

Draft Regulations laid before the National Assembly for Wales under section 196(6) of the Social Services and Well-being (Wales) Act 2014, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

SOCIAL CARE, WALES

The Partnership Arrangements and Population Assessments (Miscellaneous Amendments) (Wales) Regulations 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Partnership Arrangements (Wales) Regulations 2015 (“the Partnership Regulations”) and the Care and Support (Partnership Arrangements for Population Assessments) (Wales) Regulations 2015 (“the Population Assessments Regulations”).

The Partnership Regulations are amended as follows.

Regulation 1 (title, commencement, application and interpretation) is amended to define the term “older people”.

Regulations 5 and 6 (regional partnership boards, partnership arrangements) are amended in accordance with the name and boundary changes made to the Cwm Taf University Health Board and Abertawe Bro Morgannwg University Health Board made by the Local Health Boards (Area Change) (Miscellaneous Amendments) (Wales) Order 2019; and the name changes to the Western Bay and Cwm Taf regional partnership boards.

Regulation 11 (membership of the regional partnership boards) is amended to specify the minimum number of members required on the regional partnership board and to ensure there are

representatives from both the housing and education sectors.

Regulation 12 (reports) is amended to add the requirement for partnership boards to submit their reports no later than 30 June.

Regulation 19 (establishment and maintenance of pooled funds) is amended to require partnership bodies to establish and maintain a regional pooled fund in the exercise of their care home places for older people and family support functions. This regulation requires partnership bodies for each of the regional partnership board areas to make a financial contribution to the regional pooled fund.

The Population Assessments Regulations are amended in accordance with the name and boundary changes made to the Cwm Taf University Health Board and Abertawe Bro Morgannwg University Health Board by the Local Health Boards (Area Change) (Miscellaneous Amendments) (Wales) Order 2019.

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.

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**DRAFT WELSH STATUTORY
INSTRUMENTS**

2019 No. (W.)

SOCIAL CARE, WALES

**The Partnership Arrangements and
Population Assessments
(Miscellaneous Amendments)
(Wales) Regulations 2019**

Made ***

Coming into force ***

The Welsh Ministers, in exercise of the powers conferred by sections 166(1)(b), (3)(a), (c) and (d), (4)(a) and (c), 167(3) 168(2)(a) and (e) and 196(2)(a) of the Social Services and Well-being (Wales) Act 2014 (1), make the following Regulations.

A draft of these Regulations was laid before the National Assembly for Wales under section 196(6) of the Act and has been approved by a resolution of the National Assembly for Wales.

(1) 2014 anaw 4.

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Partnership Arrangements and Population Assessments (Miscellaneous Amendments) (Wales) Regulations 2019.

(2) These Regulations come into force on 1 April 2019.

(3) In these Regulations—

“the Population Assessments Regulations” (“*y Rheoliadau Asesiadau Poblogaeth*”) means the Care and Support (Partnership Arrangements for Population Assessments) (Wales) Regulations 2015(1);

“the Partnership Regulations” (“*y Rheoliadau Partneriaeth*”) means the Partnership Arrangements (Wales) Regulations 2015(2).

Amendments to the Partnership Regulations

2. The Partnership Regulations are amended in accordance with regulations 3 to 10.

Interpretation

3. In regulation 1 (title, commencement, application and interpretation), in paragraph (4) insert the following definitions in the appropriate place—

““older people” (“*pobl hŷn*”) means persons aged 65 or over;

““regional partnership board areas” means each of the respective areas in which partnership bodies are required to enter into partnership arrangements under the direction of a regional partnership board;”.

Regional partnership boards

4. In regulation 5 (partnership arrangements under the direction of Western Bay regional partnership board) —

(a) in the heading, for “Western Bay regional partnership board” substitute “West

(1) S.I. 2015/1495 (W. 167).

(2) S.I. 2015/1989 (W. 299).

Glamorgan regional partnership board
(“*bwrdd partneriaeth rhanbarthol Gorllewin Morgannwg*”)

- (b) in paragraph (1)—
 - (i) for “Abertawe Bro Morgannwg University Health Board” substitute “Swansea Bay University Local Health Board”, and
 - (ii) omit “Bridgend County Borough Council”;
- (c) in paragraph (2) for “Western Bay regional partnership board” substitute “West Glamorgan regional partnership board”;
- (d) in paragraph (3) for “Western Bay regional partnership board” substitute “West Glamorgan regional partnership board”

5. In regulation 6 (partnership arrangements under the direction of Cwm Taf regional partnership board)—

- (a) in the heading, for “Cwm Taf regional partnership board” substitute “Cwm Taf Morgannwg regional partnership board”. (“*bwrdd partneriaeth rhanbarthol Cwm Taf Morgannwg*”);
- (b) in paragraph (1)—
 - (i) for “Cwm Taf University Health Board” substitute “Cwm Taf Morgannwg University Local Health Board”, and
 - (ii) after “Cwm Taf University Health Board” insert “Bridgend County Borough Council”;
- (c) in paragraph (2) for “Cwm Taf regional partnership board” substitute “Cwm Taf Morgannwg regional partnership board”;
- (d) in paragraph (3) for “Cwm Taf regional partnership board” substitute “Cwm Taf Morgannwg regional partnership board”.

Membership of regional partnership boards

6.—(1) Regulation 11 (membership of regional partnership boards) is amended as follows—

- (a) in paragraph (1)(d) for “a” substitute “at least one”;

- (b) in paragraph (1)(e) for “two persons” substitute “at least two people”;
- (c) in paragraph (1)(g) before “one person” insert “at least”;
- (d) in paragraph (1)(h) before “one person” insert “at least”;
- (e) in paragraph (1)(h) for “.” substitute—
 - “;
 - (i) at least one senior local authority officer responsible for housing including the responsibility for or links to capital investment in housing, in the area covered by the regional partnership board;
 - (j) at least one person who represents registered social landlords in the area covered by the regional partnership board;
 - (k) at least one senior local authority officer who has responsibility for education in the area covered by the regional partnership board.”

(2) In paragraph (4) insert the following definition in the appropriate place—

““registered social landlord” (*“landlord cymdeithasol cofrestredig”*) means a Welsh body registered with the Welsh Ministers under Part 1 of the Housing Act 1996(1);”

Reports

7. In regulation 12 (reports), in paragraph (3)—

- (a) for “Subsequent” substitute “From April 2019”;
- (b) after “annually” insert “no later than 30 June”.

Information sharing

8. In regulation 13 (information sharing), in paragraph (1), for “by” substitute “in accordance with”.

(1) 1996 c. 52.

Establishment of integrated family support teams

9. In regulation 16 (establishment of integrated family support teams), in paragraph (1), for “partnership arrangements” substitute “regional partnership board areas”.

Regional pooled funds

10. For regulation 19 (establishment and maintenance of pooled funds) substitute—

“Establishment and maintenance of pooled funds”

19.—(1) Partnership bodies for each of the regional partnership board areas must establish and maintain—

(a) a regional pooled fund in relation to the exercise of their care home accommodation functions for older people, and

(b) a pooled fund in relation to the exercise of their family support functions.

(2) For each financial year, beginning with the financial year commencing on 1st April 2019, each partnership body must make a contribution to the regional pooled fund in relation to the exercise of their care home accommodation functions for older people which is commensurate with its anticipated annual expenditure on care home places for older people.

(3) Nothing in this regulation prevents partnership bodies from establishing and maintaining pooled funds or regional pooled funds for carrying out any other functions specified in Schedule 1.

(4) If any of the partnership bodies decide to exercise their functions jointly in response to the assessment carried out under section 14 of the Act, they must consider whether it is appropriate to establish and maintain a pooled fund⁽¹⁾.

(5) For the purposes of this regulation—

⁽¹⁾ “Pooled funds” has the same meaning as in section 167(4) of the Act.

“care home” (“*cartref gofal*”) means premises at which a care home service(1), within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016(2), is provided wholly or mainly to persons aged 18 or over;

“care home accommodation functions for older people” (“*swyddogaethau llety cartref gofal pobl hŷn*”) means —

- (a) the functions of a local authority under sections 35 and 36 of the Act, where these are exercised in relation to older people to provide accommodation in care homes;
- (b) the functions of a Local Health Board under section 3 of the National Health Service (Wales) Act 2006(3) where they are exercised in relation to older people who—
 - (i) have a primary need for health care which is met by arranging the provision of accommodation together with nursing in care homes, or
 - (ii) do not have a primary need for health care but who have needs which can only be met by the local authority arranging for the provision of accommodation together with nursing in a care home.

“regional pooled fund” (“*cronfa gyfun ranbarthol*”) means a single pooled fund into which each of the partnership bodies for a regional partnership board area make contributions.”

(1) A “care home service” is defined in Schedule 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 as the provision of accommodation, together with nursing or care at a place in Wales, to persons because of their vulnerability or need.

(2) 2016 anaw 2.

(3) 2006 c.42.

Amendments to the Population Assessments Regulations

11. The Population Assessments Regulations are amended in accordance with the following regulation.

Schedule for specified partnership arrangements

12. Within the Schedule (specified partnership arrangements) the table for partnership arrangements is amended as follows—

- (a) in the first column (local health board), for “Abertawe Bro Morgannwg University Health Board” substitute “Swansea Bay University Local Health Board”;
- (b) in the corresponding second column (local authority), for Abertawe Bro Morgannwg University Health Board omit “Bridgend County Borough Council”;
- (c) in the first column (local health board), for “Cwm Taf University Health Board” substitute “Cwm Taf Morgannwg University Local Health Board”;
- (d) in the corresponding second column (local authority), for Cwm Taf University Health Board insert “Bridgend County Borough Council”.

Julie Morgan

Deputy Minister for Health and Social Services under authority of the Minister for Health and Social Services, one of the Welsh Ministers

Date