

ACCOMPANYING DOCUMENTS

Explanatory Notes and an Explanatory Memorandum are printed separately.

**Proposed Carers Strategies (Wales)
Measure
[AS INTRODUCED]**

CONTENTS

1. Carers
2. Duty to produce strategy
3. Appropriate information and advice
4. Consultation
5. Further provision about strategies
6. Submission of draft strategy to Welsh Ministers
7. Public access to strategy
8. Orders and regulations
9. Commencement
10. Short title

Proposed Carers Strategies (Wales) Measure

[AS INTRODUCED]

A MEASURE of the National Assembly for Wales to make provision for and in connection with the publication and implementation of strategies for the provision of information to, and consultation of, carers.

1 Carers

- 5 (1) In this Measure “carer” means an individual who provides or intends to provide a substantial amount of care on a regular basis for –
- (a) a child who is disabled within the meaning of Part 3 of the Children Act 1989, or
 - (b) an individual aged 18 or over.
- 10 (2) But “carer” does not include an individual who provides or intends to provide that care –
- (a) by virtue of a contract of employment or other contract with any person, or
 - (b) as a volunteer for any body (whether or not incorporated).
- 15 (3) In this Measure any reference, in relation to a carer, to “the person cared for” is a reference to the person for whom the carer provides the care or intends to provide the care.

2 Duty to produce strategy

- (1) The Welsh Ministers may by regulations require two or more relevant authorities to prepare and publish a strategy setting out how they will work together –
- 20 (a) to provide appropriate information and advice to carers,
- (b) to ensure that, where it falls to any of those authorities to decide what services (if any) are to be provided to or for a carer or the person cared for, the carer is consulted before that decision is made, and
- 25 (c) to ensure that the authorities consult carers before they make decisions of a general nature regarding the provision of services to or for carers and the persons they care for.
- (2) Each relevant authority responsible under subsection (1) for the preparation and publication of a strategy must implement the strategy.
- (3) The “relevant authorities” are –

- (a) any Local Health Board established under section 11 of the National Health Service (Wales) Act 2006 (c. 42);
 - (b) any NHS trust established under section 18 of that Act;
 - (c) any Special Health Authority established under section 22 of that Act;
 - (d) any county council or county borough council.
- (4) For the purposes of subsection (1)(b) and (c) it does not matter who provides the services.
- (5) In this Measure “responsible authority”, in relation to a strategy, means an authority which has the duty under subsection (1) to prepare and publish the strategy.

3 Appropriate information and advice

- (1) In section 2(1)(a) “appropriate information and advice” means information and advice which is likely to be of interest or benefit to carers in their role as such, or to the person cared for.
- (2) The Welsh Ministers may by regulations make further provision about what constitutes appropriate information and advice for the purposes of that section.
- (3) Information and advice provided to carers in pursuance of a strategy is to be provided free of charge.

4 Consultation

The Welsh Ministers may by regulations make provision specifying steps which relevant authorities must or may take for the purpose of consulting carers as mentioned in section 2(1)(b) and (c).

5 Further provision about strategies

- (1) The Welsh Ministers may by regulations make further provision as to the preparation and publication of strategies under section 2.
- (2) The provision includes (but is not limited to) –
 - (a) further provision as to the services in respect of which the duty to prepare a strategy applies;
 - (b) provision as to the matters to be dealt with in the strategy;
 - (c) provision as to how and when the strategy is to be published;
 - (d) provision about keeping the strategy under review (including setting a period after which the strategy must be reviewed or replaced);
 - (e) provision as to the consultation which must be undertaken before or during the preparation, implementation or review of the strategy;
 - (f) provision for arrangements to monitor and evaluate the implementation of the strategy.
- (3) The Welsh Ministers may, for each strategy, designate an NHS organisation as the lead authority for the purposes of co-ordinating and overseeing the preparation and publication (and any subsequent review) of the strategy.

- (4) In subsection (3) “NHS organisation” means any of the bodies mentioned in section 2(3)(b) to (d).

6 Submission of draft strategy to Welsh Ministers

(1) The lead authority for a strategy (or, where there is no lead authority, the responsible authorities acting together) must submit the strategy in draft to the Welsh Ministers.

(2) The Welsh Ministers must –

(a) inform the responsible authorities that they are satisfied that the draft strategy complies with the requirements imposed by or under this Measure, or

(b) if they are not so satisfied, give the responsible authorities such direction as the Welsh Ministers think fit for the purpose of ensuring that the strategy does comply with those requirements.

(3) The responsible authorities must not publish a strategy unless –

(a) subsection (2)(a), or

(b) if the Welsh Ministers have given a direction under subsection (2)(b), that direction,

has been complied with.

(4) The Welsh Ministers may by regulations make provision as to how and when the requirements of this section must be complied with.

7 Public access to strategy

Each responsible authority for a strategy must make a copy of it available for inspection, free of charge, at all reasonable hours at the principal office of the authority.

8 Orders and regulations

(1) Any power to make an order or regulations under this Measure is exercisable by statutory instrument.

(2) Any order or regulations under this Measure –

(a) may make different provision for different cases or purposes,

(b) may make such incidental, supplementary, consequential, transitory, transitional or saving provision as the Welsh Ministers think fit.

(3) A statutory instrument containing regulations under this Measure is subject to annulment in pursuance of a resolution of the National Assembly for Wales.

9 Commencement

This Measure comes into force in accordance with provision made by the Welsh Ministers by order.

10 Short title

This Measure may be cited as the Carers Strategies (Wales) Measure 2010.