
Changes to legislation: Regulation and Inspection of Social Care (Wales) Act 2016, SCHEDULE 2 is up to date with all changes known to be in force on or before 21 June 2020. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details) View outstanding changes

SCHEDULE 2

(as introduced by section 67(4))

SOCIAL CARE WALES

PART 1

STATUS

Status

- 1 (1) SCW is not to be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.
- (2) SCW's property is not to be regarded as property of, or property held on behalf of, the Crown.

Commencement Information

- II** Sch. 2 para. 1 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

PART 2

MEMBERSHIP

Members

- 2 (1) SCW is to consist of—
 - (a) a member to chair SCW (“the chairing member”), and
 - (b) not more than 14 other members.
- (2) SCW's members are to be appointed by the Welsh Ministers.
- (3) A person who is a member of SCW's staff may not be appointed or hold office as a member of SCW.
- (4) SCW's members are to hold office on such terms and conditions as the Welsh Ministers may determine; but this is subject to the other provisions of this Schedule.
- (5) Before making an appointment under this paragraph the Welsh Ministers must consult such persons as they think appropriate.
- (6) In exercising their functions under this paragraph the Welsh Ministers must have regard to the desirability of appointing a varied membership which comprises a majority of persons who are not, and have not been, social care workers or representatives of social care workers.

Commencement Information

- I2** Sch. 2 para. 2 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

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Remuneration etc. of members

- 3 (1) SCW may pay to its members such remuneration, expenses and allowances as the Welsh Ministers may determine.
- (2) SCW is to pay, or make provision for the payment, of such pension, allowance or gratuities as the Welsh Ministers may determine to or in respect of a person who is or has been a member of SCW.
- (3) If the Welsh Ministers determine that there are special circumstances which make it right for a person ceasing to hold office as the chairing member of SCW to receive compensation, SCW must pay the person or make provision for the payment to the person of such compensation as the Welsh Ministers may determine.

Commencement Information

I3 Sch. 2 para. 3 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

Term of office

- 4 A person appointed as a member of SCW holds office for such period as the Welsh Ministers may determine when making the appointment; but that period may not exceed 4 years.

Commencement Information

I4 Sch. 2 para. 4 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

Resignation

- 5 (1) The chairing member may resign by giving written notice to the Welsh Ministers.
- (2) Resignation may be either—
- (a) as chairing member, or
 - (b) as both chairing member and member.
- (3) A member of SCW who is not the chairing member may resign by giving written notice to the Welsh Ministers.

Commencement Information

I5 Sch. 2 para. 5 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

Dismissal

- 6 (1) The Welsh Ministers may by written notice dismiss the chairing member if satisfied that he or she—
- (a) is unfit to continue as chairing member, or
 - (b) is unable or unwilling to act as chairing member.
- (2) Dismissal may be either—
- (a) as chairing member, or

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- (b) as both chairing member and member.
- (3) The Welsh Ministers may by written notice dismiss a member of SCW who is not the chairing member if satisfied that he or she—
 - (a) is unfit to continue as a member, or
 - (b) is unable or unwilling to act as a member.

Commencement Information

I6 Sch. 2 para. 6 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

PART 3

GENERAL POWERS

Committees

- 7
- (1) SCW may establish committees.
 - (2) Committees established under sub-paragraph (1) may establish sub-committees.
 - (3) A committee or sub-committee established under this paragraph may include, or be comprised entirely of, persons who are not members of SCW.
 - (4) SCW may pay remuneration, expenses and allowances to any person who—
 - (a) is a member of a committee or sub-committee established under this paragraph, and
 - (b) is not a member of SCW, or a member of its staff.

Commencement Information

I7 Sch. 2 para. 7 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

Delegation

- 8
- (1) SCW may arrange for any of its functions to be exercised by any of its—
 - (a) committees,
 - (b) sub-committees,
 - (c) members, or
 - (d) staff.
 - (2) Sub-paragraph (1) does not affect SCW's responsibility for exercise of delegated functions or affect its ability to exercise delegated functions.

Commencement Information

I8 Sch. 2 para. 8 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

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Supplementary powers

- 9 SCW may do anything which is calculated to facilitate, or which is conducive or incidental to, the exercise of its functions.

Commencement Information

I9 Sch. 2 para. 9 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

PART 4

PROCEEDINGS ETC.

Procedure

- 10 (1) SCW is to regulate its own procedure (including quorum); but this is subject to the other provisions of this Act and any regulations made under it.
- (2) SCW is to regulate the procedure (including quorum) of its—
- (a) committees, and
 - (b) sub-committees.

Commencement Information

I10 Sch. 2 para. 10 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

Application of seal

- 11 (1) SCW may have a seal.
- (2) The application of the seal must be authenticated by the signature of—
- (a) any member of SCW, or
 - (b) any other person authorised by SCW for that purpose.

Commencement Information

I11 Sch. 2 para. 11 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

Evidence

- 12 A document purporting to be duly executed under the seal of SCW or to be signed on its behalf is to be received in evidence and, unless the contrary is proved, taken to be so executed or signed.

Commencement Information

I12 Sch. 2 para. 12 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

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PART 5

CHIEF EXECUTIVE AND OTHER STAFF

Chief executive and other staff

- 13 (1) SCW must appoint a chief executive.
- (2) SCW may appoint such other staff as it thinks appropriate; but this is subject to section 81 (duty of SCW to appoint a registrar).
- (3) A person appointed as chief executive is employed on such terms and conditions as SCW may determine; but the appointment (including any terms and conditions of appointment) requires the approval of the Welsh Ministers.
- (4) Any other staff appointed under this paragraph are employed on such terms and conditions as SCW may determine; but SCW must consult the Welsh Ministers before determining any terms and conditions about the levels of remuneration, pensions, allowances and expenses payable to, or in respect of, such staff.

Commencement Information

I13 Sch. 2 para. 13 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

PART 6

FINANCIAL MATTERS AND ANNUAL REPORTS ETC.

Payments by the Welsh Ministers

- 14 The Welsh Ministers may make payments to SCW of such amounts, and at such times and on such conditions (if any), as the Welsh Ministers think appropriate.

Commencement Information

I14 Sch. 2 para. 14 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

Accounting officer

- 15 (1) The chief executive is to act as SCW's accounting officer.
- (2) The accounting officer has, in relation to SCW's accounts and finances, the responsibilities specified in a direction by the Welsh Ministers.
- (3) The responsibilities that may be specified include—
- (a) responsibilities in relation to the signing of accounts;
 - (b) responsibilities for the propriety and regularity of SCW's finances;
 - (c) responsibilities for the economy, efficiency and effectiveness with which SCW uses its resources;
 - (d) responsibilities owed to the Welsh Ministers, the National Assembly for Wales or the Public Accounts Committee of the National Assembly;

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- (e) responsibilities owed to the House of Commons or the Committee of Public Accounts of that House.

Commencement Information

I15 Sch. 2 para. 15 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

Accounts and audit

- 16 (1) SCW must for each financial year—
- (a) keep proper accounts and proper records in relation to them, and
 - (b) prepare a statement of accounts.
- (2) Each statement of accounts must comply with any directions given by the Welsh Ministers as to—
- (a) the information to be contained in it,
 - (b) the manner in which the information is to be presented, and
 - (c) the methods and principles according to which the statement is to be prepared.
- (3) No later than 31 August after the end of each financial year SCW must submit its statement of accounts to—
- (a) the Welsh Ministers, and
 - (b) the Auditor General for Wales.
- (4) The Auditor General for Wales must—
- (a) examine, certify and report on the statement of accounts, and
 - (b) no later than 4 months after the statement was submitted, lay before the National Assembly for Wales a copy of the certified statement and report.

Commencement Information

I16 Sch. 2 para. 16 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

Annual reports etc.

- 17 (1) No later than 30 November after the end of each financial year SCW must publish a report on the exercise of its functions during that year (an “annual report”).
- (2) As soon as possible after an annual report is published SCW must send a copy of it to the Welsh Ministers.
- (3) SCW must provide the Welsh Ministers with such other reports and information relating to the exercise of its functions as they may from time to time require.

Commencement Information

I17 Sch. 2 para. 17 in force at 3.4.2017 by S.I. 2017/309, art. 2(b) (with arts. 3, 4, Sch.)

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Changes and effects yet to be applied to the whole Act associated Parts and Chapters:

Whole provisions yet to be inserted into this Act (including any effects on those provisions):

- s. 80(1)(d) omitted by [S.I. 2019/761 reg. 5](#)
- s. 80(2)(d) omitted by [S.I. 2019/761 reg. 5](#)
- s. 80(3)(d) omitted by [S.I. 2019/761 reg. 5](#)
- s. 84(aa)(ii) omitted by [S.I. 2019/761 reg. 6](#)
- s. 85A omitted by [S.I. 2019/761 reg. 8](#)
- s. 90A omitted by [S.I. 2019/761 reg. 10](#)
- Sch. 1 para. 7(4A) inserted by [S.I. 2019/761 reg. 14\(1\)\(b\)](#)
- Sch. 1 para. 7(4)(b)(c) substituted for Sch. 1 para. 7(4)(b) by [S.I. 2019/761 reg. 14\(1\)\(a\)\(ii\)](#)
- Sch. 1 para. 7(4A) words omitted by [S.I. 2019/761 reg. 14\(2\)](#)