# WRITTEN STATEMENT

# BY

# THE WELSH GOVERNMENT

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| **TITLE** | ***Regulation and Inspection of Social Care (Wales) Act 2016: Further update on implementation*** |
| **DATE** | ***14 December 2016*** |
| **BY** | ***Rebecca Evans AM, Minister for Social Services and Public Health*** |

### The Regulation and Inspection of Social Care (Wales) Act 2016 received Royal Assent on 18 January 2016. The Act forms the basis of a new statutory framework for the regulation and inspection of social care in Wales. Regulations under the Act are being developed in phases, through consultation and engagement with key stakeholders. At the end of November I was pleased to provide Assembly Members with an update on the implementation of the Act. This coincides with the publication of the Consultation Summary Report on the first phase of regulations together with the laying of those regulations which give effect to the new system of social care workforce regulation, to be conducted by Social Care Wales, from April 2017.

### This week, I was pleased to receive the Assembly’s approval to make The Social Care Wales (Extension of Meaning of “Social Care Worker”) Regulations 2016 and The Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016. Having now made these last two sets of regulations, the key subordinate legislation which will underpin the implementation of the system of workforce regulation brought in by the Act is substantially in place.

### This complements preparations for Social Care Wales, which are proceeding at pace in order to make the new organisation operational from April 2017 as planned. Following a successful recruitment exercise generating 178 applications, a first round of interviews for appointments to the new Board of Social Care Wales took place last week. The Care Council’s consultation on the Rules which will guide how Social Care Wales will operate successfully concluded on 24 October. This consultation broadly endorsed the proposed Rules and the Care Council is now putting the finishing touches on them prior to putting them in place for 3 April 2017.

### In tandem, we are making good progress with our phase two technical groups in developing our regulatory proposals for the domiciliary and residential care sectors. Through a series of technical group sessions we have engaged with representatives of stakeholders and the regulator across the whole range of draft legislation, covering both requirements on services and on responsible individuals. I am confident that this process will result in robust proposals for regulation in these sectors for consultation next year, with a view to laying the resultant regulations before the Assembly in the autumn on 2017, thus enabling registration from April 2018 and implementation of the new system of regulation and inspection in respect of these services from April 2019.

### This deep and detailed engagement with stakeholders across the social care sector has been doubly valuable. As well as supporting the development of a sound approach to the regulation of the domiciliary and residential care sectors, it has helped us to explore and recognise the limitations of a single common approach to regulation and inspection across the diverse range of provision which makes up social care in Wales. We have received feedback from people participating in those groups from the adoption, fostering, children’s secure accommodation, adult placement (Shared Lives) and advocacy sectors to the effect that more time is needed to identify, distil and regulate for their special requirements.

### As a Government, we are fully committed to establishing a robust system for the regulation and inspection of social care in Wales which, whilst based on common core standards, appropriately takes into account discrete sectoral needs. I recognise that for these sectors this will require further engagement and time. For this reason, I have decided to move to a three-phase approach to implementation, with adoption, fostering, children’s secure accommodation, adult placement (Shared Lives) and advocacy services moving out of the second phase and into the third. This will allow us to co-develop a system of regulation for these sectors which will build on the common core standards established in phase two, whilst being fully tailored to the needs of these sectors. At the moment I envisage that this change in phasing will have only a minor impact on the overall timetable for implementation. Instead of providers of adoption, fostering, children’s secure accommodation, adult placement (Shared Lives) and advocacy services being required to register or re-register by April 2019, the new requirement will be to register or re-register from April 2019 within a transitional period of a number of months. I believe that this shift will be welcome to providers of these services as they organise themselves to register and operate under the new arrangements.

### I also propose to tackle matters around market oversight and market stability in this third phase. This will allow us to learn lessons from the operation of the Care Quality Commission’s arrangements for operating similar provisions in England, the roll-out of registration under the Act to domiciliary and residential care providers and other market intelligence being generated during this period. It will also allow time to consider how market stability reports will correspond with the wider framework of population needs assessments and area plans under the Social Services and Well-being (Wales) Act 2014.