

2016 No. (W.)

SOCIAL CARE, WALES

**NATIONAL HEALTH
SERVICE, WALES**

**The Care and Support (Area
Planning) (Wales) Regulations 2016**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Section 14A of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”) requires local authorities and Local Health Boards to each prepare and publish a plan following the carrying out of an assessment of needs under section 14 of the 2014 Act (known as a “population assessment”). This plan (known as an “area plan”) must set out, amongst other things, the range and level of services the body proposes to provide, or arrange to be provided, in response to the population assessment.

These Regulations make provision about area plans, including specifying when an area plan is to be published (regulation 2), the review and revision of area plans (regulation 3), persons who should be provided with copies of area plans (regulation 4), the taking of steps to engage with citizens and the private and third sectors in the preparation of area plans (regulations 5 and 6) and the monitoring and evaluation of area plans (regulation 7).

The Regulations include provision for how each of the regulations is to apply if a local authority or Local Health Board has decided to exercise powers under section 14A(4) or (5) of the 2014 Act to prepare and publish a joint area plan.

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Made ***

Laid before the National Assembly for Wales

Coming into force ***

The Welsh Ministers, in exercise of the powers conferred by section 14A(6)(b) and (7) of the Social Services and Well-being (Wales) Act 2014⁽¹⁾, make the following Regulations:

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is the Care and Support (Area Planning) (Wales) Regulations 2016.

(2) These Regulations come into force on 18 November 2016 and apply in relation to Wales.

(3) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Social Services and Well-being (Wales) Act 2014;

“area plan” (“*cynllun ardal*”) means the plan which a relevant body is required to prepare in accordance with section 14A(2) of the Act;

“joint area plan” (“*cynllun ardal ar y cyd*”) means an area plan which has been prepared by a relevant body jointly with another relevant body in accordance with the powers in section 14A(4) or (5) of the Act;

(1) 2014 anaw 4. Section 14A was inserted by the Well-being of Future Generations (Wales) Act 2015 (anaw 2), Schedule 4, paragraph 34.

“population assessment report” (*“adroddiad asesiad poblogaeth”*) means the report which is required to be produced in accordance with regulation 5 of the population assessments regulations;

“Regional Partnership Board” (*“Bwrdd Partneriaeth Rhanbarthol”*) means one of the boards which are required to be established in accordance with regulations 2 to 8 of the partnership arrangements regulations;

“relevant body” (*“corff perthnasol”*) has the same meaning as in section 14A(1) of the Act;

“relevant Regional Partnership Board” (*“Bwrdd Partneriaeth Rhanbarthol perthnasol”*) means the Regional Partnership Board which has been established for the area of the relevant body;

“the partnership arrangements regulations” (*“y rheoliadau trefniadau partneriaeth”*) means the Partnership Arrangements (Wales) Regulations 2015⁽¹⁾;

“the population assessments regulations” (*“y rheoliadau asesiadau poblogaeth”*) means the Care and Support (Population Assessments) (Wales) Regulations 2015⁽²⁾.

Publication of area plans

2.—(1) The first area plan (or, if applicable, the first joint area plan) must be published by 1 April 2018.

(2) Subsequent area plans (or, if applicable, joint area plans) must be published within one year after the date on which the most recent population assessment report is required to be published.

Review

3. In the event that an addendum to a population assessment report is issued in accordance with regulation 7 of the population assessments regulations, the relevant body which has prepared an area plan following that report (or, if applicable, the relevant bodies which have prepared a joint area plan following that report) must—

- (a) review the most recent area plan (or joint area plan, if applicable);
- (b) consider whether the plan needs to be revised;
- (c) if it is decided to revise the plan, prepare a revised plan as soon as practicable following the issue of the addendum;
- (d) publish any revised plan.

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

(2) S.I. 2015/1367 (W. 135).

Copies of plans

4. A relevant body which has prepared an area plan (or, if applicable, the relevant bodies which have prepared a joint area plan) must—

- (a) include a copy of the plan (and, if applicable, a copy of any revised plan) as part of the annual report published by the relevant Regional Partnership Board, and
- (b) submit any such plan or revised plan to the Welsh Ministers.

Citizen engagement

5.—(1) In preparing an area plan (or, if applicable, a joint area plan), a relevant body (or, in the case of a joint area plan, the relevant bodies) must take reasonable steps to engage with—

- (a) people in the area who have or may have needs for care and support,
- (b) people in the area with parental responsibility for children who have or may have needs for care and support, and
- (c) carers in the area who have or may have needs for support.

(2) In paragraph (1), “the area” (“*yr ardal*”) means the area covered by the area plan (or, if applicable, the joint area plan).

(3) A relevant body (or, in the case of a joint area plan, the relevant bodies) must establish a procedure for the engagement required by paragraph (1).

Engagement with the private sector and third sector

6.—(1) In preparing an area plan (or, if applicable, a joint area plan), a relevant body (or, in the case of a joint area plan, the relevant bodies) must engage with any private sector organisation or third sector organisation which it believes is concerned with or has an interest in the provision of care and support or preventative services to the population of the area covered by the plan.

(2) For the purposes of this regulation, “third sector organisation” (“*sefydliad trydydd sector*”) has the same meaning as in section 16(2) of the Act(1).

(1) In section 16(2) of the Act, “third sector organisation” means an organisation which a person might reasonably consider to exist wholly or mainly to provide benefits to society.

Monitoring and evaluation

7. A relevant body (or, in the case of a joint area plan, the relevant bodies) must take appropriate steps to monitor and evaluate the services and other action set out in the area plan (or, if applicable, the joint area plan).

Rebecca Evans

Minister for Social Services and Public Health, one of
the Welsh Ministers

Date