

Explanatory Memorandum to:

The Regulated Advocacy Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2019

This Explanatory Memorandum has been prepared by the Health and Social Services Department and is laid before the National Assembly for Wales 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 Regulated Advocacy Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2019.

Julie Morgan
Deputy Minister for Health and Social Services
4 June 2019

PART 1

1. Description

In 2011 the Welsh Government published the white paper Sustainable Social Services: A Framework for Action, which set out an ambitious plan to create a new integrated and person-centred approach to social services provision in Wales. To achieve this new approach, in the last assembly term, the Welsh Government made two pieces of primary legislation: the Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016 ('the 2016 Act').

The 2016 Act reforms the regulation and inspection regime for social care in Wales, and provides the statutory framework for the regulation and inspection of social care services and the social care workforce. It also enables the Welsh Ministers to put in place regulations, publish guidance and issue codes of practice.

This Explanatory Memorandum relates to The Regulated Advocacy Services (Service Providers and Responsible Individuals) (Wales) (Amendment) Regulations 2019, which will come into force on 1 July 2019. These Regulations make amendments to *The Regulated Advocacy (Service Providers and Responsible Individuals) (Wales) Regulations 2019* ("the 2019 Regulations").

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

The Regulations make amendments in response to errors in some of the references within the above regulations that were identified during technical scrutiny by the Constitutional and Legislative Affairs Committee. The Regulations are timed in order to come into effect prior to 31 August 2019, which is the registration deadline for providers of advocacy services who were already operating before the requirement to register first came into force on 29 April 2019.

3. Legislative background

These Regulations are made using powers under sections 27 and 186 of the 2016 Act and are subject to the National Assembly for Wales' affirmative procedure. The Welsh Ministers have not consulted on these regulations because, pursuant to section 27(6) of the 2016 Act, these regulations only amend other regulations which have been made under that section and do not, in the opinion of the Welsh Ministers, effect any substantial changes in the provision made by the regulations to be amended.

4. Purpose and intended effect of the legislation

The purpose of these Regulations is to make the following minor amendments:

The Regulated Advocacy (Service Providers and Responsible Individuals) (Wales) Regulations 2019

- Regulation 6(4)(c) of the 2019 Regulations (Requirements in relation to the responsible individual) refers incorrectly in the text to 'Part 3' instead of 'Part 2'. The correct text should be:

'the compliance of the service with the requirements of the regulations in Parts 2 to 15'

- Regulation 7(3)(c) of the 2019 Regulations (Requirements in relation to the responsible individual where the service provider is an individual) also refers incorrectly in the text to 'Part 3' instead of 'Part 2'. The correct text should be:

'the compliance of the service with the requirements of the regulations in Parts 2 to 15'

- Regulation 15(1)(d) of the 2019 Regulations (Information about the service) erroneously referred to "commissioning authorities", the correct reference is to "service commissioners".

The overall purpose of these amending Regulations is to address the issues raised by the Constitutional and Legislative Affairs Committee and to make the minor corrections (as listed above) to ensure that the policy aims of the 2019 Regulations are secured.

5. Consultation

No consultation has been undertaken on these amending Regulations, which only make minor technical corrections to the above 2019 Regulations.

6. Regulatory Impact Assessment (RIA)

A regulatory impact assessment has not been prepared in respect of these consequential amendment regulations as they simply make minor amendments to the 2019 Regulations and do not impose costs for businesses, charities or voluntary bodies or the public sector.

An Explanatory Memorandum to support The Regulated Advocacy (Service Providers and Responsible Individuals) (Wales) Regulations 2019 has been completed and can be found here for information:

<http://www.assembly.wales/laid%20documents/sub-ld12200-em/sub-ld12200-em-e.pdf>