

Explanatory Memorandum to the Partnership Arrangements (Miscellaneous Amendments etc.) (Wales) Regulations 2024

This Explanatory Memorandum has been prepared by the Health and Social Services Group 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 Partnership Arrangements (Miscellaneous Amendments etc.) (Wales) Regulations 2024. I am satisfied that the benefits justify the likely costs.

Dawn Bowden MS
Minister for Children and Social Care

5 November 2024

PART 1

1.0 Description

- 1.1 Part 9 of the Social Services and Well-being (Wales) Act 2014 ('the Act') provides Welsh Ministers with powers to ensure appropriate structures and resources are in place to enable the provision of integrated care and support services. The Partnership Arrangements (Wales) Regulations 2015 ('the Partnership Arrangement Regulations') provide for the establishment of seven regional partnership boards on the health board footprint and set out requirements for those boards.
- 1.2 The Partnership Arrangements (Miscellaneous Amendments etc.) (Wales) Regulations 2024 ('the Regulations') amend the following pieces of legislation:
- The Partnership Arrangements (Wales) Regulations 2015 ('the Partnership Arrangements Regulations')
 - The Care and Support (Area Planning) (Wales) Regulations 2017 ('the Area Planning Regulations')
 - The Partnership Arrangements (Amendment) and Regulated Services (Market Stability Reports) (Wales) Regulations 2021 ('the Market Stability Reports Regulations').
- 1.3 The amendments to the Partnership Arrangements Regulations focus on the objectives, membership and administrative arrangements of the RPBs. The amendments to the Area Planning Regulations concern monitoring and evaluation of the progress made in delivering area plans. A small amendment is also made to the Market Stability Reports Regulations, to change the date by which future reports must be published.

2.0 Matters of special interest to the Legislation, Justice and Constitution Committee

- 2.1 In regulation 4(2) of the Regulations (which amends regulation 10 of the Partnership Arrangement Regulations) we have used the word "hyrwyddo" (promote) in the Welsh text of both the paragraphs (v) and (vi) (which will be inserted into regulation 10). We draw the Committee's attention to this because section 12 of the Children and Families (Wales) Measure 2010 (to which new regulation 10(v) will refer) uses "hybu" (promote). There is no intention to change the nature of the duty of local authorities under section 12 of the 2010 Measure as a result of the choice of hyrwyddo in place of hybu; the choice of the former has been made to maintain internal consistency within the Partnership Arrangement Regulations and to reflect more current usage.

3.0 Legislative background

3.1 These Regulations are subject to the affirmative resolution procedure by virtue of powers conferred upon the Welsh Ministers by sections 14A(7)(a), (b) and (d), 144B(1), 166(1)(b) and (2)(a)(ii), 168(2)(a), (c), (d) and (e), and 196(2)(c) of the Act.

4.0 Purpose and intended effect of the legislation

4.1 The purpose of the Regulations is to expand and strengthen the role of the regional partnerships under Part 9 of the Act, and of the seven regional partnership boards ('RPBs').

4.2 The Regulations are being made as part of the Welsh Government's Rebalancing Care and Support Programme, following consultation on a White Paper in January 2021. The elements of the programme were set out in a Written Statement on 29 October 2021: <https://www.gov.wales/written-statement-rebalancing-care-and-support-white-paper-next-steps>

4.3 The Regulations amend the Partnership Arrangements Regulations to expand the objectives of RPBs, increase the membership of RPBs, and make provision for RPBs to have independent observer members. They also make amendments to improve the administrative arrangements of RPBs, including a requirement for a board to undertake periodic self-assessments of its performance, and increase the range of information that must be included in its annual report.

4.4 The Regulations amend the Area Planning Regulations to increase the requirements for monitoring and evaluation of the progress made by the partnership bodies in delivering on actions in their area plans.

4.5 The Regulations amend the Market Stability Reports Regulations to change the date by which future market stability reports must be published.

4.6 Subject to agreement by the Senedd, these Regulations are due to come into force on 31 December 2024.

The intended effect of each of the Regulations is set out more fully under Option 3 below.

5.0 Consultation

5.1 The proposals have been subject to two consultations. The first consultation, from 22 May to 14 August 2023, covered various elements of the Rebalancing Care and Support Programme, including proposals for amending the Partnership Arrangements Regulations and the Area Planning Regulations (i.e. setting out our intention to

make amending regulations). The second consultation, from 16 April to 19 July 2024, was specifically on a draft set of the Regulations.

- 5.2 The consultation documents and a summary of the responses are available at:
<https://www.gov.wales/rebalancing-care-and-support-programme>
- 5.3 Following the first consultation we prepared policy instructions on a draft of the Regulations, which were then submitted for further consultation in April 2024. The one significant addition to the draft Regulations was adding in a requirement for each RPB to include at least one worker voice representative among its membership, in response to calls from a number of trade unions and professional bodies.
- 5.4 The responses to this second consultation indicated that there was general acceptance of the proposals around:
- new objectives covering market stability reports, working with Llais, and promoting the development of integrated health and social services arrangements
 - adding the Welsh Ambulance Service Trust, County Voluntary Councils and primary care providers as members
 - creating a new category of independent observer member and requiring RPBs to appoint Llais as an independent member
 - requiring the partnership bodies to nominate a responsible person to facilitate the partnership arrangements
 - administrative arrangements around recruitment and support for members
 - biennial self-assessments
 - annual reports
 - annual delivery plans and annual reviews
 - date of submission of future market stability reports.
- 5.5 The consultation responses from the RPBs did, however, express reservations about additional objectives relating to section 16 of the Act and section 12 of the Children and Families (Wales) Measure 2010. The concern was that the new objectives would put RPBs in the position of monitoring individual local authority's fulfilment of the duties contained in these sections. In response we amended the wording of these two objectives to make it clear that the intention was for the RPBs to have strategic oversight of the way the partnership bodies were promoting market rebalancing and children's participation in the exercise of the partnership arrangements.
- 5.6 There were a few queries raised to ensuring effective worker voice engagement and representatives on RPBs and this issue is discussed further below.

5.7 Following the second consultation we made some minor amendments to the draft Regulations.

PART 2 – REGULATORY IMPACT ASSESSMENT

6.0 Options

6.1 We identified three options for strengthening the statutory requirements in relation to the partnership arrangements in Part 9 of the Act:

- **Option 1** – make no changes to the existing statutory requirements but work with the regional partnerships and RPBs to implement the existing requirements in a more integrated way.
- **Option 2** – undertake a substantial revision of the 2020 Statutory Guidance (Partnership Arrangements) but make no amendments to the Partnership Arrangements Regulations.
- **Option 3** – make amendments to the Partnership Arrangements Regulations (and other sets of Regulations as necessary), as well as substantially revising the 2020 Statutory Guidance (Partnership Arrangements) – **preferred option**.

6.2 To assist us in determining the best approach to strengthening regional partnership working, as part of the Rebalancing Care and Support Programme, we set up five Task and Finish Groups. These dealt with Governance and Scrutiny, Planning and Performance, Integrated Services, Engagement and Voice, and Rebalancing the Social Care Market. These multi-stakeholder groups were used as sounding boards to test out the extent to which the requirements and guidelines in the Partnership Arrangements Regulations and the Part 9 Statutory Guidance needed updating. This helped us to determine our preferred approach.

7.0 Costs and benefits

Option 1: Make no changes to the existing statutory requirements

7.1 Making changes to the statutory framework for regional partnerships involves considerable policy and legislative time and effort within Welsh Government, as well as requiring significant input from the partnership bodies and other stakeholders in helping develop proposals, responding to consultations, and implementing the changes once made. It is still under ten years since the Act was implemented (in 2016), and just four years since the second version of the Part 9 Statutory Guidance was issued. During that time, the partnership bodies and RPBs have come a long way in setting up and implementing the partnership arrangements, and a case could be made for giving the partnerships space to continue to evolve and mature within the existing framework, with maximum flexibility to develop new and potentially innovative approaches to partnership working that reflects their regional context and responds to regional and local priorities. The Welsh Government would continue to have a role in helping to identify and promote good practice and could use

other mechanisms such as specific funding regimes (for example, the Regional Integration Fund) to achieve specific policy outcomes around regional integration. All these could be seen as the potential **benefits** of maintaining the status quo. Arguably the principles and requirements in the existing Regulations and Statutory Guidance are widely accepted and understood, and the key is better implementation rather than further legislative change. There is also scope for the Welsh Government to issue additional supplementary guidance where necessary to address particular issues or reflect the developing policy context, such as that issued to support local authorities and health boards in preparing the regional population needs assessments and joint annual plans.

7.2 This option is, however, predicated on the idea that the regional partnerships are maturing quickly enough, and that current approaches to partnership working are delivering more integrated health and social care services that deliver better outcomes for citizens. The Rebalancing Care and Support White Paper (2021) discussed evidence that suggested existing regional approaches to integration were not delivering the step-change that is needed to address the challenges facing social care, and that there remained an 'implementation gap' between the aspirations of the Act and the reality on the ground. Although the Welsh Ministers decided, in the light of the responses to that consultation, not to pursue the radical option of establishing RPBs as corporate bodies with legal personality in their own right, they nonetheless accepted the case for strengthening the current arrangements where necessary to enhance the strategic role of RPBs in overseeing the planning and commissioning of integrated services within their region. This also tied in with the commitment in the Programme for Government to further legislate to integrate health and social care.

7.3 There would be no additional **costs** associated with this option, as it maintains the status quo and introduces no new requirements on external partners.

Option 2: Revise the Part 9 Statutory Guidance only

7.4 The **benefits** of undertaking a further revision of the Part 9 Statutory Guidance are that it would enable the Welsh Government to address deficiencies in the current partnership arrangements and implement changes suggested by the various Task and Finish Groups set up to help us develop the Rebalancing Care and Support Programme. Without the need for amending the Partnership Arrangements Regulations this could be achieved relatively quickly and in tandem with other elements of the Rebalancing Care and Support Programme such as the development of the National Framework for the Commissioning of Care and Support and updating the Part 2 Code of Practice (none of which requires new or amending Regulations).

- 7.5 The improvements suggested by the Task and Finish Groups focused on governance and scrutiny of the regional partnership arrangements, planning and performance arrangements, achieving better integration of services, and engagement and voice, particularly in relation to service users, unpaid carers and third sector.
- 7.6 It was the initial intention to deal with these through revisions to the Statutory Guidance only. It became clear, however, after seeking advice from Welsh Government Legal Services ahead of the 2023 Rebalancing consultation, that the scope for making changes would be very limited without also amending the Partnership Arrangements Regulations. Whilst certain changes, such as updating the policy context, introducing a new definition of integration, clarifying planning and reporting arrangements, and setting out good practice in terms of support for members (particularly citizen voice members) of RPBs, could all be incorporated into an updated version of the Statutory Guidance, this would have to be advisory only. The one significant change that could have been achieved under the Option would have been introducing new flexibilities in relation to pooled budgets (see below, Option 3). Any new requirements (expressed as ‘must’) or statutory guidelines (expressed as ‘should’) would need to hang off a provision in the relevant Regulations (which in turn need to be within the regulation-making powers contained in Part 9 of the Act). This would have severely hampered what could be mandated – for example, it would not have been possible to have extended the list of RPB objectives or membership, to require RPBs to undertake self-assessments or produce annual delivery plans, or even set out firm guidelines for supporting RPB citizen members. Also, as the purpose of Statutory Guidance issued under section 169 of the Act is precisely to set out the requirements and guidelines (what the partnership bodies and RPBs must and should do), significantly expanding the Guidance with non-statutory good practice or contextual material would not be appropriate.
- 7.7 There would be no new costs associated with this option. As the changes to the Statutory Guidance could not have introduced any new requirements or guidelines (‘must’ or ‘should’), the impact on the partnership bodies and RPBs in terms of implementation would have been minimal.

Option 3: Amend the Partnership Arrangements Regulations and update the Part 9 Statutory Guidance

- 7.8 It became clear during work on the Rebalancing Care and Support Programme that, in order to strengthen the regional partnerships and the role of the RPBs in the way that the Welsh Ministers required, it would be necessary to make amendments to the Partnership Arrangements Regulations as well as updating the Part 9 Statutory Guidance. This should be seen in the light of the decision taken by the Welsh Ministers, in response to the 2021 White Paper

consultation, not to establish RPBs as corporate legal bodies in their own right; and in view of the limitations of what could be achieved just by updating the Statutory Guidance on its own, as set out in paragraph 7.4 above (Option 2). This Option represents a middle ground, which provides further legislative underpinning for strengthening the role of RPBs, whilst eschewing the more radical and costly option of altering their legal status (which would have required changes to the Act, as well as significant implementation costs to set up the new corporate bodies). This is the primary **benefit** of this Option.

- 7.9 Below is a brief description of the key provisions in the Regulations and their intended consequences. The overall purpose of these Regulations is to enable the RPBs to function more effectively within the evolving landscape of integrated service planning and delivery.

Amendments to the Partnership Arrangements Regulations

(i) Objectives of RPBs

- 7.10 Regulation 4 is intended to augment and extend the objectives of an RPB in order to strengthen the board's oversight of the partnership arrangements within its region. It amends and adds to the RPB objectives set out in Regulation 10 of the Partnership Arrangements Regulations.
- 7.11 The current objectives of RPBs are:
- ensuring that the partnership bodies work effectively together to respond to the population needs assessment and implement the joint area plan
 - ensuring the partnership bodies provide sufficient resources for the partnership arrangements
 - promoting joint commissioning and the establishment of pooled funds where appropriate.
- 7.12 Regulation 4 adds that the objectives of an RPB also include ensuring that the partnership bodies work effectively together to:
- respond to the market stability report which local authorities are required to prepare and publish under section 144B of the Act
 - promote social enterprises, co-operatives, user-led services and the third sector (in accordance with a local authority's duty under section 16 of the 2014 Act) when responding to a market stability report and implementing their joint area plans
 - promote the development of integrated health and social services arrangements.
- 7.13 Market stability reports are produced on regional basis in partnership with the health boards, and together with the population needs assessment they provide evidence that should be taken into account in drawing up the joint area plan. Adding an objective that the RPBs ensure the partnership bodies are working effectively together to

respond to the market stability report should strengthen the RPBs in their role of holding the partnership bodies to account with respect to strategic commissioning and planning.

- 7.14 Local authorities have a duty under section 16 of the Act to promote social enterprises, co-operatives, user-led services and the third sector. This falls within the list of local authority functions to be carried out by partnership arrangements under Schedule 1 of the Partnership Arrangements Regulations. Adding strategic oversight of the exercise of this duty, within the context of the partnership arrangements, to the objectives of RPBs will further strengthen a regional partnership approach to rebalancing the social care market through the promotion of these models and approaches. It will also help support the regional forums which local authorities must set up under the Part 2 Code of Practice (General Functions).
- 7.15 The addition of a new objective around the promotion of integration is intended to allow the RPBs to have greater impact in driving forward an integrated community care system for Wales. In particular it will enable us to write into the Statutory Guidance a requirement for RPBs to help develop and embed the six national integrated models of care which underpin project-funded activity under the Regional Integration Fund. The revised Statutory Guidance contains a new definition of integration and how integration is achieved through health, social care and wellbeing services working together at three levels: the macro (strategic and system focused), meso (organisational / service level integration), and micro (delivery of integrated care and support for the individual); and the interconnection between the three levels. The Statutory Guidance also provides an outline 'blueprint' for an integrated health and care system and describes our intention to set standards for integration against which regulators will be able to inspect services in the future.
- 7.16 Regulation 4 also adds that the objectives of an RPB include:
- ensuring the partnership bodies promote and facilitate the participation of children under the age of 18 in relation to decisions which affect them that are made in the exercise of the partnership arrangements (in accordance with a local authority's duty under section 12 of the Children and Families (Wales) Measure 2010)
 - working with the Citizen Voice Body to promote the involvement of people who need care and support (or support) and carers in the work of the partnership arrangements.
- 7.17 In recent years the RPBs have had an increasing focus on integrated care and support for children and young people, and an increasing emphasis on engagement with children and young people. Local authorities already have a duty under section 12 of the Children and Families (Wales) Measure 2010 to make such arrangements as they consider suitable to promote and facilitate the participation by children and young people in decisions made by local authorities which might

affect them. This regulation would give RPBs strategic oversight of how the partnership bodies are fulfilling this duty in the exercise of the partnership arrangements. To allow this, regulation 8 (below) adds section 12 to Schedule 1 of the Partnership Arrangements Regulations, which lists the local authority functions that are to be exercised in partnership.

7.18 From April 2023, a new Citizen Voice Body (known as Llais) has represented the voices and opinions of the people of Wales in respect of health and social care services. Llais is independent of government, the NHS and local authorities but works with them and others to support the continuous improvement of person-centred services. Llais is well placed to assist the partnership bodies and RPBs engage more effectively with citizens, including those who need care and support, and carers, in the work of the regional partnerships. Llais will also have independent observer status on the RPBs (see regulation 5 below).

(ii) Membership of RPBs

7.19 Regulation 5 adds to the list of members of RPBs set out in regulation 11 of the Partnership Arrangements Regulations and makes provision for independent observer members.

7.20 Regulation 11 contains a list of the required membership of RPBs. They also allow RPBs to co-opt other people as members as they deem appropriate and allow the partnership bodies to pay remuneration and allowances to board members. Regulation 5 adds the following to the list of required members of an RPB:

- a representative of the Wales Ambulance Services Trust
- at least one person to represent the interests of primary care providers in the area covered by the RPB
- at least one person to represent the County Voluntary Councils which represent the area covered by the RPB
- at least one person to represent the interests of the health and social care workforce.

7.21 The membership of RPBs reflects the multi-sector nature of the regional partnership. As well as representatives from the partnership bodies and other public bodies, RPBs include members who are ordinary citizens (service users and unpaid carers) and those who represent third sector organisations, care providers and the housing sector. In the revised Part 9 Statutory Guidance we have sought to clarify the role of all board members, grouping them into three distinct perspectives: lived experience partners, service delivery partners, and strategic commissioning partners.

7.22 The Wales Ambulance Services Trust is already co-opted on to most RPBs, so this amendment formalises this membership. Adding primary care providers to the list should help increase alignment and

engagement between the work of the RPB, clusters and pan-cluster planning groups. Finally, the addition of the County Voluntary Councils will help bolster the third sector presence on RPBs, which must already include as members at least two persons to represent the interests of third sector organisations within their region.

7.23 The addition of at least one workforce representative to the list of required RPB members arose from feedback to the 2023 consultation from trade unions / professional bodies. It was pointed out that whereas care providers, third sector organisations, service users and unpaid carers, all had a representative voice around the RPB table, those working in health and social care did not. This did not seem to be in keeping with the social partnership model adopted by the Welsh Government (it should be noted that RPBs, not being corporate bodies, are not bound by the social partnership duty – but the Welsh Government seeks to encourage a wider social partnership approach than that stipulated by law). Provision was therefore made for worker representation in the draft Regulations. Response to consultation on the draft Regulations highlighted the need for clarity to points raised on how best to ensure effective worker voice and where this voice is best articulated within those arrangements, and whether having a worker representative on the RPB itself is the most effective way of achieving this and how one member could represent the wider breadth of views across health and social care workers. All parties recognised the importance of engaging with care workers and their representative organisations in the partnership arrangements. After careful consideration, Ministers decided to retain the new requirement, but acknowledged that further work needs to be done on the role description and nominations / recruitment process for these members. The Engagement and Voice Task and Finish Group will be reconstituted and reconvened to consider these matters, as well as the best approaches for giving health and social care workers meaningful opportunities to be involved in shaping the provision of care and support and preventative services across their region, including strategic input, in line with a wider social partnership approach.

7.24 In addition, regulation 5 requires an RPB to invite a representative from the Citizen Voice Body (Llais) to be an independent observer member of the board, and the power to invite other persons to be independent observer members of the board as it thinks appropriate. The regulation also defines an independent observer member as one who is not eligible to vote in any proceedings of the board and who must not be counted in the quorum for a meeting of the board. This is to safeguard the role of Llais as an independent voice for citizens, whilst allowing its representatives to comment upon and take a full part in discussions around the board table. The regulation recognises that there may also be other bodies now or in the future which RPBs wish to invite as independent observers. As they are members (albeit independent observer members with no voting rights), the RPB will

have the power to pay its independent observers members remuneration and allowances as with other members.

- 7.25 Regulation 6 deals with a number of issues, including the nomination by partnership bodies of a responsible person for leading and ensuring co-operation in the partnership arrangements; various administrative functions of RPBs aimed at better supporting members; and biennial self-assessments. These are inserted into the Partnership Arrangements Regulations as new regulations 11A, B and C.

(iii) Responsible persons

- 7.26 Regulation 6 requires each partnership body to appoint a responsible person to facilitate the partnership arrangements and promote co-operation between the partnership body, each of the other partnership bodies within the partnership arrangement, and the RPB. It specifies that a local authority must appoint the Director of Social Services to this role; and that a health board must appoint to the role the executive member who is appointed as a member of the RPB. The regulation sets out the role of the responsible person as encouraging co-operation and partnership working within the partnership body; taking the lead in promoting the partnership body's contribution to meeting the RPB's objectives; and reporting back on the work of the RPB to the cabinet or board of their partnership body.
- 7.27 Directors of Social Services, and the health board executive member who sits on the RPB, will in most cases already be doing this, but the purpose of the new regulation is to 'hard wire' these arrangements into the RPB.

(iv) Administrative functions of RPBs

- 7.28 Regulation 6 also introduces new administrative requirements on RPBs in relation to roles, recruitment and support for members. In particular, the RPB must:
- publish descriptions of the role and responsibilities for each of the categories of member of the board (as set out in regulation 11 of the Partnership Arrangements Regulations)
 - establish and publicise the procedure for recruiting members of the board who represent the interests of service users and unpaid carers
 - provide support and guidance to support members of the board, in particular those members who represent the interests of service users, unpaid carers and third sector organisations.
- 7.29 These provisions have been added to the Partnership Arrangements Regulations primarily to clarify and support the role of citizen members on the RPBs, particularly those with lived experience as service users or unpaid carers, and the members who represent the

third sector. These new Regulations provide a hook for expanded guidance on how RPB members should be recruited. This was a key recommendation of the Engagement and Voice Task and Finish Group.

(v) Self-assessment

- 7.30 Regulation 6 also requires RPBs to undertake a biennial self-assessment in order to evaluate the effectiveness of the performance of the board in fulfilling its objectives. The first of these self-assessments must take place by 1 April 2025, and biennially thereafter, with a review each intermediate year (i.e. beginning on 1 April 2026 and biennially thereafter). The RPB must publish a summary of the results of the self-assessment or the review in its annual report. This regulation reflects work that has already been undertaken with RPBs to co-design and pilot a self-assessment tool, which is currently being rolled out across the RPBs. Application of this tool will provide a baseline for the future statutory self-assessments from 1 April 2027 onwards.

(vi) Annual reports

- 7.31 Regulation 7 inserts new provision into regulation 12 of the Partnership Arrangements Regulations, which requires RPBs to produce annual reports. The new provision in paragraph (4) specifies the information that RPBs must include in their annual reports. The regulation also specifies that annual reports must be published on the partnership bodies' websites. The requirement to submit these annual reports to the Welsh Ministers remains.

- 7.32 The items to be included in the annual reports are:
- a description of the purpose, role, membership, operating structure and the key priorities of the board
 - information on how the partnership arrangements have responded to the population assessment and market stability report, and implementation of the joint area plan
 - details of how resources have been utilised
 - information on the ways the board has supported integration of health and social services arrangements
 - information on how the board has supported improved service delivery to secure better outcomes for people
 - an account of how the board has engaged with citizens (in particular people who need care and support, carers, children and young people) in its work
 - an account of how the board has promoted the involvement of citizens in its work and the impact this has made on improving well-being outcomes for people within the area covered by the regional partnership board
 - information on any joint commissioning activity and the use of pooled funds in the partnership arrangements

- information on how the partnership bodies have engaged with social enterprises, co-operatives, user-led services and the third sector in the partnership arrangements
- information on the priorities of the board for the next 12 months
- a summary of the results of the self-assessment or associated annual review, and any resulting improvement actions.

(vii) Amendments to Schedule 1

- 7.33 Regulation 8 amends Schedule 1 of the Partnership Arrangements Regulations, by inserting a local authority's functions under section 12 of the Children and Families (Wales) Measure 2010 into the list of functions to be carried out in partnership. This will allow us to add monitoring how local authorities are exercising this function (in relation to the partnership arrangements) to the list of RPB's objectives. (See regulation 2 above.)

Amendments to the Area Planning Regulations 2017

(viii) Annual delivery plans and annual reviews

- 7.34 Regulation 9 substitutes two new regulations for regulation 7 of the Area Planning Regulations 2017. The first of these regulations (regulation 7) concerns the preparation and publication of an annual delivery plan. The second (regulation 8) concerns monitoring and evaluation of the joint area plan and annual delivery plans.
- 7.35 Section 14 of the Act requires the local authorities and health board that have carried out a joint population needs assessment to also prepare and publish a joint area plan in response. One of the objectives of the RPB is to ensure that the partnership bodies work effectively together to respond to the population needs assessment and implement the joint area plan. The Area Planning Regulations required the first plans to be published by 1 April 2018, and for subsequent plans to be published a year after each population needs assessment – i.e. every five years. The latest area plans were published in 2023. The Area Planning Regulations currently require the relevant bodies to take appropriate steps to monitor and evaluate the services and other actions set out in the joint area plan; and that the plan be reviewed, and if necessary revised, if an addendum to the population needs assessment is published in line with regulation 7 of the Care and Support (Population Assessments) (Wales) Regulations 2015.
- 7.36 The new regulation 7 would require the local authorities and health board that have prepared and published a joint area plan to prepare an annual delivery plan to support implementation of the joint area plan over the coming twelve months – i.e. an annual delivery plan in each of the five years covered by the joint area plan. The first annual delivery plans will be required by 1 April 2025, and subsequent plans

by 1 April each year. In preparing these plans, the partnership bodies will take into account the conclusions of the annual review of the joint area plan. The annual delivery plans must be published on the partnership bodies' websites, and a copy submitted to the Welsh Ministers.

- 7.37 The new regulation 8 would require the partnership bodies to take appropriate steps to monitor and evaluate the impact of delivery of the services and actions undertaken in accordance with the joint area plan. This will include undertaking an annual review of the progress made with delivering the area plan in line with the actions set out in the annual delivery plan. The results of this annual review will be included in the RPB's annual report.
- 7.38 Annual delivery plans (other than the first plan) must take into account the conclusions of the annual review of the joint area plan.

Amendments to Market Stability Reports Regulations

(ix) Market stability reports

- 7.39 Regulation 10 amends the regulation 4 of the Market Stability Reports Regulations 2021, which sets the date by which market stability reports must be published. The amendment will require the next market stability reports to be published by 1 September 2027 (changed from 1 June 2027), and by 1 September every five years thereafter.
- 7.40 This amendment has been prompted by practical considerations around the timing of future reports. It became clear when the first reports were published in 2022 that many of the RPBs struggled to get corporate sign-off from their respective partnership bodies in time to publish the reports by 1 June, due to the timing of the local government elections in May of that year. This was a consequence of the decision to postpone the local government elections by a year to avoid clashing with the Senedd elections which had been themselves postponed due to the Covid pandemic. As the five yearly cycle for market stability reports is linked to the local government cycle, this is likely to be a continuing issue unless the publication date is moved. Moreover, the Market Stability Reports Regulations require local authorities to publish their subsequent reports 'every 5 years after the date on which the most recent market stability report was published'. As the first reports were published at various times throughout the summer of 2022, it has become clear that this requirement will not meet the original intention that subsequent reports be published exactly five years from the original date they were due.
- 7.41 The amendment should allow the partnership bodies enough time to get formal sign off after the local government elections and tightens

up the requirement around publication of subsequent reports to ensure consistency.

Preferred option

7.42 Option 3 was the option chosen as best placed to deliver the changes needed. It was therefore the option prepared for consultation in the summer of 2023, with a further consultation on a draft set of Regulations following in 2024.

8.0 Post implementation review

8.1 There are various sources of intelligence which will help the Welsh Government to review whether the changes introduced by the amended Regulations are having the desired effect of strengthening regional partnership arrangements and increasing the effectiveness of the RPBs.

8.2 The new requirements for RPBs to undertake a biennial self-assessment (with an annual review at the mid-point) will provide them with information on how they are meeting the requirements in the Regulations and. A summary of this self-assessment or review must be included in their annual reports.

8.3 As part of the Regional Integration Fund which RPBs manage, Communities of Practice have been established in some key areas of integration, commissioning and transformation, and are aligned to the development of the six Models of Integrated Care. The Communities of Practice have brought together groups of practitioners across sectors to promote productive discussion and encourage collaborative solutions to overcome common challenges as well as evaluate what is working well. The COP will continue to identify good practice from regions and how RPBs are developing integration across health and social care.

8.4 In terms of engagement and voice, the RPBs will be required to include in their annual reports an account of how the Board has engaged with citizens (especially people who need care and support and unpaid carers, including children and young people) in their work, how the regional partnership has promoted co-production, and the difference this has made in terms of well-being outcomes for citizens. At the local authority level, information on approaches to engagement and co-production should be included in the Directors of Social Services' annual reports. There will also be information in the population needs assessment reports, market stability reports and joint area plans on how citizens have been engaged in their production.

8.6 In line with established good practice on secondary legislation, the Welsh Government will undertake a review of the Regulations in three years' time (by December 2027).