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## EXPLANATORY NOTE

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

Section 79(2)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) empowers the Welsh Ministers to make regulations to provide that certain persons are to be treated as social care workers.

These Regulations provide that the persons who are to be treated as social care workers are those described in paragraphs (a) to (l) of section 79(3) of the Act. Those include persons designated as responsible individuals by service providers; persons engaged in work for the purposes of a local authority’s social services functions (or in the provision of services similar to those provided in the exercise of those functions); persons engaged in the provision of unregulated personal care and support for any person; persons registered as child minders or as providers of day care for children; persons who manage or are employed in an undertaking carrying on an employment business or employment agency in connection with the provision of personal care and support to any person in Wales; certain social work students and inspectors of specified social care services.

The persons mentioned above are specified as social care workers for the purposes of the functions of Social Care Wales (“SCW”) under sections 68(2), 112, 114 and 116 of the Act. Under section 68(2) of the Act, SCW must exercise its functions with a view to promoting and maintaining high standards in the provision of care and support services, high standards of conduct and practice among social care workers, high standards in the training of social care workers and public confidence in social care workers. Section 112 of the Act provides that SCW must prepare and publish codes of practice setting standards of conduct and practice expected of both social care workers and of any persons employing or seeking to employ social care workers. Section 114 of the Act empowers SCW to make rules to approve certain courses and section 116 sets out other functions of SCW in respect of education and training.

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.