

Draft Regulations laid before the National Assembly for Wales under section 196(6) of the Social Services and Well-being (Wales) Act 2014, for approval by resolution of the National Assembly for Wales.

DRAFT WELSH STATUTORY
INSTRUMENTS

SOCIAL CARE, WALES

The Partnership Arrangements (Miscellaneous Amendments) (Wales) Regulations 2019

EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations amend the Partnership Arrangements (Wales) Regulations 2015 (“the 2015 Regulations”) and the Care and Support (Partnership Arrangements for Population Assessments) (Wales) Regulations 2015 (“the Population Assessments Regulations”).

Regulation 1 (title, commencement, application and interpretation) is amended to define the term “older people”.

Regulations 5 and 6 (regional partnership boards, partnership arrangements) are amended in accordance with the boundary changes made to the Cwm Taf University Health Board and Abertawe Bro Morgannwg University Health Board.

Regulation 11 (membership of the regional partnership boards) is amended to specify that there will be “at least one” member from—

- (a) the local health board;
- (b) those who represent people with needs for care and support;
- (c) those who represent carers;

and “at least” two persons from the third sector on the regional partnership boards.

Regulation 11 is amended to ensure there are representatives from the housing sector on the regional partnership boards.

Regulation 12 (reports) is amended to add the requirement for partnership boards to submit their reports no later than 30 June.

Regulation 12A inserts a new provision for the partnership bodies, for each regional partnership board to prepare a regional commissioning strategy for care home places for older people.

Minor amendments are made to regulations 13 and 16.

Regulation 19 (establishment and maintenance of pooled funds) is amended to include a provision to ensure partnership bodies make a financial contribution to the single pooled fund; the sum of which to be commensurate with the anticipated need for care home accommodation as identified by the regional commissioning strategy.

The Population Assessment Regulations are amended in accordance with the boundary changes made to the Cwm Taf University Health Board and Abertawe Bro Morgannwg University Health Board.

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

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DRAFT WELSH STATUTORY
INSTRUMENTS

2019 No. (W.)

SOCIAL CARE, WALES

**The Partnership Arrangements
(Miscellaneous Amendments)
(Wales) Regulations 2019**

Made ***

Coming into force ***

The Welsh Ministers, in exercise of the powers conferred by sections 166(1)(b), (3) and (4)(a), 167(3) and 168(2)(a) of the Social Services and Well-being (Wales) Act 2014 (1), make the following Regulations.

A draft of these Regulations was laid before the National Assembly for Wales under section 196(6) of the Act and has been approved by a resolution of the National Assembly for Wales.

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Partnership Arrangements (Miscellaneous Amendments) (Wales) Regulations 2019.

(2) These Regulations come into force on 1 April 2019.

(3) These Regulations apply in relation to Wales.

(1) 2014 anaw 4.

(4) In these Regulations, “the 2015 Regulations” (“*Rheoliadau 2015*”) means the Partnership Arrangements (Wales) Regulations 2015 (1).

(5) In these Regulations, “the Population Assessment Regulations” means the Care and Support (Partnership Arrangements for Population Assessments) (Wales) Regulations 2015(2).

Amendments to the 2015 Regulations

2. The 2015 Regulations are amended in accordance with regulations 3 to 11.

Interpretation

3. In regulation 1 (title, commencement, application and interpretation), in paragraph (4) insert the following definition in the appropriate alphabetical order—

““older people” (*“pobl hŷn”*) means persons aged 60 or over;”.

Regional partnership boards

4. In regulation 5 (partnership arrangements under the direction of Western Bay regional partnership board), in paragraph (1) omit “Bridgend County Borough Council.”

5. In regulation 6 (partnership arrangements under the direction of Cwm Taf regional partnership board), paragraph (1) before “Cwm Taf” insert “Bridgend County Borough Council”.

Membership of regional partnership boards

6. Regulation 11 (membership of regional partnership boards) is amended as follows—

- (a) in paragraph (1)(d) for “a” substitute “at least one”;
- (b) in paragraph (1)(e) before “two persons” insert “at least”;
- (c) in paragraph (1)(g) before “one person” insert “at least”;
- (d) in paragraph (1)(h) before “one person” insert “at least”;
- (e) after paragraph (1)(h) insert—
 - “(i) at least one senior local authority officer who has responsibility for capital investment in housing for

(1) S.I. 2015/1989 (W. 299).

(2) S.I. 2015/1495 (W. 167).

the area covered by the regional partnership board;

- (j) at least two persons who represent registered social landlords for the area covered by the regional partnership board.”

(2) In paragraph (4) insert the following definition in the appropriate alphabetical order—

““registered social landlord” (*“landlord cymdeithasol cofrestredig”*) means a Welsh body registered with the Welsh Ministers under Part 1 of the Housing Act 1996 (1);”

Reports

7. In regulation 12 (reports), in paragraph (3) after “annually” insert “no later than 30 June”.

Regional commissioning strategy

8. After regulation 12 insert—

“Regional Commissioning Strategy – care home places for older people

12A.—(1) The partnership bodies for each regional partnership board area (2) must together prepare a strategy setting out their arrangements for commissioning care home places for older people and this strategy is referred to in this regulation as a “regional commissioning strategy”.

(2) A regional commissioning strategy must—

- (a) be prepared with regard to the plan or plans prepared by each of the partnership bodies under section 14A of the Act;
- (b) record the agreement reached by the partners about commissioning of care home places for older people including agreement about—
 - (i) the different types of accommodation required; and
 - (ii) the number of care home places required.

(3) The partnership bodies for each regional partnership board area must prepare and publish their first regional commissioning strategy by

(1) 1996 c. 52.

(2) The partnership board areas are set out in Regulations 2 – 8 of the 2015 Regulations.

April 2020 and must review the strategy annually.

(4) Nothing in this regulation prevents partnership bodies from preparing commissioning strategies for other services in response to needs identified in the assessment which the partnership bodies have undertaken in accordance with section 14 of the Act.”

Information sharing

9. In regulation 13 (information sharing), in paragraph (1), for “by” substitute “in accordance with”.

Establishment of integrated family support teams

10. In regulation 16 (establishment of integrated family support teams), in paragraph (1), for “partnership arrangements” substitute “regional partnership board areas”.

Pooled funds – care home places for older people

11. Regulation 19 (establishment and maintenance of pooled funds) is amended as follows—

(a) in paragraph (1)—

(i) for “partnership arrangements” substitute “regional partnership board areas”;

(ii) in subparagraph (a), before “care home” insert “older people”;

(b) after paragraph (1) insert—

“(1ZA) The partnership bodies must discharge the duty to establish and maintain a pooled fund in relation to older people care home accommodation functions under paragraph (1)(a) of this regulation by establishing and maintaining a single fund for each regional partnership board area to which all of the partners for each regional partnership board area make financial contributions.

(1ZB) The partnership bodies must ensure that the sum of the contributions made by them to the pooled fund required under paragraph (1)(a) is commensurate with the anticipated need for care home accommodation identified in the regional commissioning strategy prepared in accordance with regulation 12A.”

(c) in paragraph (2), for the definition of “care home accommodation functions”, substitute—

““older people care home accommodation functions” (“*swyddogaethau llety cartref gofal pobl hŷn*”) means—

- (a) the functions of a local authority under section 35 and 36 of the Act, where these are exercised in relation to older people to provide accommodation in care homes;
- (b) the functions of a Local Health Board under section 3 of the National Health Service (Wales) Act 2006 (1) where they are exercised in relation to older people who—
 - (i) have a primary need for health care which is met by arranging the provision of accommodation together with nursing in care homes, or
 - (ii) do not have a primary need for health care but who have needs which can only be met by the local authority arranging for the provision of accommodation together with nursing in a care home.”

Amendments to the Population Assessment Regulations

12. The Population Assessment Regulations are amended in accordance with the following provision.

Schedule for specified partnership arrangements

13. The table for partnership arrangements is amended as follows—

- (a) for the Abertawe Bro Morgannwg University Health Board omit “Bridgend County Borough Council” from the Local Authority column.
- (b) for the Cwm Taf University Health Board insert “Bridgend County Borough Council” to the Local Authority column.

Huw Irranca-Davies

Minister for Children, Older People and Social Care
under authority of the Cabinet Secretary for Health and
Social Services, one of the Welsh Ministers.

Date

(1) 2006 c. 42.

