

EXPLANATORY MEMORANDUM TO
THE SOCIAL SECURITY (SOCIAL CARE WALES) (AMENDMENT)
REGULATIONS 2017

2017 No. 291

1. Introduction

1.1 This explanatory memorandum has been prepared by the Department for Work and Pensions and is laid before Parliament by Command of Her Majesty

2. Purpose of the instrument

2.1 This instrument makes consequential amendments to the definition of “registered social worker” to recognise social workers registered by Social Care Wales, in each of the following instruments:

- The Universal Credit Regulations 2013 (S.I. 2013/376)¹,
- The Jobseeker’s Allowance Regulations 2013 (S.I.2013/378)²; and
- The Employment and Support Allowance Regulations 2013 (S.I. 2013/379)³.

3. Matters of special interest to Parliament

Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None.

Other matters of interest to the House of Commons

3.2 As this instrument is subject to negative resolution procedure and has not been prayed against, consideration as to whether there are other matters of interest to the House of Commons does not arise at this stage.

4. Legislative Context

4.1 The amendments reflect the renaming by the *Regulation and Inspection of Social Care (Wales) Act 2016*⁴ (“the 2016 Act”) of the ‘Care Council for Wales’ as, ‘Social Care Wales.’

4.2 This instrument does not make a related amendment to the Jobseeker’s Allowance Regulations 1996 (S.I.1996/207) (which relates to so-called “legacy Jobseeker’s Allowance”) as that is required to be passed by the affirmative Parliamentary procedure. That amendment will therefore be taken forward separately.

5. Extent and Territorial Application

5.1 The extent of this instrument is Great Britain.

5.2 The territorial application of this instrument is Great Britain.

¹ <http://www.legislation.gov.uk/uksi/2013/376/>

² <http://www.legislation.gov.uk/uksi/2016/678/regulation/6/made>

³ <http://www.legislation.gov.uk/uksi/2016/678/regulation/7/made>

⁴ <http://www.legislation.gov.uk/anaw/2016/2/>

5.3 Subject to the agreement of the Northern Ireland Assembly, the Department for Communities in Northern Ireland will produce corresponding legislation for Northern Ireland.

6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

7. Policy background

What is being done and why

7.1 A “registered social worker” is a person acting in an official capacity who can provide evidence that domestic violence has been inflicted or threatened against a claimant for the purpose of entitlement to those benefits.

7.2 Where a claimant is a victim of domestic violence, guidance currently allows work coaches to accept evidence from a ‘registered social worker’ when considering temporarily switching off conditionality requirements.

7.3 The definition of registered social worker is updated by this instrument, following the changes made by the 2016 Act which renamed the ‘Care Council for Wales’ as, ‘Social Care Wales’.

7.4 As a result of these amendments, work coaches will be able to accept evidence of domestic violence from social workers registered by Social Care Wales so as to enable conditionality requirements for those benefits to be switched off, either temporarily or for longer periods where appropriate.

Consolidation

7.5 Informal consolidated text of instruments is available to the public free of charge via ‘the National Archive’ website <http://www.legislation.gov.uk/>.

8. Consultation outcome

8.1 No consultation was undertaken. The Social Security Advisory Committee have been informed of the amendments and were content.

9. Guidance

9.1 Guidance will be updated to reflect that work coaches can accept evidence of domestic abuse from Social Care Wales and will be available

10. Impact

10.1 There is no impact on business, charities or voluntary bodies.

10.2 The impact on the public sector is negligible.

10.3 An Impact Assessment has not been prepared for this instrument.

11. Regulating small business

11.1 The legislation does not apply to activities that are undertaken by small businesses.

12. Monitoring & review

- 12.1 Guidance to work coaches is reviewed and updated when required to reflect amendments to legislation.

13. Contact

- 13.1 Rebecca Hepplestone at the Department for Work and Pensions 0114 2934827.