

# SL(5)501 – The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2020

## Background and Purpose

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Section 80(1)(a) and (b) of the Regulation and Inspection of Social Care (Wales) Act 2016 require Social Care Wales to keep a register of social workers and social care workers of a description specified by the Welsh Ministers in Regulations.

The Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016 (the “2016 Regulations”) specify descriptions of social care workers for whom a register must be kept.

These Regulations amend the 2016 Regulations. The amendments provide that a register must be kept by Social Care Wales of individuals who are employed or engaged under a contract for services to provide care and support in connection with:

- (i) A care home service provided wholly or mainly to adults;
- (ii) A care home service provided wholly or mainly for children;
- (iii) A secure accommodation service
- (iv) A domiciliary support service; or
- (v) A residential family centre service.

Currently, Social Care Wales is required to keep a register of individuals in connection with a care home service provided wholly or mainly for children, and a secure accommodation service. This is being extended by the Regulations to require the registration of persons engaged under a contract of services, in addition to individuals who are employed by the service provider.

The requirement for Social Care Wales to keep a register of individuals employed or engaged under a contract for services in connection with a care home service provided wholly or mainly to adults, and a residential family service, is added by these Regulations.

## Procedure

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Affirmative.

## Technical Scrutiny

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**The following point is identified for reporting under Standing Order 21.2 (vii) (that there appear to be inconsistencies between the meaning of its English and Welsh texts) in respect of this instrument.**

The Welsh text of the Regulations is missing the text in italics, at the top of the first page of the Regulations, and the Explanatory Notes, which explains that the draft regulations are laid before the Assembly, for the approval by resolution of the Assembly. In the heading beneath where we would ordinarily see the text in italics, the word “DRAFFT” is also missing. The English text includes this wording.



The preamble to both the Welsh and English text does state that a draft has been laid before, and approved by a resolution of the Assembly. However, at first glance at the Welsh text a reader may think that the Regulations have been made subject to the negative procedure.

## Merits Scrutiny

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No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

## Implications arising from exiting the European Union

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No implications are identified for reporting under Standing Order 21.3 in respect of this instrument.

## Government Response

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The Welsh Government note the inconsistencies between the English and Welsh text in the explanatory part of the Regulations, which occurred due to issues of version control and are putting procedures in place to reduce the risk of this happening again. It is submitted that the preamble to the Regulations makes it clear that the Regulations have been laid before and approved by a resolution of the Assembly.

## Committee Consideration

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The Committee considered the instrument and Government response at its meeting on 2 March 2020 and reports to the Assembly in line with the reporting point above.

