



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

ADRODDIAD GAN Y PWYLLGOR DEDDFAU

LEGISLATION COMMITTEE REPORT

The Care Standards Act 2000 and Children Act 1989 (Regulatory Reform and Complaints) (Wales) Regulations 2006

These Regulations bring existing regulations relating to services inspected by the Care Standards Inspectorate for Wales into line with recent developments relating to the reform of regulatory practice and the handling of complaints in local authority social services. The Regulations amend various regulations relating to the following services:- Care Homes; Children's Homes; Child Minding and Day Care; Fostering; Residential Family Centres; Nurses Agencies; Domiciliary Care Agencies; Adult Placement Schemes and Adoption Support Services.

Standing Order 11.7

The following points have been identified under Standing Order 11.7.

Regulation 2(a) amends regulation 3(3) of the Care Homes (Wales) Regulations 2002.

The cross-references referred to in the Welsh text should be to paragraphs (1) (ch) and (1) (dd). [Standing Order 11.7(v)].

Regulation 3(a) substitutes for regulation 33 new regulations 33 to 33B into the Children's Homes (Wales) Regulations 2002 ("the CH Regulations"). The English text of paragraph (3) of the new regulation 33 cross refers to "paragraph (2)(c)(ii) or (4)(b)"; the Welsh text omits the reference to (4)(b). In the context of the regulation it appears that the English text is correct. [Standing Order 11.7(v)]

Paragraph (4)(a) of the new regulation 33 refers to "service users". This term is not included in the defined terms set out in regulation 2 of the CH Regulations and it is suggested that this provision should refer to children accommodated at the home. [Standing Order 11.7(v)]

Regulation 3(b) substitutes for regulation 24 new regulations 24 to 24D into the CH Regulations. In the Welsh text "trefn ysgrifenedig" should read "gweithdrefn ysgrifenedig" [Standing Order 11.7(v)].

Regulation 5(a) substitutes for regulation 42 new regulations 42 to 42B into the Fostering Services (Wales) Regulations 2003 ("The FS Regulations"). Paragraph (1) refers to the "fostering agency" whereas the defined terms set out in regulation 2 of the FS Regulations refer to "independent fostering agency" (which is the term used in the remainder of the paragraph (1)). [Standing Order 11.7(v)].

In the new regulation 42(B)(2), in the Welsh text, the word “paragraff” should be inserted between “o dan” and “(1)”. [Standing Order 11.7(v)]

Regulation 5(b) inserts a new regulation 18C into the FS Regulations. In the Welsh text of new regulation 18C(6) the expressions “person cofrestredig” and “darparydd gwasanaeth maethu” have been transposed. [Standing Order 11.7(v)]

Regulation 7 substitutes a new regulation 19 into the Nurses Agencies (Wales) Regulations 2003 (“the NA Regulations”). Paragraph (2)(b)(iii) and (3)(c) refer to a “Health body”. Whilst the NA Regulations define “NHS trust” the term “health body” is not included in the defined terms set out in regulation 2 of the Na Regulations. [Standing Order 11.7(v)].

Regulation 8(b) substitutes a new regulation 21 into the Adult Placement Schemes (Wales) Regulations 2004 (“the APS Regulations”). Paragraph (5) of the new regulation 21 refers to “staff employed by the agency”. A reading of the APS Regulations as a whole implies that no agency is involved in the scheme – rather relevant adults are placed with individual carers pursuant to arrangements made by the registered person. It is suggested that this provision should refer to staff employed for the purposes of the scheme. [Standing Order 11.7(v)].

There is an inconsistency between the English and Welsh texts of paragraph (1) of the new regulation 21A inserted in to the APS Regulations do not coincide in that the English text refers to the “wishes and feelings of the relevant adult” the Welsh text refers to the “wishes and feelings of the relevant adults”. [Standing Order 11.7(vi)]

These minor drafting or typographical errors and inconsistency are suitable for correction by means of a Memorandum of Corrections.

Observations

Formatting points suitable for correction on publication have been notified to the drafting lawyer.

David Melding AM

Chair, Legislation Committee

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