

Constitutional and Legislative Affairs Committee

CLA538 – The Care and Support (Care Planning) (Wales) (Regulations 2015

Procedure: Negative

The Social Services and Well-being Act 2014 (“the 2014 Act”) imposes a duty on local authorities to prepare and maintain a care and support plan for an adult or child to whom it owes a duty to meet identified needs and to create a support plan for a carer to whom it owes a duty to meet identified needs. These Regulations set out the functions of local authorities with respect to care and support planning and review arrangements.

1. Technical Scrutiny

No points are identified for reporting under Standing Order 21.2.

2. Merits Scrutiny

The following points are identified for reporting under Standing Order 21.3 (namely that it is of political importance or legal importance or gives rise to issues of public policy likely to be of interest to the Assembly) in respect of this instrument.

- (i) These Regulations, which set out the functions of local authorities with respect to care and support planning and review arrangements, form part of a suite of regulations made to implement the 2014 Act.
- (ii) The current legislative framework relating to meeting identified needs is complex. The following Acts legislate separately for adults, children and carers:
 - The NHS and community Care Act 1990
 - The Children Act 1989
 - The Adoption and Children Act 2002
 - The Carers (recognition and Services) Act 1995
 - The Carers and Disabled Children Act 2000
 - The Carers (Equal opportunities) Act 2004.

- (iii) This is considered to lead to inefficiencies and fragmentation within the current system causing difficulties for service users, practitioners, regulators and the judiciary in seeking to apply the law fairly and equitably.
- (iv) The 2014 Act introduces greater consistency of practice across Wales by introducing changes to the way care and support plans are prepared and maintained for adults and children, and the way support plans are prepared for carers.

3. Committee Consideration

The Committee considered the instrument at its meeting on 8 June 2015 and reports to the Assembly in line with the reporting points in section 2 above.