
EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 47(6) of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”) gives a local authority the power to arrange for the provision of accommodation together with nursing care by a registered nurse if the local authority obtains consent from the relevant Local Health Board in the case of accommodation in Wales, or the relevant clinical commissioning group in the case of accommodation in England. These Regulations make further provision about such arrangements.

The Regulations also make provision for the resolution of disputes between a local authority and a health body about whether or not a service or facility is required to be provided under a health enactment. If a service or facility is required to be provided under a health enactment, section 47(1) provides that a local authority has no power to meet a person’s needs for care and support by providing or arranging for the provision of such a service or facility, unless doing so would be incidental or ancillary to doing something else to meet the person’s needs.

Regulation 3 specifies, for the purposes of section 47(6) of the 2014 Act, the relevant health body from which the local authority must obtain consent in order to make arrangements for the provision of accommodation together with nursing care by a registered nurse.

Regulation 4 requires a local authority to make arrangements in connection with the resolution of disputes between the authority and a Local Health Board or clinical commissioning group about whether or not a service or facility is required to be provided under a health enactment, including disputes about eligibility for Continuing NHS Healthcare. It also specifies provisions that must be included in those arrangements.

The Welsh Ministers’ Code of Practice on the carrying out of Regulatory Impact Assessments was considered in relation to these Regulations. As a result, a regulatory impact assessment has not been prepared as to the likely costs and benefits of complying with these Regulations.