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WELSH STATUTORY INSTRUMENTS

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**2001 No. 2136**

**The Care Council for Wales (Appointment,  
Membership and Procedure) Regulations 2001**

**Appointment of members**

- 2.—(1) The Council shall consist of a chair and no more than twenty four other members.
- (2) All of the members shall be appointed by the National Assembly.
- (3) Before appointing any member the National Assembly shall consult such persons, if any, as it considers appropriate.
- (a) (4) (a) The National Assembly shall seek to secure that at all times a majority of the members of the Council are lay persons.
- (b) The chair shall be a lay person.
- (c) The chair is a member for the purposes of sub-paragraph (a).
- (5) Subject to paragraph (8) a person is a lay person if they do not fall within any of the categories described in paragraph (6).
- (6) The categories are:
- (a) persons who are social care workers;
  - (b) persons engaged in work for the purposes of a local authority's social services functions, or in the provision of services similar to services which may or must be provided by local authorities in the exercise of those functions;
  - (c) persons managing, or employed in, an undertaking (other than an establishment or agency) which consists of or includes supplying persons to provide personal care;
  - (d) persons employed in a day centre to provide nursing or personal care;
  - (e) persons participating in a course approved by any Council;
  - (f) persons participating in a course approved by CCETSW;
  - (g) persons whose names are included in a register of persons required to be kept by any Council;
  - (h) persons who are concerned in the provision of a training course in relevant social work (which shall include persons who facilitate the training of persons participating in such a course);
  - (i) persons who are concerned in the provision of a training course for persons who are or wish to become social care workers (which shall include persons who facilitate the training of persons participating in such a course);
  - (j) persons who
    - (i) are employed by, or hold a position within, a professional or other body whose activities consist of, or include, any of the following: the promotion of the interests of social care workers; the representation of the interests of social care workers; or the promotion of good practice in social care; and

- (ii) who do so promote or represent (as the case may be) in the course of their employment or position;
  - (k) persons who either alone or with others employ social care workers except where the employment forms part of the domestic arrangements for any employing person or a member of their family;
  - (l) persons who for, or on behalf of, their employer make employment decisions about social care workers;
  - (m) persons who make decisions about social care workers for, or on behalf of, a social work agency;
  - (n) persons who employ a person described in (m);
  - (o) persons who are directors of company which is a social work agency or which employs social care workers as part of its business activities;
  - (p)
    - (i) persons who have a pecuniary interest in a company which is a social work agency or which employs social care workers as part of its business activities, unless paragraph (ii) of this sub-paragraph applies;
    - (ii) this paragraph applies if the pecuniary interest is so remote or insignificant that it cannot reasonably be regarded as likely to be within the contemplation of that person, if appointed, when undertaking any activity that the office of member of the Council may entail;
  - (q) persons who are members of a local authority;
  - (r) persons who are members of any public body, or who hold any public office, which employs social care workers in connection with any of its functions; and
  - (s) persons who are members of a committee (including a sub-committee) of a public body of a type mentioned in paragraph (r) if the task of the committee consists of, or includes, the monitoring or supervision of social care workers or the services they provide.
- (7) If regulations are made by the National Assembly under section 55(3) of the Act that provide that for the purposes of Part IV of the Act any person falling within any of the categories described in sub-paragraphs (b)—(e) of paragraph (6) shall be treated as a social care worker then for the purposes of these Regulations that person is to be treated as falling within sub-paragraph (a) of paragraph 6 and not any of the sub-paragraphs just mentioned.
- (a)
    - (8) (a) If the National Assembly is considering whether or not to appoint as a member of the Council a person who does not fall within any of the categories described in paragraph 6, but who did previously do so, it shall, having regard to the aim described in sub-paragraph (b) below, determine whether or not that person is to be treated as a lay person for the purposes of these regulations.
  - (b) The aim is that the Welsh public should not perceive lay person members of the Council to be closely connected to organisations whose activities are affected by the exercise of the Council's functions under the Act.