

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

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Part 1 – Regulation of Social Care Services

Chapter 6: Sections 56-58 – Local authority social services

Section 58 - Regulation of local authority functions relating to looked after and accommodated children

108. Part 6 of the 2014 Act makes provision in relation to looked after and accommodated children and there are a number of regulation making powers provided to the Welsh Ministers to make provision about the exercise of those functions.
109. Those functions under Part 6 are therefore to be regulated under new sections 94A and 94B inserted into the 2014 Act by section 58. Section 94A states that regulations can make provision for the regulation of local authority functions in relation to looked after and accommodated children and section 94B provides for regulations to specify that breaches of regulations under section 94A may be an offence. As with offences relating to breaches of requirements under Part 1 of the Act (see sections 44, 45 and 51) an offence under section 94B of the 2014 Act is an either way offence punishable by a maximum of 2 years in prison, an unlimited fine or both. This replaces the provisions about regulation of “relevant fostering functions” in Part 3 of the 2000 Act that are no longer applicable in relation to Wales (see the amendments made to the 2000 Act by Schedule 3 to this Act).