

Draft Regulations laid before the National Assembly for Wales under section 187(2)(n) of the Regulation and Inspection of Social Care (Wales) Act 2016, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2018 No. (W.)

SOCIAL CARE, WALES

**The Social Care Wales
(Specification of Social Care
Workers) (Registration)
(Amendment) Regulations 2018**

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016.

Section 80(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”) requires Social Care Wales to keep a register of social care workers of such description as may be specified by the Welsh Ministers.

These Regulations specify an additional description of social care workers in respect of which Social Care Wales must keep a register, namely those who are employed or engaged by a regulated domiciliary support service to provide care and support to persons referred to in paragraph 8 of Schedule 1 to the Act.

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.

Draft Regulations laid before the National Assembly for Wales under section 187(2)(n) of the Regulation and Inspection of Social Care (Wales) Act 2016, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

2018 No. (W.)

SOCIAL CARE, WALES

The Social Care Wales
(Specification of Social Care
Workers) (Registration)
(Amendment) Regulations 2018

Made

Coming into force

2 April 2018

The Welsh Ministers, in exercise of the powers conferred upon them by sections 80(1)(b) and 187(1)(b) of the Regulation and Inspection of Social Care (Wales) Act 2016⁽¹⁾, make the following Regulations.

In accordance with section 187(2)(n) of that Act, a draft of this instrument has been laid before, and approved by a resolution of, the National Assembly for Wales.

Title and commencement

1.—(1) The title of these Regulations is the Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2018.

(2) These Regulations come into force on 2 April 2018.

Interpretation

2. In these Regulations “the 2016 Regulations” (“*Rheoliadau 2016*”) means the Social Care Wales

(1) 2016 anaw 2.

(Specification of Social Care Workers) (Registration) Regulations 2016⁽¹⁾.

Amendment to regulation 2 of the 2016 Regulations

3. In regulation 2 (interpretation) of the 2016 Regulations, insert the following in the appropriate place—

““the 2017 Regulations” (*“Rheoliadau 2017”*) means the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017⁽²⁾”;
““domiciliary support service” (*“gwasanaeth cymorth cartref”*) has the same meaning as that given in section 2(1)(h) of and paragraph 8 of Schedule 1 to the Act, subject to regulation 3(1) of the 2017 Regulations;”.

Amendment to regulation 3 of the 2016 Regulations

4. Regulation 3 (specification of social care workers) of the 2016 Regulations is amended as follows—

(a) at the end of paragraph (2)(c), for “.” substitute “;”; and

(b) after paragraph (2)(c) insert—

“(d) who are—

- (i) employed (whether as an employee or a worker), or
- (ii) engaged under a contract for services,

by a service provider of a domiciliary support service in order to provide care and support to a person referred to in paragraph 8(1) of Schedule 1 to the Act.

(3) For the purposes of this regulation, the terms “employee” (*“cyflogai”*), “employment” (*“cyflogaeth”*)⁽³⁾ and “worker” (*“gweithiwr”*) have the same meanings as in section 230(1), (5) and (3) respectively of the Employment Rights Act 1996⁽⁴⁾.”

(1) S.I. 2016/1235 (W. 293).

(2) S.I. 2017/1264 (W. 295).

(3) Section 230(5) of the Employment Rights Act 1996 also defines the term “employed” by reference to the meaning of “employment”.

(4) 1996 c. 18.

Name

Minister for Children and Social Care, under authority
of the Cabinet Secretary for Health and Social
Services, one of the Welsh Ministers

Date