
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations are made under powers given to the Welsh Ministers by the Social Services and Well-being (Wales) Act 2014 (“the Act”) in relation to local market stability reports.

Section 144B of the Act gives the Welsh Ministers the power to make regulations in relation to market stability reports.

Section 166(1)(b) of the Act gives the Welsh Ministers the power to require specified partnership arrangements between one or more local authorities and one or more Local Health Boards. Section 166(4)(a) gives the Welsh Ministers the power to require a local authority or a Local Health Board to carry out functions specified for the purposes of section 166(2), such as social services functions, for the purposes of partnership arrangements. Section 168 of the Act gives the Welsh Ministers the power to require a partnership board in respect of partnership arrangements made under regulations under section 168(1)(c) to be established by one or more local authorities and one or more Local Health Boards. Under section 168(2)(c) those regulations may make provision about the objectives and functions of the partnership board.

Part 1 addresses commencement and definitions.

Part 2 addresses what further matters relating to the provision of regulated services are required to be included in the market stability report; the period of time within which the report considers the sufficiency of provision of care and support; the date by which the report must be published and the report’s form.

Regulation 2 is made under section 144B(2)(a)(iii) and requires local authorities, whilst preparing a local market stability report, to include an assessment of those other matters relating to the provision of regulated services in the local authority area, which are specified in the Schedule and include the sufficiency of provision of care and support, the overall quality of care and support, the current or developing trends of care and support, any significant challenges and the impact of commissioning and funding.

Regulation 3 is made under section 144B(2)(a)(i) and provides for the period of assessment of the sufficiency of provision of care and support.

Regulation 4 is made under section 144B(1) and provides for the times local authorities must prepare and publish their market stability reports.

Regulation 5 is made under section 144B(3) and requires the market stability report to be in an electronic format.

Part 3 is made under sections 166(1)(b) and (4)(a) and 168 and amends the Partnership Arrangements (Wales) Regulations 2015. This Part requires local authorities and Local Health Boards to enter into a partnership arrangement for carrying out the local authorities’ functions under section 144B.

The Welsh Ministers’ Code of Practice on 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.