

SL(5)035 – The Social Care Wales (Extension of Meaning of “Social Care Worker”) Regulations 2016

Background and Purpose

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 (i) of section 79(3) of the 2016 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.

Procedure

Affirmative

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

One point is identified for reporting under Standing Order 21.3 in respect of this instrument (Standing Order 21.3(ii): the instrument is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly).

These Regulations are made under sections of the 2016 Act that are not yet in force. The Welsh Government has confirmed that the relevant sections of the 2016 Act will be commenced before 3 April 2017 (i.e. the date these Regulations come into force).



Although the relevant sections of the 2016 Act are not currently in force, the Welsh Ministers can make these Regulations by relying on section 13 of the Interpretation Act 1978 which allows certain powers to be exercised before the relevant sections of the 2016 Act are commenced.

Committee Consideration

The Committee considered the instrument at its meeting on 28 November 2016. The Committee reports to the Assembly in line with the merits reporting point above.

Legal Advisers

Constitutional and Legislative Affairs Committee

28 November 2016

