

SL(6)339 – The Care and Support (Population Assessments) (Wales) (Amendment) Regulations 2023

Background and Purpose

These Regulations amend the Care and Support (Population Assessments) (Wales) Regulations 2015 (“the principal Regulations”), which make provision for the carrying out of population assessments.

Regulation 4 of the principal Regulations provides that, in carrying out a population assessment, responsible bodies must engage with certain private sector or third sector organisations.

Regulation 2 of these Regulations amends regulation 4 of the principal Regulations so that responsible bodies must also 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. Regulation 2 of these Regulations also inserts relevant definitions for these purposes.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

No points are identified for reporting under Standing Order 21.2 in respect of this instrument.

Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 in respect of this instrument.

1. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy to be of interest to the Senedd

We note that the Explanatory Memorandum refers to Part 4 of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (“the 2020 Act”).



Section 12 of the 2020 Act established the Citizen Voice Body for Health and Social Care, Wales ("the Body"). Article 3 of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 (Commencement No. 1) Order 2022 brought section 12 of the 2020 Act (and Schedule 1 (Citizen Voice Body for Health and Social Care, Wales), save for paragraphs 6, 7, 8 and 22 of that Schedule) into force on 1 April 2022.

The Explanatory Memorandum states that:

*"It is **expected** that the Body will be fully operational from 1 April 2023".*

However, some provisions in Part 4 of the 2020 Act are yet to come into force.

Can the Welsh Government give an indication of when a commencement order can be expected in relation to the remaining provisions in Part 4 of the 2020 Act?

2. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy to be of interest to the Senedd

We note that there has been no consultation on these Regulations. In particular, we note the following paragraph in the Explanatory Memorandum:

"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."

Welsh Government response

Merit Scrutiny point 1:

The Health and Social Care (Quality and Engagement) (Wales) Act 2020 (Commencement No. 4) Order 2023 (not yet made) will commence:

- section 23 and Schedule 2 of the Health and Social Care (Quality and Engagement) (Wales) Act 2020 ("the 2020 Act") on 29th March 2023 to enable a transfer scheme to be made; and
- to the extent that it is not already in force, the remainder of Part 4 of the 2020 Act on 1st April 2023 to coincide with the date upon which the Citizen Voice Body for Health and Social Care, Wales ("the CVB") will be fully operational. This is with the exception of section 19(3) and (4) of the 2020 Act (Access to premises by Citizen Voice Body: duty to have regard to code of practice ("the Code")) which is expected to be commenced on 1st July 2023 following a bespoke consultation exercise on the Code with the CVB once the CVB is in receipt of its full powers.

Committee Consideration

The Committee considered the instrument and Government response at its meeting on 27 March 2023 and reports to the Senedd in line with the reporting points above.

