

Changes to legislation: There are currently no known outstanding effects for the Regulation and Inspection of Social Care (Wales) Act 2016, Cross Heading: Social Services and Well-being (Wales) Act 2014. (See end of Document for details)

SCHEDULE 3

MINOR AND CONSEQUENTIAL AMENDMENTS

PART 1

REGULATION OF SERVICES

Social Services and Well-being (Wales) Act 2014

29 The 2014 Act is amended as follows.

Commencement Information

I1 Sch. 3 para. 29 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

- 30 In section 1 (overview)—
- (a) in subsection (9)—
- (i) after paragraph (b) insert—
- “(ba) requires local authorities to produce—
- (i) annual reports about the exercise of social services functions, and
- (ii) reports about the stability of local markets for providing care and support, (sections 144A and 144B);”
- (ii) after paragraph (c) insert—
- “(ca) provides powers for the Welsh Ministers to conduct reviews relating to the exercise of social services functions of local authorities (sections 149A and 149B);”
- (iii) in paragraph (d), for “161.” substitute “160);
- (da) allows for the inspection of premises in connection with reviews of local authority social services functions conducted by the Welsh Ministers or the exercise of the Welsh Ministers' powers of intervention in relation to those functions, and for the Welsh Ministers to request information in connection with such reviews and makes related provision (sections 161 to 161C).”;;
- (b) in subsection (15)(c), for “an establishment or agency (within the meaning of the Care Standards Act 2000)” substitute “ a service provider (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016) ”.

Commencement Information

I2 Sch. 3 para. 30 in force at 23.2.2021 by S.I. 2021/181, art. 2(c)

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31 Section 183 (publicising advocacy services in care homes) is repealed.

Commencement Information

I3 Sch. 3 para. 31 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

32 In section 188(1) (definitions for the purposes of sections 185 to 187), in the definition of “youth detention accommodation”, for paragraph (a) substitute—

“(a) a secure accommodation service (within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016);”.

Commencement Information

I4 Sch. 3 para. 32 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with art. 6)

33 In section 189 (provider failure: temporary duty on local authority)—

(a) for subsection (1) substitute—

“(1) This section applies where a service provider becomes unable to provide a regulated service because of business failure.”;

(b) in subsection (2), for the words from “registered” to “agency” where it second occurs substitute “ service provider became unable to provide the regulated service, being met in the authority's area by the service provider”;

(c) in subsection (5)(a), for “registered person became unable to carry on or manage the establishment or agency” substitute “ service provider became unable to provide the regulated service ”;

(d) in subsection (9)—

(i) the definition of “registered person” is repealed;

(ii) before the definition of “relevant carer” insert—

““regulated service” (“*gwasanaeth rheoleiddig*”) has the same meaning as in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016;”

(iii) at the end insert—

““service provider” (“*darparwr gwasanaeth*”) has the same meaning as in Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016.”

Commencement Information

I5 Sch. 3 para. 33 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with arts. 6, 8)

34 In section 190(1) (provider failure: exception to temporary duty), for “registered person became unable to carry on or manage the establishment or agency” substitute “ service provider became unable to provide the regulated service ”.

Commencement Information

I6 Sch. 3 para. 34 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with arts. 6, 8)

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- 35 In section 191 (provider failure: supplementary)—
- (a) in subsection (6), for “registered person, or such other person involved in the establishment or agency's” substitute “service provider, or such other person involved in the service provider's”;
 - (b) in subsection (7), for “carry on or manage an establishment or agency” substitute “ provide a regulated service ”.

Commencement Information

I7 Sch. 3 para. 35 in force at 2.4.2018 by S.I. 2017/1326, art. 2(3)(h), Sch. (with arts. 6, 8)

- [^{F1}36. In section 197(1) (definitions)—
- (a) for the definition of “care home”, substitute—
““care home” (*“cartref gofal”*)—
 - (a) has the same meaning as in the Care Standards Act 2000 in respect of a care home in England; and
 - (b) means a place in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to adults;”;
 - (b) for the definition of “children’s home”, substitute—
““children’s home” (*“cartref plant”*) means—
 - (a) a children’s home in England within the meaning of the Care Standards Act 2000 in respect of which a person is registered under Part 2 of that Act; and
 - (b) means premises in Wales at which a care home service within the meaning of Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 is provided wholly or mainly to children by a person registered under Part 1 of that Act;”.]

Textual Amendments

F1 Sch. 3 para. 36 substituted (2.4.2018) by The Regulation and Inspection of Social Care (Wales) Act 2016 (Consequential Amendments) Regulations 2018 (S.I. 2018/195), regs. 2(1), 59

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