

*These notes refer to the Regulation and Inspection of Social Care (Wales) Act 2016 (c.2) which received Royal Assent on 18 January 2016*

# **REGULATION AND INSPECTION OF SOCIAL CARE (WALES) ACT 2016**

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## **EXPLANATORY NOTES**

### **POLICY BACKGROUND**

3. *Sustainable Social Services for Wales: A Framework for Action*, published in February 2011, set out the Welsh Government’s policy direction towards a whole system change in respect of social care in Wales. The main aims of this document were to –
  - Deliver better social services by providing users and carers with a much stronger voice and greater control over the services they receive.
  - Ensure people receive the help they need to live fulfilled lives.
4. The Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”) was the first piece of legislation taken forward to achieve these aims. The 2014 Act replaces the previous legislative framework for the provision of social care to adults and children with a comprehensive new system placing the well-being of those in receipt of care and support at the heart of the regulatory system.
5. The changes introduced as part of the 2014 Act necessitated a complete overhaul of the regulatory system in Wales in respect of social care. As such the aims of this Act are linked to changes introduced by the 2014 Act. They are –
  - To place the citizen at the heart of the system.
  - To create a system that understands the impact of services on the lives of people.
  - To ensure providers of services are appropriately accountable.
  - To improve information sharing and co-operation.
  - To better understand the future and avoid unexpected failures.
  - To support the development of the best workforce possible.
  - To deliver a robust and transparent system of regulation for service providers and for the workforce.
  - To reduce complexity of the law and provide future flexibility.
6. In short, the 2014 Act sets out the system for the provision of social care, this Act sets out the system for regulating and inspecting that provision.
7. There have been a number of inquiries and reviews relating to the provision of social care which were conducted in the years preceding the passing of the Act and which therefore influenced the content of the Act itself. The relevant reviews and inquiries are—

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- The response to Southern Cross where a large number of care homes were closed at extremely short notice due to the decision of the provider to end its service provision.
- The response to Winterbourne View which involved the criminal abuse and neglect of vulnerable adults in England <https://www.gov.uk/government/publications/winterbourne-view-hospital-department-of-health-review-and-response>;
- The report by Robert Francis Q.C. of the Mid Staffordshire NHS Foundation Trust Public Inquiry (the Francis inquiry - *Report of the Mid Staffordshire NHS Foundation Trust Public Inquiry* <https://www.gov.uk/government/publications/report-of-the-mid-staffordshire-nhs-foundation-trust-public-inquiry>); and
- The report by Margaret Flynn commissioned by the Welsh Government into the neglect of residents at several care homes in South East Wales investigated by Gwent Police as Operation Jasmine (*In Search of Accountability- A review of the neglect of older people living in care homes investigated as Operation Jasmine by Margaret Flynn* <http://gov.wales/topics/health/publications/socialcare/reports/accountability/?lang=en>).