

## **Explanatory Memorandum to the Partnership Arrangements (Wales) (Amendment) Regulations 2025**

This Explanatory Memorandum has been prepared by the Health and Social Services Group and is laid before Senedd Cymru in conjunction with the above subordinate legislation and in accordance with Standing Order 27.1

### **Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Partnership Arrangements (Wales) (Amendment) Regulations 2025.

**Dawn Bowden MS**  
**Minister for Children and Social Care**  
**4 March 2025**

## **1. Description**

- 1.1. The Partnership Arrangements (Wales) (Amendment) Regulations 2025 ('the Regulations') amend the Partnership Arrangements (Wales) Regulations 2015 ('the principal Regulations').
- 1.2. The amendments made by the Regulations make changes to regulation 19 of the principal Regulations (establishment and maintenance of pooled funds) to enable partnership bodies to exercise greater flexibility in the way that they pool funds in the exercise of their functions in relation to care home accommodation for older people.

## **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

- 2.1. None.

## **3. Legislative background**

- 3.1. The Regulations are being made in exercise of powers conferred upon the Welsh Ministers by sections 167(3)(a), (b) and (d), and 196(2)(a) of the Social Services and Well-being (Wales) Act 2014 ('the Act').
- 3.2. The Regulations are being made under the draft affirmative procedure.

## **4. Purpose and intended effect of the legislation**

- 4.1. The purpose of the Regulations is to strengthen the role of the regional partnerships under Part 9 of the Act, and of the seven Regional Partnership Boards.
- 4.2. The Regulations are being made as part of the Welsh Government's Rebalancing Care and Support Programme, following consultation on a White Paper in January 2021. The elements of the programme were set out in a Written Statement on 29 October 2021: <https://www.gov.wales/written-statement-rebalancing-care-and-support-white-paper-next-steps>
- 4.3. The Regulations amend the principal Regulations to make changes to regulation 19 (which makes provision about the establishment and maintenance of pooled funds).
- 4.4. The Regulations will enable partnership bodies to exercise greater flexibility in the way that they pool funds in the exercise of their respective

functions in relation to care home accommodation for older people. Partnership bodies will continue to be required to maintain and pool funds when exercising these functions but will no longer be required to do so on a regional basis (under arrangements with all the other partnership bodies for the regional partnership board area). RPBs can develop regional pooled budgets if they so desire but will be a matter for local decision which will enable local circumstances to be taken fully into account.

## **5. Consultation**

- 5.1. A range of proposals to strengthen partnership working have been subject to two consultations. The first consultation, from 22 May to 14 August 2023, covered various elements of the Rebalancing Care and Support Programme, including proposals for amending the principal Regulations and the Area Planning Regulations (i.e. setting out our intention to make amending regulations) and a draft of the revised Part 9 Statutory Guidance: Partnership Arrangements. The second consultation, from 16 April to 19 July 2024, was specifically on a draft set of Regulations.
- 5.2. The consultation documents and a summary of the responses are available at:  
<https://www.gov.wales/rebalancing-care-and-support-programme>
- 5.3. The responses to the consultations indicated that there was general consensus from Regional Partnership Boards that current requirements around regional pooled budgets for care homes were prohibitive of partners engaging fully in this agenda, and in practice, increased the complexities of establishing such budgets and delayed their development. Also, in relation to larger RPBs such as North Wales which include 7 statutory partners, there were significantly more challenges to develop compared to a smaller RPB such as Powys with 2 statutory partners. Regional Partnership Boards commented that development of pooled budgets was a key priority, but greater flexibility was required to accelerate planning and to ensure effective and sustainable arrangements are developed under wider joint commissioning strategies.
- 5.4. The draft Part 9 Statutory Guidance was also amended to take account of feedback received in both consultations with the intention of providing additional flexibility for the organisation of pooled budgets for care homes.

## **6. Regulatory Impact Assessment (RIA)**

- 6.1. As the Regulations make factual amendments to update subordinate legislation to align with intended policy and the amendments do not alter the policy (or its impact) in any significant way or how it is applied in a given situation, an RIA is not required. This is in line with the Welsh Ministers' Code of Practice on the carrying out Regulatory Impact Assessments for subordinate legislation.

## **7. Post implementation review**

- 7.1. There are various sources of intelligence which will help the Welsh Government to review whether the changes introduced by the amended Regulations and revised Statutory Guidance are having the desired effect of strengthening regional partnership arrangements and increasing the effectiveness of the RPBs.
- 9.2. The new requirements for RPBs to undertake a biennial self-assessment (with an annual review at the mid-point) will provide them with information on how they are meeting the requirements in the Regulations and Statutory Guidance. A summary of this self-assessment or review must be included in their annual reports.
- 9.3. Regional Partnership Boards are required to update on pooled budget and joint commissioning arrangements through their annual reports.
- 9.4. In line with established good practice on secondary legislation, the Welsh Government will undertake a review of how the Regulations and revised Part 9 Statutory Guidance is being implemented in three years' time (by December 2027).