
EXPLANATORY NOTE

(This note is not part of the Order)

Part 2 of this Order makes a number of amendments to secondary legislation relating to social security following the coming into force of the Social Services and Well-being (Wales) Act 2014 (2014 anaw 4) (“SSWBWA 2014”).

Parts 2 to 6 of the SSWBWA 2014 make provision about improving the well-being outcomes for people in Wales who need care and support. The legal framework for the provision of care and support for adults in England is contained in the Care Act 2014 (c. 23) with Part 3 of the Children Act 1989 (c. 41) making provision for care and support for children and their families. Part 3 of the Children Act 1989 no longer applies in relation to Wales. In general, social security secondary legislation is amended so as to include reference to the SSWBWA 2014 in provisions which refer to the Care Act 2014 or the Children Act 1989.

Part 3 of this Order amends the definition of “registered social worker” in regulation 14A of the Jobseeker’s Allowance Regulations 1996 to reflect the renaming, by Part 3 of the Regulation and Inspection of Social Care (Wales) Act 2016 (anaw 2) of the Care Council for Wales as Social Care Wales. That definition relates to who is deemed to be a person acting in an official capacity who can provide evidence that domestic violence has been inflicted or threatened against a claimant for jobseeker’s allowance, thereby relaxing certain requirements for entitlement to that benefit.

Part 4 of this Order makes other miscellaneous amendments to social security secondary legislation. In particular, references in secondary legislation to section 23(2)(a) of the Children Act 1989 are omitted and, in some cases, amended to refer instead to section 22C(2) of that Act which was substituted for section 23 by section 8(1) of the Children and Young Persons Act 2008 (c. 23). An error in paragraph 17(2)(b)(iv) of Schedule 4 to the Housing Benefit Regulations 2006 is also corrected so that it is clear that, where the claimant is a member of a couple and one of them is engaged in remunerative work for on average not less than 16 hours a week, it is the member of the couple who is working who must meet the other qualifying conditions for the disregard.

An impact assessment has not been produced for this instrument as it has no impact on business or civil society organisations.

Changes to legislation:

There are currently no known outstanding effects for the The Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Order 2017.