

Explanatory Memorandum to
The Care Planning and Case Review (Miscellaneous Amendments)
(Wales) Regulations 2017

This Explanatory Memorandum has been prepared by the Health and Social Services Group and is laid before the National Assembly for Wales in conjunction with the above legislation and in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives fair and reasonable view of the expected impact of the Care Planning and Case Review (Miscellaneous Amendments) (Wales) Regulations 2017.

Rebecca Evans

Minister for Social Services and Public Health

30 June 2017

PART 1 – OVERVIEW

1. Description

The Social Services and Well-being (Wales) Act 2014 (the Act) brings together local authorities' duties and local health boards' functions in relation to improving the well-being of people who need care and support and carers who need support.

Section 166 to 169 of the 2014 Act makes provision for partnership arrangements between each local health board and the local authorities that fall within the geographic footprint of each health board, to establish a partnership body to participate in arrangements for the carrying out of specified health and social care functions. Integrated Family Support (IFS) teams are established as part of these arrangements in accordance with Regulation 16 of the Partnership Arrangements (Wales) Regulations 2015 to provide family support to families referred to them, in accordance with regulation 17 of those Regulations.

These Regulations amend the Review of Children's Cases (Wales) Regulations 2007, the Care and Support (Care Planning) (Wales) Regulations 2015 and the Care Planning, Placement and Case Review (Wales) Regulations 2015. The amendments make provision about the planning and review of care and support for persons who are part of a family which receives support from an IFS team, whether under the Act, or under the Children Act 1989.

This Explanatory Memorandum should be read in conjunction with the Regulations and Explanatory Memorandum for the Partnership Arrangements (Wales) (Amendment) Regulations 2017. A link is enclosed below along with links to the Partnership Arrangements (Wales) Regulations 2015 and its accompanying Explanatory Memorandum for completeness :-

2017 partnership amendment regulations

<http://www.assembly.wales/laid%20documents/sub-ld10924/sub-ld10924-e.pdf>

<http://www.assembly.wales/laid%20documents/sub-ld10924-em/sub-ld10924-em-e.pdf>

2015 partnership regulations

<http://www.assembly.wales/laid%20documents/sub-ld10399/sub-ld10399-e.pdf>

<http://www.assembly.wales/laid%20documents/sub-ld10399-em/sub-ld10399-em-e.pdf>

2. Matters of special interest to the Constitutional and Legislative Affairs Committee

There are no matters of special interest to the Constitutional and Legislative Affairs Committee.

3. Legislative background

These Care Planning and Case Review (Miscellaneous Amendments) (Wales) Regulations 2017 amend three sets of Regulations as follows:-

Review of Children's Cases (Wales) Regulations 2007 which came into force on 1 July 2007 and are available at:-

[http://www.assembly.wales/Laid%20Documents/LD6333%20-%20The%20Review%20of%20Children%27s%20Cases%20\(Wales\)%20Regulations%202007-23012007-43907/bus-GUIDE-0375fe7d387b2c87cfcadcecca6cf9df-English.pdf](http://www.assembly.wales/Laid%20Documents/LD6333%20-%20The%20Review%20of%20Children%27s%20Cases%20(Wales)%20Regulations%202007-23012007-43907/bus-GUIDE-0375fe7d387b2c87cfcadcecca6cf9df-English.pdf)

The Care and Support (Care Planning) (Wales) Regulations 2015 which came into force on 6 April 2016 and are available at:-

<http://senedd.assembly.wales/documents/s40687/CLA538%20-%20The%20Care%20and%20Support%20Care%20Planning%20Wales%20Regulations%202015.pdf>

Care Planning, Placement and Case Review (Wales) Regulations 2015 which came into force on 6 April 2016 and are available at:-

<http://www.assembly.wales/Laid%20Documents/SUB-LD10400/SUB-LD10400-e.pdf>

The powers enabling these Regulations to be made are contained in sections 166 to 169 of the 2014 Act and sections 59(4), 104(4) and paragraph 10(1) of Schedule 6 to the Children Act 1989.

These Regulations are subject to the **Negative** procedure and come into force on 23 July 2017.

4. Purpose and intended effect of the legislation

The purpose of these Regulations is to amend the Review of Children's Cases (Wales) Regulations 2007, the Care and Support (Care Planning) (Wales) Regulations 2015 and the Care Planning, Placement and Case Review (Wales) Regulations 2015 to align the provision that they make for the planning and review of care and support received, under the Act and the Children Act 1989 by persons whose families receive support from an IFS team

There are no fundamental changes being made to the policy intent of the Regulations. They purely address small, unintended anomalies between the operation of arrangements made under the 2014 Act and the Children Act 1989. This will ensure consistency across the legislative framework and that no person is disadvantaged in the provision of support they should receive.

The anomalies being corrected relate to the different sets of Regulations and align them with the policy intention. On this basis, the impact assessments completed for the principle legislation remain extant. There is no requirement therefore, for these impact assessments to be amended. They can be found through the following links:-

[http://www.assembly.wales/laid%20documents/ld6320%20-%20the%20review%20of%20children's%20cases%20\(wales\)%20regulations%202007%20-%20regulatory%20appraisal-23012007-44226/bus-guide-68f7bb368cc506f2e7b995d8cb85d476-english.pdf](http://www.assembly.wales/laid%20documents/ld6320%20-%20the%20review%20of%20children's%20cases%20(wales)%20regulations%202007%20-%20regulatory%20appraisal-23012007-44226/bus-guide-68f7bb368cc506f2e7b995d8cb85d476-english.pdf)

<http://www.assembly.wales/laid%20documents/sub-ld10216-em/sub-ld10216-em.pdf>

<http://www.assembly.wales/laid%20documents/sub-ld10400-em/sub-ld10400-em.pdf>

5. Consultation

As the amendments to these Regulations address small unintended anomalies between the operation of arrangements made under the 2014 Act and the Children Act 1989 and ensure consistency across the legislative framework, it is not necessary to carry out a consultation for these amending regulations.

PART 2 – REGULATORY IMPACT ASSESSMENT

We have considered the criteria in the Welsh Minister's Code of Practice on carrying out regulatory impact assessments. The amendments being made address consistency across the three specified sets of Regulations to align them with the policy intention of the principle legislation, they impose no costs or negligible costs. We have concluded that it is not necessary to carry out an assessment for these amending regulations.

The Regulations will come into force on 23 July 2017.