

THE SOCIAL CARE WALES (SPECIFICATION OF SOCIAL CARE WORKERS) (REGISTRATION) (AMENDMENT) REGULATIONS 2018

This Explanatory Memorandum has been prepared by the Health and Social Services Department and is laid before the National Assembly for Wales in conjunction with the above subordinate legislation 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 Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2018

I am satisfied that the benefits justify the likely costs.

Huw Irranca-Davies

Minister for Children and Social Care

23 January 2018

Part 1 – OVERVIEW

1. Description

The Social Care Wales (Specification of Social Care Workers) (Registration) Regulations 2016 (“the 2016 Regulations”), made under Section 80 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”), are being amended to enable domiciliary care workers to join the social care workers register, held by the workforce regulator Social Care Wales (“SCW”), on a voluntary basis from April 2018, ahead of their mandatory registration from 2020.

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

There are no specific matters that have been identified that are of interest to the Constitutional and Legislative Affairs Committee.

3. Legislative background

The Social Care Wales (Specification of Social Care Workers) (Registration) (Amendment) Regulations 2018 (“the 2018 Regulations”), made under section 80 of the Act, amend the 2016 Regulations to enable domiciliary care workers to join the workforce register, on a voluntary basis, from 2 April 2018.

The registration of domiciliary care workers will be carried out by SCW in accordance with Social Care Wales Rules made under sections 83 (registration requirements) and 84 (qualification requirements) of the Act.

These Regulations are to be made under the Affirmative procedure. Under this procedure a draft of the subordinate legislation is laid before the NAfW, but it can only be made (signed) by Welsh Ministers once a resolution of the NAfW has been passed, approving the draft.

4. Purpose & intended effect of the legislation

The purpose of the 2018 Regulations is to help deliver the Welsh Government’s commitment to professionalise and regulate the majority of the social care workforce by registering domiciliary care workers by 2020. Similar regulations will also be made to enable adult residential care workers to join the workforce register by 2022.

The 2018 Regulations, brought forward within Phase 2 of implementing the Act, will allow for the opening of the register to domiciliary care workers on a voluntary basis from April 2018, in advance of mandatory registration from 2020. This timescale is intended to provide the workforce time to engage and work with SCW, to understand the process and comply with the respective requirements, including qualifications, needed as part of registration.

To achieve this, the 2018 Regulations specify an additional description of social care workers in respect of which SCW must keep a register, namely those who are employed or engaged by a regulated domiciliary support service to provide care and

support. From 2020, domiciliary support services will not be permitted to employ or engage a person to work as a domiciliary care worker unless they are registered with SCW.

5. Consultation

An eight week consultation on the proposed extension of the register to domiciliary care workers was held between 12 June and 7 August 2017. Engagement events were also held on 21 June and 13 July as part of wider consultation events on the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017.

Respondents were generally supportive of the proposal to professionalise the workforce however, concerns were raised that not enough detail was provided around the fee levels and required qualifications associated with registration. SCW, as the workforce regulator, is responsible for these matters and consulted separately on them as detailed in the next paragraph. Respondents to the Welsh Government consultation also commented that registration, particularly any qualification requirements, could detrimentally impact on recruitment and retention within the sector. Views included:

- given the age of many of the domiciliary care workforce, many might be reluctant to begin an academic study at this point in their lives;
- some workers have come into the sector as either a second (or third) career and so might be inclined to leave the workforce if qualifications were introduced;
- some less academically inclined people would be put off from joining the sector or possibly leave it if such a requirement was imposed; and
- the cost of training staff could become prohibitive for some service providers and have significant financial implications that could force them out of the market.

The consultation summary report and a list of respondents to the consultation can be found at:

<https://consultations.gov.wales/consultations/phase-2-implementation-regulation-and-inspection-social-care-wales-act-2016-workforce>

Setting registration fees and any associated qualification requirements is the responsibility of SCW, who consulted separately on these matters. This consultation ran for 12 weeks between 24 July and 16 October 2017 and received more than 200 responses from individuals and organisations. Prior to the publication of the consultation, Welsh Government officials worked closely with SCW to discuss fee levels to ensure options in the consultation were affordable and proportionate for those being registered, in accordance with the Ministerial commitment made in 2015 during the scrutiny of the Regulation and Inspection of Social Care (Wales) Bill.

In respect of fee levels, responses to the SCW consultation highlighted concerns that the proposed fees for the domiciliary care workers would negatively impact the workforce, which was already perceived to be fragile. The responses raised concerns about the proposed fee levels for domiciliary care workers as some of the lowest paid workers. Responses also indicated that fees could act as an inhibitor to individuals coming to work in the sector, or could result in some of the existing workforce choosing

to leave the sector because of the added financial pressure. A number also questioned how SCW could highlight the benefits of registration and regulation to the workforce.

In relation to qualifications, responses were similar to those provided to the Welsh Government and whilst there was overall support for professionalising the domiciliary care workforce, there were concerns from respondents that key groups within the workforce (older workers and part time workers in particular) would not want to achieve the qualifications or would find it difficult to find the time to meet the requirement and hence might choose to leave the sector, exacerbating recruitment and retention issues. Other concerns were raised regarding the cost of the training, which would be greater where high levels of staff turnover were experienced.

SCW has analysed the consultation responses and has considered options to respond to feedback in relation to fee levels and qualification requirements being set for domiciliary care workers. SCW recognise the fragility of the sector and is seeking to introduce the new workforce registration in a balanced and proportionate way. Some of these measures include a phased introduction of fee increases, the introduction of grandfathering rights for those employed within the sector for a certain period of time and considering a broader range of qualifications as a requirement for registration.

As such the Welsh Government is content that opening the register on a voluntary basis from 2018 is proportionate and achievable for the sector. The Welsh Government has also provided SCW with additional funding to specifically aid with the preparatory work required to deliver the registration and regulation of the domiciliary care workforce.

PART 2 – REGULATORY IMPACT ASSESSMENT

These regulations enable domiciliary care workers to register on a voluntary basis from April 2018 in order to facilitate mandatory registration from 2020. As part of the registration process, workers are required to pay a fee that is used to help support the cost of the regulatory process. The responsibility for setting these registration fees and any associated qualification requirements rests with SCW, not the Welsh Government. However, the level of fees has a direct impact on the amount of funding through grant-in-aid that is provided to SCW by Welsh Government.

As the setting of the fees and qualification requirements is a separate matter from the Regulations, although reference is made to them in this Regulatory Impact Assessment (RIA), they are not analysed in detail. However, the Welsh Government worked with SCW to consider options for proportionate and affordable registration fees.

This RIA focuses only on the impacts of opening the register early.

The two options include:

- **Option one:** Do nothing - Mandatory registration from 2020;
- **Option two:** Open the register on a voluntary basis from 2018 to facilitate mandatory registration from 2020.

Option one: Do nothing - Mandatory registration from 2020

SCW estimates that there are approximately 20,000 domiciliary care workers that would be required to register by the mandatory deadline of 2020. If the register was not opened early then domiciliary care workers in Wales would continue to work as normal until 2020, when they will be required to register with SCW. It is likely that, until mandatory registration was imminent, many domiciliary care workers might put off engaging with SCW to understand what is to be required of them and are unlikely to have prepared for registration in advance. As such there may be a large influx of domiciliary care workers all seeking to register at the same time which will have resource implications for SCW.

Option two: Open the register on a voluntary basis from 2018 to facilitate mandatory registration from 2020.

Open the register to domiciliary care workers on a voluntary basis from 2018 to allow the workforce to begin the process of registration and to work with SCW to understand and begin to meet the associated registration requirements. This would also provide SCW with the opportunity to begin working with the sector (domiciliary care service employers and workers) to promote the benefits of registration, help them understand its purpose and generally guide them through the process. This option should enable the phased registration of the workforce ahead of mandatory registration from 2020.

The main difference between these two options is the financial year in which the associated costs are first incurred. The costs are incurred from an earlier year under option 2 than option 1.

Costs associated with each option

Option one: Do nothing - Mandatory registration from 2020

This is the Do Nothing option and as such there are no additional costs under this option. The following is a summary of the expected costs and when those costs are expected to be incurred in the baseline scenario.

Social Care Wales - Workforce regulator

If registration does not take place until 2020, then the costs associated with preparing for registration and then the subsequent process of registration and regulation of domiciliary care workers will be incurred by SCW from 2019-2020 rather than in 2017-18 if the register opened on a voluntary basis from 2018. In addition to this, if the register does not open until the point of mandatory registration then SCW will have to

register 20,000 workers in a short period of time – this influx is likely to require additional staffing to manage.

SCW has estimated that the costs associated with maintaining the register and regulating domiciliary care workers will be £2,774,000¹ in 2020-2021. These costs include direct staffing expenditure to manage the registration process and to oversee the conduct and fitness to practise processes, as well as indirect costs such as venue hire for conduct committees. This includes the following annual cost drivers:

- Approximately 40 cases going to a full Fitness to Practise hearing
- Approximately 60 cases dealt with by consent, without the need for a full hearing
- Administration costs for cases that do not go to full conduct hearings
- Increased staffing for the Registration Department, Fitness to Practise Department and Committee Management
- Variable costs of running the three regulation departments
- New premises space requirement

These costs can in part be mitigated through the collection of registration fees, which the regulator charges the workforce to help manage the register and investigate any potential breaches in fitness to practise. Setting fees for registration is the sole responsibility of SCW and not the Welsh Government. However, as this provides an income for SCW, it has an impact on the level of grant-in-aid funding it receives from the Welsh Government.

SCW has consulted on proposed fee levels. If the register is not opened until the mandatory deadline of 2020, then the fee level for domiciliary care workers would start at £25 for 2020-21. Based on an estimated 20,000 domiciliary care workers this is expected to generate approximately £500,000 of income from SCW in 2020-21. In 2021-22, the fee level is expected to rise to £30, generating fee income of approximately £600,000. The fee levels for future years will be kept under review by the workforce regulator.

Workforce

From 2020-21 the fee for domiciliary care workers registering will be £25 per annum giving a total cost of £500,000 for the estimated 20,000 workers and rising to £30 per annum in 2021-22 at a total of £600,000.

As well as the registration fee there is an associated cost for the workforce in respect of the time it takes to complete the registration process. It is estimated that it takes approximately an hour to complete and using the current 2017 national living wage for people aged 25 and over of £7.50 per hour as a baseline, this would equate to an additional cost of £7.50 per worker. For those requiring longer to complete the process this may increase to a total cost of £11.25 (90 minutes). This indicates that for the workforce the total costs associated with time required to register in 2020 will be between £150,000 and £230,000.

Social Care Providers (employers)

¹ Figures provided by Social Care Wales to aid the Regulatory Impact Assessment on costing the proposed regulation to open the register early in 2018.

There are potential financial impacts for employers who may opt to pay the fees for their employees, but as it is not possible to estimate how many employers will do this, all of the costs are shown as falling upon the workforces.

Employers may also face costs associated with training, for example releasing staff to complete training courses, to ensure that they are compliant with the requirements of registration. However, it is not possible to quantify the potential impacts of this without data on the current qualifications of the workforce and how this compares with the qualification requirements set by SCW. It should also be noted that a number of measures that SCW is considering to help the workforce register will help to mitigate some of these costs for example 'grandfathering rights' for domiciliary care workers who have worked in the sector for a certain period of time.

It is also possible employers could face increased recruitment and retention costs, as consultation responses highlighted concerns that workers could leave the sector, or be put off from entering the sector by the requirement to achieve academic qualifications. Again the impact of this cannot be estimated and SCW is considering measure to respond to concerns raised during the consultation to help mitigate some of these risks.

Welsh Government

Funding for SCW is determined on an annual basis, taking into account the Welsh Government's budget, ministerial priorities and the remit for SCW. SCW will, once the register is open to domiciliary care workers, receive an increased revenue stream from the registration fees it will collect from those workers and this will also be taken into account as part of funding discussions.

In 2017-2018 the Welsh Government provided Social Care Wales with £18,008 million grant-in-aid to deliver its remit of delivering a robust regulation system for the social care workforce and supporting the professionalisation of the social care workforce through effective training and development. This includes funding the direct and indirect costs associated with the registration of the social care workforce.

Outside of this grant-in-aid funding, the Welsh Government has provided £971,827 of funds to support the delivery of service improvement functions, including legislative training and support to aid the implementation of the Regulation and Inspection of Social Care (Wales) Act 2016 and for the preparation and support of the registration and regulation of domiciliary care workers. An additional sum of £119,500 has also been provided to specifically aid with the preparatory work required to deliver the registration and regulation of the domiciliary care workforce. Whilst this funding has been provided in 2017-18 to prepare for the extension of the register from 2018, if the register was not opened to domiciliary care workers until 2020, then this funding would not have been required until 2019-20.

Summary cost table for Option 1 (£)

	2017-18	2018-19	2019-20	2020-21	2021-22
SCW	0	0	0	2,774,000*	2,995,000**
Workforce	0	0	0	650,000-730,000	600,000
WG	0	0	119,000	0	0
Income from Fees***	0	0	0	- 500,000	-600,000
Total	0	0	119,000	2,924,000-3,004,000	2,995,000

* Higher than option 2 due to all 20,000 workers registering in one year

** Includes some costs for extending the register to adult residential care workers

***The fees represent income received by SCW to cover part of their administrative costs. This fee income is deducted from the total cost to avoid double-counting.

Option two: Open the register on a voluntary basis from 2018 to facilitate mandatory registration from 2020.

Social Care Wales - Workforce regulator

Opening the register early on a voluntary basis will allow those who become familiar with the registration process and those who already have the required qualifications to register in advance of the mandatory deadline. Whilst the majority of domiciliary care workers might find the option to register a new experience, a small number of these workers (1,226²) will understand the process if they were registered as part of a voluntary scheme that was overseen by the then workforce regulator, Care Council for Wales³.

This lead in period will also afford SCW the opportunity to engage with the wider domiciliary care workforce to help them understand the process and its benefits and to prepare them for mandatory registration by 2020. SCW expects 8,000 domiciliary care workers will register in the first year of the register being opened (2018-2019) with the remaining 12,000 following in 2019-2020; this phased approach will help to manage the cost on the workforce regulator.

SCW estimates that in 2018-19 the costs associated with maintaining the register and regulating domiciliary care workers will be £1,075,000 and in 2019-20 these will increase to £1,699,000. These costs include direct staffing expenditure to manage the registration process and to oversee the conduct and fitness to practice processes, as

² Figures provided by the then workforce regulator, the Care Council for Wales, to highlight the number of domiciliary care workers who signed up to its voluntary register for that category of worker – included in the RIA for the Regulation and Inspection of Social Care (Wales) Bill – paragraph 3.198, page 61.

<http://www.assembly.wales/laid%20documents/pri-ld10429/pri-ld10429-e.pdf>

³ From April 2017, the Care Council for Wales was transformed into a new body, Social Care Wales, with greater powers and responsibilities.

well as some indirect costs for the hire of a venue for conduct committees and conduct committee expenses.

As outlined in option 1 above, SCW has already received an increased grant-in-aid funding stream from the Welsh Government in 2017-2018 to deliver its remit of delivering a robust regulation system for the social care workforce and continuing to support the professionalisation and sustainability of the social care workforce through effective training and development. This includes funding the direct and indirect costs associated with the registration of the social care workforce, although some of the costs are offset by the collection of registration fees. Outside of this grant-in-aid funding, the Welsh Government has also provided a further £971,827 of funds to support the delivery of service improvement functions, including legislative training and support to aid the implementation of the 2016 Act and for the preparation and support of the registration and regulation of domiciliary care workers. The Welsh Government has also provided additional money (£119,500) for the preparatory work required to deliver the registration and regulation of the domiciliary care workforce.

Some of the increased costs will be offset by the collection of registration fees, when domiciliary care workers are registered they will be categorised as social care workers and required to pay a registration fee. Using SCW's estimates of 8,000 workers joining the register in 2018-19 when the annual registration fee is £15 this indicates an income of £120,000 in 2018-19 and then a further 12,000 will join in 2019-20 when the registration fee rises to £20 generating an income of £400,000. As with Option 1, the fees from 2020-21 are estimated to bring in an income of £500,000 in 2020-21 and £600,000 in 2021-22.

However, SCW has confirmed that the income generated by the charging of fees would not cover the full cost of registering and regulating the workforce and additional funding would be needed to meet the requirements of its regulatory remit. The Welsh Government has increased its grant-in-aid contribution following the discussions that it has had with SCW on this issue.

Workforce

In addition to the cost of the registration fee, which is £15 in 2018-19 and £20 in 2019-20, there is an associated cost for the workforce in respect of the time it takes to complete the registration process. It is estimated that it takes approximately an hour to complete the application process. If we apply the current 2017 national living wage for people aged 25 and over of £7.50 per hour as a baseline, we can calculate that this would equate to an additional cost of £7.50 per worker to complete their registration. If a worker requires longer completing the process, it may take an hour and a half (90 minutes) to fill out the registration process on line, increasing the cost to £11.25.

Using SCW's estimates of 8,000 joining the register in 2018-19 and 12,000 in 2019-20 this suggests the time taken to register will cost the workforce between £60,000 and £90,000 in the first year and £90,000 and £135,000 in the second year.

Social Care Providers (employers)

There are potential financial impacts for employers who may opt to pay the fees on behalf of their employees, but as this cannot be estimated, all of the costs are shown as falling upon the workforce.

As with option 1, employers may also face some costs associated with releasing staff to complete training courses to ensure that they are compliant with the requirements of registration. These training requirements are set by SCW. It is not possible to quantify these costs as we do not hold data on the current qualifications of the workforce and what skill gaps there might be. These costs may be incurred earlier under this option than under Option 1.

It is also possible that employers could face increased recruitment and retention costs, as the evidence received as part of the consultation highlighted concern that employees could either leave the sector, or potential employees could be put off by the requirement to achieve academic qualifications. It is not possible to quantify the potential impact of this. However, SCW is also proposing a number of measures to mitigate this risk, for example 'grandfathering rights' for domiciliary care workers who have worked in the sector for a certain length of time.

Welsh Government

Funding for SCW is determined on an annual basis, taking into account the Welsh Government's budget, ministerial priorities and the remit for SCW. SCW will, once the register is open to domiciliary care workers, receive an increased revenue stream from the registration fees it will collect from those workers and this will also be taken into account as part of funding discussions.

In 2017-2018 the Welsh Government provided Social Care Wales, with £18 million in grant-in-aid to deliver its remit of delivering a robust regulation system for the social care workforce and the continuing to support the professionalisation and sustainability of the social care workforce through effective training and development. This includes funding the direct and indirect costs associated with the registration of the social care workforce, although some of the costs are offset by the collection of registration fees.

Outside of this grant-in-aid funding, the Welsh Government has also provided a further £971,827 of funds to support the delivery of service improvement functions, including legislative training and support to aid the implementation of the Regulation and Inspection of Social Care (Wales) Act 2016 and for the preparation and support of the registration and regulation of domiciliary care workers. The Welsh Government has also provided additional money (£119,500) for the preparatory work required to deliver the registration and regulation of the domiciliary care workforce. SCW has identified a potential shortfall within its income from the fees if the numbers of cases that require investigation are slightly more than estimated. The Welsh Government has agreed to provide additional funding to help cover these potential costs if required from within its existing budgets, subject to discussions with SCW about how these could be mitigated.

Compared to option 1, these costs are incurred in 2017-18 to facilitate the opening of the register from 2018, whereas in option 1 they would be incurred in 2019-20 ahead of the register opening from 2020.

Summary cost table for Option 2 (£)

	2017-18	2018-19	2019-20	2020-21	2021-22
SCW	0	1,075,000	1,699,000	2,458,000*	2,995,000*
Workforce	0	180,000-210,000	490,000-535,000	500,000	600,000
WG	119,000	0	0	0	0
Income from fees**	0	- 120,000	- 400,000	- 500,000	-600,000
Total	119,000	1,135,000 - 1,165,000	1,789,000 - 1,834,000	2,458,000	2,995,000

* Includes some costs for extending the register to adult residential care workers

** The fees represent income received by SCW to cover part of their administrative costs. This fee income is deducted from the total cost to avoid double-counting.

Benefits associated with each option

Option one: Do nothing - Mandatory registration from 2020

The benefits of option 1 are that domiciliary care workers can continue to work as they currently do without having to pay any fees to SCW or to meet any specific training requirements for registration. As such, the concerns raised about the potential impact of registration on recruitment and retention are not likely to manifest in the near future, providing some stability in the sector and avoiding potential costs for employers.

Under this option SCW will also benefit from having a longer lead in time to prepare for the opening of the register and to communicate the new process.

Option two: Open the register on a voluntary basis from 2018 to facilitate mandatory registration from 2020.

Opening the register early on a voluntary basis, is intended to mitigate the potential risks of registering a large number of workers in a single go and allow for greater engagement with the sector to help them understand the process and its benefits. This will remove a potentially significant resource burden from SCW and allow it to more effectively manage the registration of the workforce.

Opening the register early will also provide an opportunity to identify any potential resource issues or processes that can either hinder or improve the registration process so that they can be addressed ahead of mandatory registration of the remaining domiciliary care workers and the extension of the register to adult residential care workers.

Extending the register early provides domiciliary care workers more time to understand the registration requirements and prepare for the process, it also enables those who already have the necessary qualifications to register in advance.

Allowing domiciliary care workers to register from an earlier point is expected to result in the benefits associated with worker registration being realised earlier. The main benefits are:

- Registering the domiciliary care workforce will further professionalise the sector and will help to reinforce the safeguarding of the public and raise the profile of the workforce. The public will be reassured that any worker that is registered with SCW has had to meet certain standards and will be held accountable if their conduct is called into question. Similarly, the workforce can be assured that, should their conduct be questioned, they would have opportunity to defend themselves before a panel of their peers.
- Registration should also empower workers to take charge of their own personal development and pursue opportunities with SCW to further their skills or qualifications through the SCW's various training and development programmes and drive continued improvement in the quality of service.

Risks associated with each option

Option one: Do nothing - retain the status quo

If nothing is done to raise the awareness of the need to register in advance of the mandatory deadline or facilitate earlier registration, SCW potentially faces being inundated with trying to register all 20,000 workers at once. This could place a significant burden on SCW staff and infrastructure that could lead to undue pressure on staff or a delay in processing applications to register.

There is also a risk of greater financial pressures on the regulator and ultimately the Welsh Government if the register did not open until 2020. Whilst SCW has planned for staffing levels to manage the application process, it might still have to redirect additional staff to help process a mass influx of applications which could draw staff away from other tasks to meet the demand, or SCW may have to recruit additional staff - SCW is currently recruiting for registration support workers with a starting salary of £18,126

Option two: Open the register on a voluntary basis from 2018 to facilitate mandatory registration from 2020.

If workers do not make use of the early opening of the register because it is voluntary then SCW could be inundated ahead of the mandatory deadline with applications that overburden its staff and infrastructure. This could lead to delays in registration.

If workers consider that the requirement for qualifications are not something they wish to undertake and/or that registration fees are too costly they may decide to leave the sector. This is likely to destabilise the sector and negatively impact on the provision of care. Whilst this is also a risk associated with option 1, it will occur at an early stage under option 2.

Whilst some of these risks are being mitigated by actions that SCW are currently undertaking to help clarify the process as part of its consultation – i.e. the possible fee

structure and qualifications with the sector - there are significant implications if the above risks materialise. It is difficult to quantify the potential impacts in financial terms if they materialise.

Although careful planning and discussion about opening the register early has taken place and the provision of additional funding has been made available to SCW, any significant influx of registration applications or delays in processing these applications could have knock on effects for those that seek to register closer to the deadline. Likewise, careful consideration will need to be given to the potential risks around failing to secure the workforce “buy in” to the benefits of registration. The loss of any significant numbers of the workforce will have substantial impacts on the delivery of services and the sector as a whole. The Welsh Government will continue to work with the workforce regulator, SCW, to monitor and manage the process to mitigate these possible impacts and risks.

Summary and preferred option

Two options have been considered. Although the costs are higher (because the costs will be incurred from an earlier year), Option two is the preferred option as it provides a phased approach to registration which will allow SCW to manage the extension of the register to a new section of the workforce in a controlled way. This option enables those works who already have the necessary qualifications to register in advance and it provides time for SCW to work with the workforce and employers to raise awareness of the new requirements ahead of them coming into effect.

Competition Assessment

The competition filter test	
Question	Answer yes or no
Q1: In the market(s) affected by the new regulation, does any firm have more than 10% market share?	No
Q2: In the market(s) affected by the new regulation, does any firm have more than 20% market share?	No
Q3: In the market(s) affected by the new regulation, do the largest three firms together have at least 50% market share?	No
Q4: Would the costs of the regulation affect some firms substantially more than others?	No
Q5: Is the regulation likely to affect the market structure, changing the number or size of firms?	No
Q6: Would the regulation lead to higher set-up costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q7: Would the regulation lead to higher ongoing costs for new or potential suppliers that existing suppliers do not have to meet?	No
Q8: Is the sector categorised by rapid technological change?	No
Q9: Would the regulation restrict the ability of suppliers to choose the price, quality, range or location of their products?	No

The filter test shows that it is not likely that the Regulations will have any detrimental effect on competition; therefore a detailed assessment has not been conducted.

We do not consider it necessary to undertake a competition assessment for these Regulations since they will not affect the business sector in any significant way.