



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 9

CO-OPERATION AND JOINT WORKING BY THE REGULATORY BODIES ETC.

176 The regulatory bodies

In this Part—

- (a) the regulatory bodies are—
 - (i) the Welsh Ministers, and
 - (ii) SCW;
- (b) “relevant functions” means—
 - (i) in relation to the Welsh Ministers, their regulatory functions;
 - (ii) in relation to SCW, its functions under this Act;
- (c) “general objectives” means—
 - (i) in relation to the Welsh Ministers, the objectives mentioned in section 4;
 - (ii) in relation to SCW, the objective mentioned in section 68(1).

177 Relevant authorities

- (1) In this Part the relevant authorities are—
 - (a) Her Majesty’s Chief Inspector for Education and Training in Wales,
 - (b) the Education Workforce Council,
 - (c) each local authority,
 - (d) each Local Health Board,
 - (e) an NHS Trust,
 - (f) a Welsh fire and rescue authority,
 - (g) a Community Health Council, and

- (h) such other person as may be prescribed.

(2) In subsection (1)—

- (a) “NHS Trust” means a National Health Service Trust constituted under the [National Health Service \(Wales\) Act 2006 \(c.42\)](#);
- (b) “Welsh fire and rescue authority” means an authority in Wales constituted by a scheme under section 2 of the [Fire and Rescue Services Act 2004 \(c.21\)](#) or a scheme to which section 4 of that Act applies;
- (c) “Community Health Council” means a Community Health Council continued or established under section 182 of the [National Health Service \(Wales\) Act 2006 \(c.42\)](#).

178 Co-operation in the exercise of functions

- (1) The regulatory bodies must co-operate with each other in the exercise of their relevant functions if they think that such co-operation—
 - (a) will have a positive effect on the manner in which those functions are exercised, or
 - (b) will assist them in achieving their general objectives.
- (2) A regulatory body must, in the exercise of its relevant functions, seek to co-operate with a relevant authority if the regulatory body thinks such co-operation—
 - (a) will have a positive effect on the manner in which the body exercises its functions, or
 - (b) will assist the body in achieving its general objectives.
- (3) Where a regulatory body requests the co-operation of a relevant authority under subsection (2) the authority must comply with the request unless the authority—
 - (a) is prevented from co-operating in the manner requested by any enactment or other rule of law,
 - (b) thinks that such co-operation would otherwise be incompatible with its own functions, or
 - (c) thinks that such co-operation would have an adverse effect on its functions.
- (4) If a relevant authority requests the co-operation of a regulatory body, the body must comply with that request unless the body—
 - (a) is prevented from co-operating in the manner requested by any enactment (including this Act) or other rule of law,
 - (b) thinks that such co-operation would otherwise be incompatible with the regulatory body’s own functions, or
 - (c) thinks that such co-operation would have an adverse effect—
 - (i) on the body’s functions, or
 - (ii) on achieving the body’s general objectives.

179 Joint exercise of functions

- (1) One regulatory body (“A”) may arrange with the other regulatory body (“B”) for A and B to act together in exercising jointly one or more relevant functions of A with one or more relevant functions of B.

- (2) A regulatory body may enter into an arrangement under this section only if it thinks that the arrangement—
 - (a) will have a positive effect on the manner in which the body exercises the function, or
 - (b) will assist the body in achieving its general objectives.
- (3) Arrangements under this section may—
 - (a) include the establishment of a joint committee to exercise the relevant joint functions on behalf of the regulatory bodies, and
 - (b) be on such other terms and conditions (including terms as to payment) as may be agreed between the regulatory bodies.

180 Delegating functions to another regulatory body

- (1) A regulatory body may delegate any of its relevant functions to the other regulatory body if they agree that such a delegation—
 - (a) will have a positive effect on the manner in which the function is to be exercised, or
 - (b) will assist the delegating body in achieving its general objectives.
- (2) But a function must not be delegated to the other regulatory body if the other body thinks that such a delegation may be detrimental to—
 - (a) the manner in which the other body exercises its functions, or
 - (b) the achievement of the other body's general objectives.
- (3) Despite subsection (1), SCW may not delegate—
 - (a) its rule-making functions, or
 - (b) its functions relating to fitness to practise proceedings.
- (4) A delegation under subsection (1) may be on such terms and conditions (including terms as to payment) as may be agreed between the regulatory bodies.
- (5) A function may be delegated under subsection (1) wholly or to any lesser extent as may be agreed by the regulatory bodies.
- (6) A delegation under subsection (1) does not affect—
 - (a) any liability or responsibility of the body delegating the function for its exercise, nor
 - (b) the ability of that body to exercise that function or make other arrangements in relation to it.

181 Sharing information

- (1) A regulatory body may provide information to another regulatory body or relevant authority in pursuance of an arrangement made under this Part to co-operate, jointly exercise functions or delegate functions.
- (2) Information must not be provided under subsection (1) to a regulatory body or relevant authority if the person holding the information is prohibited from providing it by any enactment or other rule of law.

- (3) In the case of information relating to an individual, the information may be provided to a regulatory body or relevant authority only if—
 - (a) the information is provided in a form which does not identify the individual, or
 - (b) the person holding the information obtains the individual’s consent to provide it.
- (4) For the purposes of subsection (3)(a), information is to be treated as being in a form which identifies an individual if the individual can be identified from a combination of—
 - (a) the information, and
 - (b) other information provided to a regulatory body or relevant authority by the same regulatory body.
- (5) Information provided in pursuance of an arrangement under this Part must be used by the person to whom it is provided only for the purposes of co-operating, jointly exercising functions or exercising delegated functions in pursuance of the arrangement.
- (6) This section does not affect the duty of the regulatory bodies to disclose information for the purposes of protecting the well-being of an individual.

182 Sharing information to protect well-being

- (1) A regulatory body must disclose information it has obtained in the exercise of its relevant functions to any other person if it thinks that such disclosure is necessary or expedient to protect the well-being of an individual in Wales.
- (2) But information must not be disclosed under subsection (1) if disclosure of the information is prohibited by any enactment or other rule of law.
- (3) In the case of information identifying an individual, it may be disclosed in a manner which identifies the individual only if the regulatory body thinks such identification is necessary to protect the well-being of any individual.
- (4) For the purposes of subsection (3), information is to be treated as being in a form which identifies an individual if the individual can be identified from a combination of—
 - (a) the information, and
 - (b) other information disclosed by the regulatory body to the other person referred to in subsection (1).