **11 Commencement**

This Measure comes into force in accordance with provision made by the Welsh Ministers by order.

## **12 Short title**

This Measure may be cited as the Carers Strategies (Wales) Measure 2010.