

**Explanatory Memorandum to the Social Services and Well-being (Wales) Act 2014  
(Consequential Amendments) and Care Planning, Placement and Case Review  
(Miscellaneous Amendments) (Wales) Regulations 2016**

This Explanatory Memorandum has been prepared by the Health and Social Services Group and is laid before the National Assembly for Wales in conjunction with the above Regulations and in accordance with Standing Order 27.1.

**Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Social Services and Well-being (Wales) Act 2014 (Consequential Amendments) and Care Planning, Placement and Case Review (Miscellaneous Amendments) (Wales) Regulations 2016

Mark Drakeford

**Minister for Health and Social Services**

24 February 2016

## **1. Description**

The Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”) brings together local authorities’ duties and functions in relation to improving the well-being of people who need care and support, and carers who need support, into a single Act. It provides the statutory framework to deliver the Welsh Government’s commitment to focus on well-being, rights and responsibilities.

The Regulations are made as a result of the commencement of the Social Services and well-being (Wales) Act 2014 (“the 2014 Act”). The 2014 Act replaces, in relation to Wales, the provision formerly made by Part 3 of and Schedule 2 to the Children Act 1989.

## **2. Matters of special interest to the Constitutional and Legislative Affairs Committee**

No specific matters identified.

## **3. Legislative background**

These Regulations are subject to the negative procedure. They will come into force on 6 April 2016.

## **4. Purpose and intended effect of the legislation**

The powers within the 2014 Act have been exercised (in the main using the powers within Part 6 of that Act (looked after and accommodated children)) to make the Care Planning, Placement and Case Review (Wales) Regulations 2015 (“the 2015 Regulations”). The 2015 Regulations make provision about care planning and associated matters for looked after children, that is, for children who are looked after by a local authority (whether or not they are in the care of that authority by virtue of a care order under section 31 of the 1989 Act).

These Regulations make consequential and incidental amendments to secondary legislation required as a consequence of the commencement of the 2014 Act and the making of the 2015 Regulations in the exercise of the powers within Part 6 of the 2014 Act. The secondary legislation which is amended by these Regulations currently makes provision (in the main) about care planning, placement decisions and the review of cases of certain children (those looked after by local authority, accommodated by voluntary organisations, or placed in a private children’s home). The amendments made by these Regulations will preserve the current care planning, placement and case review arrangements for children accommodated by voluntary organisations and for those placed in a private children’s home.

## **5. Consultation**

No formal consultation has taken place as these Regulations make consequential technical amendments.

## **6. Regulatory Impact Assessment**

A regulatory impact assessment has not been prepared in respect of these consequential amendment regulations as they simply make amendments to statute and do not impose or reduce costs for businesses, charities or voluntary bodies or the public sector.