

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

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DRAFT WELSH STATUTORY  
INSTRUMENTS

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**2021 No. (W. )**

**SOCIAL CARE, WALES**

**The Partnership Arrangements  
(Amendment) and Regulated  
Services (Market Stability Reports)  
(Wales) Regulations 2021**

**EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

These Regulations are made under powers given to the Welsh Ministers by the Social Services and Well-being (Wales) Act 2014 (“the Act”) in relation to local market stability reports.

Section 144B of the Act gives the Welsh Ministers the power to make regulations in relation to market stability reports.

Section 166(1)(b) of the Act gives the Welsh Ministers the power to require specified partnership arrangements between one or more local authorities and one or more Local Health Boards. Section 166(4)(a) gives the Welsh Ministers the power to require a local authority or a Local Health Board to carry out functions specified for the purposes of section 166(2), such as social services functions, for the purposes of partnership arrangements. Section 168 of the Act gives the Welsh Ministers the power to require a partnership board in respect of partnership arrangements made under regulations under section 168(1)(c) to be established by one or more local authorities and one or more Local Health Boards. Under section 168(2)(c) those regulations may make provision about the objectives and functions of the partnership board.

Part 1 addresses commencement and definitions.

Part 2 addresses what further matters relating to the provision of regulated services are required to be

included in the market stability report; the period of time within which the report considers the sufficiency of provision of care and support; the date by which the report must be published and the report's form.

Regulation 2 is made under section 144B(2)(a)(iii) and requires local authorities, whilst preparing a local market stability report, to include an assessment of those other matters relating to the provision of regulated services in the local authority area, which are specified in the Schedule and include the sufficiency of provision of care and support, the overall quality of care and support, the current or developing trends of care and support, any significant challenges and the impact of commissioning and funding.

Regulation 3 is made under section 144B(2)(a)(i) and provides for the period of assessment of the sufficiency of provision of care and support.

Regulation 4 is made under section 144B(1) and provides for the times local authorities must prepare and publish their market stability reports.

Regulation 5 is made under section 144B(3) and requires the market stability report to be in an electronic format.

Part 3 is made under sections 166(1)(b) and (4)(a) and 168 and amends the Partnership Arrangements (Wales) Regulations 2015. This Part requires local authorities and Local Health Boards to enter into a partnership arrangement for carrying out the local authorities' functions under section 144B.

The Welsh Ministers' Code of Practice on 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.

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(Amendment) and Regulated  
Services (Market Stability Reports)  
(Wales) Regulations 2021**

*Made*

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*Coming into force*

*1 April 2021*

The Welsh Ministers, in exercise of the powers conferred by sections 144B(1), (2)(a) and (3), 166(1)(b) and (4)(a) and 168 of the Social Services and Well-being (Wales) Act 2014<sup>(1)</sup>, makes the following Regulations<sup>(2)</sup>.

In accordance with section 144B(6) of that Act, the Welsh Ministers have consulted such persons as they considered appropriate.

A draft of these Regulations was laid before Senedd Cymru under section 196(6)(a) of that Act and has been approved by resolution of Senedd Cymru<sup>(3)</sup>.

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- (1) 2014 anaw 4.  
(2) See section 40 of the Legislation (Wales) Act 2019 (anaw 4) for provision about the procedure that applies to this instrument.  
(3) The reference in section 196(6)(a) to the National Assembly for Wales now has effect as a reference to Senedd Cymru, by virtue of section 150A(2) of the Government of Wales Act 2006 (c. 32).

## PART 1

### General

#### **Title, commencement and interpretation**

**1.**—(1) The title of these Regulations is the Partnership Arrangements (Amendment) and Regulated Services (Market Stability Reports) (Wales) Regulations 2021.

(2) These Regulations come into force on 1 April 2021.

(3) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Social Services and Well-being (Wales) Act 2014;

“care and support” (“*gofal a chymorth*”) has the same meaning given by section 4 of the Act;

“market stability report” (“*adroddiad ar sefydlogrwydd y farchnad*”) means the report which is required to be prepared and published under section 144B of the Act;

“the Partnership Arrangements Regulations” (“*y Rheoliadau Trefniadau Partneriaeth*”) means the Partnership Arrangements (Wales) Regulations 2015(1);

“population assessment” (“*asesiad poblogaeth*”) means the assessment which is required to be carried out under section 14(1) of the Act;

“regulated service” (“*gwasanaeth rheoleiddiedig*”) has the same meaning given by section 2(1) of the Regulation and Inspection of Social Care (Wales) Act 2016(2).

## PART 2

### Market Stability Report

#### **Other matters to be contained within the market stability report**

**2.** A market stability report must include an assessment of those matters specified in the Schedule.

#### **Period of assessment of the sufficiency of provision of care and support**

**3.** The sufficiency of provision of care and support must be assessed over the period since the previous population assessment was published.

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

(2) 2016 anaw 2.

### **Publication of market stability report**

4.—(1) Local authorities must publish a market stability report by 1 June 2022.

(2) Subsequent market stability reports must be published every 5 years after the date on which the most recent market stability report was published.

### **Form of market stability report**

5. The market stability report must be published in an electronic format.

## **PART 3**

### **Amendment to the Partnership Arrangements Regulations**

#### **Amendment to the Partnership Arrangements Regulations**

6. In the Partnership Arrangements Regulations, after regulation 18 insert—

*“Market Stability Reports*

#### **Market stability reports**

18A.—(1) The partnership bodies for each of the regional partnership board areas must specify the arrangements by which they will together carry out the market stability report functions.

(2) In this regulation, “market stability report functions” means the specified functions conferred on local authorities by section 144B of the Act<sup>(1)</sup>.”

*Name*

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

Date

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(1) Local authority functions under section 144B of the Act are one of the social services functions which are “specified functions” for the purposes of the Partnership Arrangements Regulations by virtue of regulation 9 of, and Schedule 1 to, those Regulations.

**Other matters to be contained in the  
market stability report**

**Sufficiency of provision of care and support**

**1.** An assessment of the sufficiency of provision of regulated services providing care and support which includes any gaps in provision to meet needs identified in the most recent population assessment.

**Overall quality of care and support**

**2.** An assessment of the overall quality of the care and support being provided by regulated services in meeting the needs and achieving the personal outcomes of people who need care and support, and those carers who need support.

**Current or developing trends of care and support**

**3.** An assessment of the current or developing trends in the provision of regulated services providing care and support and their impact upon the sufficiency, quality or stability of those services.

**Challenges**

**4.** An assessment of any significant challenges to current or future sufficiency, quality and stability of the provision of regulated services providing care and support.

**Impact of commissioning**

**5.** An assessment of the impact of commissioning and funding on the sufficiency, quality and stability of the provision of regulated services providing care and support, including regional approaches and the use of pooled funding.