

## **Explanatory Memorandum to the Care and Support (Population Assessments) (Wales) (Amendment) Regulations 2023**

This Explanatory Memorandum has been prepared by the Department for Health and Social Services 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 Care and Support (Population Assessments) (Wales) (Amendment) Regulations 2023.

Eluned Morgan MS  
Minister for Health and Social Services  
10 March 2023

## **PART 1**

### **1) Description**

This Explanatory Memorandum relates to the Care and Support (Population Assessments) (Wales) (Amendment) Regulations 2023. The Regulations are made under sections 14(1) and (2) and 198(1) of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”), and are made following the implementation of Part 4 of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (“the 2020 Act”).

Part 4 of the 2020 Act established the Citizen Voice Body for Health and Social Care, Wales (“the Body”). The Body’s general objective, in exercising its functions, is to represent the interests of the public in respect of health and social services. It is expected that the Body will be fully operational from 1 April 2023. To support the establishment of the Body from 1 April 2023, amendments are required to the Care and Support (Population Assessment) (Wales) Regulations 2015 (‘the principal Regulations’). The principal Regulations concern the content of, and process for, assessment of needs for care and support, support for carers and preventative services by local authorities and Local Health Boards.

These Regulations make amendments to the principal Regulations to secure that, in carrying out a population assessment, responsible bodies (local authorities and Local Health Boards) must engage with any public body which they believe is concerned with or has an interest in the provision of care and support or preventative services to the local population. It is expected that such a public body would therefore include the Body. This will also have the effect of aligning the requirements around engagement in relation to population needs assessments with those which already apply to responsible bodies around engagement in relation to the area plans deriving from those assessments (see the Care and Support (Area Planning) (Wales) Regulations 2017, made under section 14A of the 2014 Act).

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

None.

### **3. Legislative background**

Section 14(1) of the 2014 Act requires local authorities and Local Health Boards to jointly assess the matters specified in section 14(1)(a) to (f) of the 2014 Act, which includes matters such as the extent to which there are people in the local authority’s area who need care support, and the extent to which there are carers in the local authority’s area who need support. These Regulations are made under sections 14(1) and (2) of the 2014 Act, which provide the Welsh Ministers with a power to make provision for the carrying out of these assessments (referred to as “population assessments”). . Section 198(1) of the 2014 Act provides that the Welsh Ministers may make supplementary and consequential provision for the purposes of giving full effect

to any provision of that Act. The Regulations are being made under the negative resolution procedure, and come into force on 1 April 2023.

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

The Regulations make necessary amendments to reflect the establishment of the Body. Specifically, they amend the principal Regulations to secure that, in carrying out a population assessment, responsible bodies (local authorities and Local Health Boards) must engage with any public body which they believe is concerned with or has an interest in the provision of care and support or preventative services to the local population. It is expected that such a public body would therefore include the Body. This aligns with the requirements already in place in relation to the area plans which derive from those assessments as set out in the Care and Support (Area Planning) (Wales) Regulations 2017.

#### **5. Consultation**

No consultation has been undertaken specifically on these Regulations, which principally make a minor amendment to the principal Regulations to ensure that the objectives in the 2020 Act can be properly fulfilled. Consultation has previously been undertaken on the relevant policy embodied in the 2020 Act.

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

A regulatory impact assessment has not been prepared in respect of these Regulations, given the minor nature of the amendments to existing legislation. This is in line with the policy set out in the Welsh Ministers' Code of Practice for carrying out regulatory impact assessments for subordinate legislation.