



Regulation and Inspection of Social Care (Wales) Act 2016

2016 anaw 2

PART 1

REGULATION OF SOCIAL CARE SERVICES

CHAPTER 6

LOCAL AUTHORITY SOCIAL SERVICES

56 Reports by local authorities and general duty of the Welsh Ministers

(1) After section 144 of the 2014 Act (directors of social services) insert—

“144A Annual reports

- (1) As soon as is reasonably practicable after the end of a financial year, a local authority must prepare and publish an annual report about the exercise of the social services functions of the authority in respect of that year.
- (2) The annual report must include—
 - (a) details of how the authority has exercised its social services functions during the financial year, including details of the extent to which the authority has—
 - (i) acted in accordance with requirements imposed on local authorities by a code issued under section 9 (codes to help achieve outcomes in relation to well-being),
 - (ii) acted in accordance with any relevant requirements contained in a code issued under section 145 (codes about the exercise of social services functions), and

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- (iii) had regard to any relevant guidelines in a code issued under section 145, and
 - (b) such other information as may be prescribed by regulations.
- (3) The details provided under subsection (2)(a)(ii) must state how the authority has satisfied any requirements contained in a code relating to assessing the needs of an individual in accordance with Part 3 and meeting needs under Part 4.
- (4) An annual report must be in such form as may be prescribed by regulations.
- (5) A local authority must send a copy of a published annual report to the Welsh Ministers.
- (6) In this section, “financial year” means the period of one year beginning on 1 April and ending on 31 March.

144B Local market stability reports

- (1) A local authority must prepare and publish a local market stability report at such times as may be prescribed by regulations.
- (2) A local market stability report must include—
- (a) an assessment of—
 - (i) the sufficiency of provision of care and support in the local authority area during such period as may be prescribed by regulations;
 - (ii) the extent to which regulated services were provided in the local authority area during that prescribed period by service providers to whom section 61 of the Regulation and Inspection of Social Care (Wales) Act 2016 (assessment by the Welsh Ministers of financial sustainability of service provider) applies;
 - (iii) any other matter relating to the provision of regulated services in the local authority area as may be prescribed by regulations;
 - (iv) the effect on the exercise of the local authority's social services functions of the commissioning by the authority of any services in connection with those functions during such period as may be prescribed by regulations;
 - (b) a report of any action taken by the local authority during the period prescribed under paragraph (a)(i) in pursuance of its duty under section 189(2) (temporary duty to meet needs in the case of a provider failure).
- (3) A local market stability report must be in such form as may be prescribed by regulations.
- (4) In preparing a local market stability report, a local authority must—
- (a) take account of—
 - (i) the assessment it has most recently published under section 14 (needs assessments), and

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- (ii) the plan it has most recently published under section 14A following the assessment, and
 - (b) consult with each Local Health Board with which it carried out the assessment.
- (5) A local authority must send a copy of a published local market stability report to the Welsh Ministers.
- (6) Before making regulations under subsection (2)(a)(iii) the Welsh Ministers must consult any persons they think appropriate.
- (7) But the requirement to consult does not apply to regulations which—
 - (a) amend other regulations made under that subsection, and
 - (b) do not, in the opinion of the Welsh Ministers, effect any substantial change in the provision made by the regulations to be amended.
- (8) In this section—
 - (a) “service provider” has the meaning given by section 3(1)(c) of the Regulation and Inspection of Social Care (Wales) Act 2016;
 - (b) “regulated service” has the meaning given by section 2(1) of that Act.

General duty of the Welsh Ministers

144C General duty of the Welsh Ministers

In exercising functions under this Part the Welsh Ministers must seek to promote and maintain high standards in the provision of local authority social services functions.”

- (2) In section 196(6) of the 2014 Act (regulations made only if draft approved by resolution of the National Assembly for Wales), after paragraph (c) insert—
 - “(d) the first regulations made under section 144A(2)(b);”.

Modifications etc. (not altering text)

- C1** Pt. 1 applied (with modifications) (29.4.2019) by [The Regulated Advocacy Services \(Service Providers and Responsible Individuals\) \(Wales\) Regulations 2019 \(S.I. 2019/165\)](#), regs. 1(2), **58(3)**
- C2** Pt. 1 applied (with modifications) (29.4.2019) by [The Regulated Fostering Services \(Service Providers and Responsible Individuals\) \(Wales\) Regulations 2019 \(S.I. 2019/169\)](#), regs. 1(2), **71**
- C3** Pt. 1 applied (with modifications) (29.4.2019) by [The Regulated Adoption Services \(Service Providers and Responsible Individuals\) \(Wales\) Regulations 2019 \(S.I. 2019/762\)](#), regs., **57(3)**
- C4** Pt. 1 applied (with modifications) (29.4.2019) by [The Adult Placement Services \(Service Providers and Responsible Individuals\) \(Wales\) Regulations 2019 \(S.I. 2019/163\)](#), regs. 1(2), **67(3)**

Commencement Information

- I1** S. 56(1) in force at 4.9.2017 for specified purposes by [S.I. 2017/846](#), **art. 2(a)**
- I2** S. 56(1) in force at 29.4.2019 for specified purposes by [S.I. 2019/864](#), **art. 2(3)(b)**
- I3** S. 56(1) in force at 23.2.2021 for specified purposes by [S.I. 2021/181](#), **art. 2(a)**
- I4** S. 56(2) in force at 4.9.2017 by [S.I. 2017/846](#), **art. 2(b)**

Changes to legislation:

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