

# WELSH GOVERNMENT INTEGRATED IMPACT ASSESSMENT

<b>Title of proposal:</b>	<b>Amendments to the Regulation and Inspection of Social Care (Wales) Act 2016 about service regulation and inspection</b>
<b>Official(s) completing the Integrated Impact Assessment (name(s) and name of team):</b>	<b>Regulation &amp; Inspection Policy Branch</b>
<b>Department:</b>	<b>Health and Social Services Group</b>
<b>Head of Division/SRO (name):</b>	<b>Taryn Stephens</b>
<b>Cabinet Secretary/Minister responsible:</b>	<b>Minister for Social Care</b>
<b>Start Date:</b>	<b>October 2022</b>

## SECTION 1. WHAT ACTION IS THE WELSH GOVERNMENT CONSIDERING AND WHY?

### Background

The Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”) established a new regulatory framework for care and support services (“regulated services”) in Wales, replacing the Care Standards Act 2000. It also reformed the regulation of the social care workforce.

This impact assessment relates to changes to Part 1 of the 2016 Act which sets out the regulatory regime for regulated services, service providers and designated responsible individuals. The mechanism for making these changes is via the Health and Social Care (Wales) Bill.

The 2016 Act aligned the system of service regulation and inspection with the ethos of the Social Services and Well-being (Wales) Act 2014, placing greater emphasis on people’s well-being and personal outcomes. The 2016 Act created a service-based system of regulation which moved beyond an approach based on compliance with minimum standards to one of continual improvement, which could reflect the quality of services. It rebalanced accountability within the system so that the appropriate individuals could be held responsible in law. It also aimed to provide greater transparency and comparability across services in Wales.

There are 8 regulated services defined in Schedule 1 of the 2016 Act:

- Care home services (adults and children)
- Domiciliary support services
- Adult placement services
- Secure accommodation services
- Fostering services
- Adoption services
- Residential family centre services
- Advocacy services

We have brought forward regulations to prescribe Special School Residential Services as a regulated service under the 2016 Act and to complete the regulatory framework. The Regulations and statutory guidance will apply to Special School Residential Services once their application for registration has been determined by Care Inspectorate Wales (CIW) from April 2024 onwards.

CIW is an operationally separate arm of the Welsh Government, responsible for registering, inspecting and taking action to improve the quality and safety of regulated care services in Wales. Where the 2016 Act places requirements on the Welsh Ministers, in practice this is undertaken by CIW.

As the regulatory framework under the 2016 Act has become established, the Welsh Government – in collaboration with CIW - has identified several areas for improvement to

enable it to operate more effectively. The proposed changes serve to resolve anomalies, achieve the original policy intent, and assist CIW in carrying out its regulatory processes and activities.

The proposed amendments have been grouped into three categories:

- 1) Identifying services operating without registration
- 2) Publication of annual returns
- 3) Cancellation of registration

## **Consultation**

A public consultation was held between 17 August and 7 November 2022 to invite views on the proposed changes as set out in Chapter 4 of the consultation document:

<https://gov.wales/proposed-changes-legislation-social-care-and-continuing-health-care>

A summary of the impacts, costs and savings for each of the categories is set out below, as well as an overall consideration of the five ways of working within the Well-being of Future Generations (Wales) Act 2015 which are to:

- take account of the long term
- help to prevent problems occurring or getting worse
- take an integrated approach
- take a collaborative approach, and
- consider and involve people of all ages and diversity.

### **Category 1: Identifying services operating without registration**

Part of the inspectorate's role is to identify and take appropriate enforcement action against those it believes to be operating a regulated service without the registration required to do so. To do this CIW must have the power to require key information from people it has reasonable cause to believe are operating a regulated service without registration.

Whilst it is an offence under section 5 of the 2016 Act to provide a regulated service without being registered to do so, the 2016 Act lacks clarity about the inspectorate's powers to request information from persons which CIW has reasonable cause to believe are operating without registration.

#### **Power to require information**

Section 32 of the 2016 Act contains a power to require information, related to the registration of service providers, from "relevant persons". The "relevant persons" are:

- service providers,
- responsible individuals,
- a person employed by or otherwise working for a service provider, and
- any person who has held any of those positions.

The list of “relevant persons” does not extend to people who are operating a regulated service without registration. This omission could make it more difficult for CIW to obtain key information from individuals who are operating a regulated service without being registered to do so.

The power to require information from those providing a regulated service without registration was clearly set out in the previous legislation, the Care Standards Act 2000 (“the Care Standards Act”). Section 31 (1) of the Care Standards Act states:

*The registration authority may at any time require a person who carries on or manages an establishment or agency to provide it with any information relating to the establishment or agency which the registration authority considers it necessary or expedient to have for the purposes of its functions under this Part.*

Under the Care Standards Act, the use of the words “establishment or agency” relate to the service more generally and the activities being undertaken by the service, rather than its status as being registered with the inspectorate.

We intend to amend the 2016 Act to provide the Welsh Ministers with a power to require persons who are providing a regulated service in respect of which they are not registered to provide information under section 32 of the 2016 Act.

This will restore the previous position under the Care Standards Act.

### Offences

It is an offence, under section 49 of the 2016 Act, for a person to fail to comply with a requirement imposed on the person by the Welsh Ministers under section 32(1) of the 2016 Act. This offence will apply in connection with the proposed amendment. Penalties upon conviction could be a fine or up to 2 years imprisonment or both.

A full justice impact assessment has been completed.

### **Impact**

As is evident from the wording in the Care Standards Act, there is a clear precedent for this power. It is well understood in the social care sector that a core part of the inspectorate’s role is to investigate services that are operating without registration. As such, on an operational level, CIW continues to request information from services believed to be operating without registration, relying on a purposive interpretation of the provision (applying the law in a way which aligns with the underlying purpose or intent of the legislation).

The table below sets out the number of investigations that CIW has undertaken in respect of services operating without registration between January 2018 and May 2023 by service type. CIW has advised that inspectors have requested information from these services in all cases.

<b>CIW investigations of services operating without registration</b>	
<b>Type of service</b>	<b>Number of operating-without-registration investigations by CIW from 2018 to May 2023</b>
Adult Placement Service	17
Advocacy Service	6
Care Home Service - Adults	88
Care Home Service - Adults and Children	10
Care Home Service – Children	382
Domiciliary Support Service	222
Fostering Service	5
Residential Family Centre	2
Secure Accommodation Service	8
<b>Total</b>	<b>740</b>

The most recent data from CIW shows that, between January and June 2023, there were 161 investigations of services operating without registration.

Although CIW is currently requesting information from individuals believed to be operating a regulated service without registration the fact that the 2016 Act does not include an express power to require information in these circumstances could prevent CIW from carrying out its functions, and/or leave CIW vulnerable to legal challenge.

Amending the 2016 Act will restore the previous position under the Care Standards Act 2000. It will provide clarity on the Welsh Ministers' legal powers to establish whether individuals are operating a service without registration. This will reduce the risk of legal challenge and support the aim of safeguarding vulnerable individuals who may be at risk from using a service which does not have the necessary oversight or measures in place to ensure their safety and well-being.

This amendment addresses two of the five ways of working within the Well-being of Future Generations (Wales) Act 2015 by resolving the issue in the long term and preventing the problem from getting worse.

There will be no impact for existing providers and responsible individuals of services that are already registered. We do not consider there to be any negative impacts to this proposal.

### ***Risks***

There may be a very small risk that by highlighting this oversight within the 2016 Act, which otherwise might have gone unnoticed, could potentially lead to people not co-operating with CIW's requests for information, before the amendment comes into force.

### ***Costs and savings***

We do not consider there to be any direct costs or savings associated with this proposal, as the inspectorate is already fulfilling this function in practice.

## **Category 2: Publication of annual returns**

Section 10 of the 2016 Act requires service providers to submit an annual return to the Welsh Ministers (CIW) at the end of each financial year during which the provider is registered. The annual return must contain key information about the operation of the service, as well as a statement of compliance. The purpose of the annual return is to provide transparent, comparable information to the public about regulated services in Wales.

Details of the information to be included in an annual return is set out on the face of the Act and in the Regulated Services (Annual Returns) (Wales) Regulations 2017, as amended. The requirements include information about the service provision, the responsible individual, information about staffing (such as numbers of staff, turnover and training) and information about facilities within services that provide accommodation.

The full information requirements are set out below:

### *Requirements on service providers in section 10 of the Regulation and Inspection of Social Care (Wales) Act 2016*

#### 10 Annual return

(2) An annual return must contain—

(a) the following information—

(i) the regulated services that the service provider is registered to provide;

(ii) the places at, from or in relation to which the provider is registered to provide those services;

(iii) the name of the responsible individual registered in respect of each such place;

(iv) the date on which the provider's registration took effect in respect of each such regulated service and place;

(v) details of any other conditions imposed on the service provider's registration;

(vi) details of the number of persons to whom the provider provided care and support during the year in the course of providing each such service;

(vii) such information about training offered or undertaken in relation to each such service as may be prescribed;

(viii) such information about workforce planning as may be prescribed;

(ix) such other information as may be prescribed, and

(b) a statement setting out how the service provider has complied with any regulations made under section 27(1) specifying the standard of care and support that must be provided by a service provider (see section 27(2)).

*SCHEDULE in Regulations – information to be contained in an annual return*

General information

1. Contact details.

Information about the responsible individual

2. The name of the responsible individual.

Information about staffing

3. The name of the manager.

4. The total number of full time equivalent posts (including filled and vacant posts).

5. The number of filled and vacant posts in each of the following categories—

- (a) manager;
- (b) deputy Manager;
- (c) other supervisory staff;
- (d) nursing care staff;
- (e) registered nurses;
- (f) senior social care staff providing direct care;
- (g) other social care staff providing direct care;
- (h) domestic staff;
- (i) catering staff;
- (j) other types of staff not listed above.

6. If the number of staff employed includes staff of a type not listed in paragraph 5(a) to (i), details of the type or types of such staff.

7. The rate of staff turnover.

8. The types of contractual arrangements on which staff are employed and the number of staff employed on each type of contractual arrangement in each of the categories listed in paragraph 5.

9. The qualifications of staff employed in each of the categories listed in paragraph 5.

10. Details of any relevant training which has been undertaken by staff employed in each of the categories listed in paragraph 5 during the period in which they have been employed by the service provider.

Information about the service provision

11. Details of the scale of charges payable by service users during the last financial year.

12. Details of the languages used in providing the service.
13. Details of any non-verbal communication methods used.
14. The total number of formal complaints made during the last financial year and the proportion of those complaints which were not upheld, partially upheld and upheld.
15. Details of the arrangements made for consulting service users about the operation of the regulated service.

Additional information where the service involves the provision of accommodation

16. The typical shift patterns of staff employed, showing the number of staff in each of the categories listed in paragraph 5(d), (e), (f) and (g) who are on duty during each shift.
17. The number of single bedrooms and shared bedrooms.
18. The number of bedrooms with en suite facilities.
19. The number of communal lounge/dining rooms.
20. The number of bathrooms which have assisted bathing facilities.
21. Details of any outside space to which the residents have access.
22. Details of any other facilities to which the residents have access.

We have delayed the introduction of annual returns. This was firstly due to the phased implementation of the 2016 Act to apply the requirement consistently across all regulated services. It was subsequently delayed further to alleviate pressure on the sector during the Covid-19 pandemic. In May 2022, the Regulated Services (Annual Returns) (Wales) Regulations 2017 were amended to reduce the content of the annual returns for the years 2018-19, 2019-20, 2020-21 and 2021-22, and delay the submission of these returns until 31 October 2022.

The Annual Returns for 2022-23 onwards contain the full list of information set out in the Schedule to the Regulations. The annual returns for 2022-23 have been published on CIW's directory of services at: <https://www.careinspectorate.wales/service-directory>.

Section 10 (5) of the 2016 Act places a requirement on Welsh Ministers (CIW) to publish annual returns. This requirement has the unintended consequence of creating a potential liability for Welsh Ministers in data protection and defamation terms for anything contained within the returns. Whilst the 2016 Act and Regulations do not require service providers to submit personal information relating to individuals using their service, the free text option within the online form means providers could inadvertently include personal information or other information which may not be appropriate to publish, such as inappropriate language or personally identifiable information.



Because the requirement to publish annual returns is placed on the Welsh Ministers (CIW), they are currently liable for the content of the annual returns. However, the intention has always been for service providers to retain responsibility for the information in their annual returns. As stated in paragraph 3.51 of the [Explanatory Memorandum](#) to the Regulation and Inspection of Social Care (Wales) Bill:

*The reports would have to be signed off and submitted by the registered service provider, who would have overall accountability for the content of this report.*

We are proposing to amend the 2016 Act to require service providers to publish annual returns on their website, and to make copies available upon request, ensuring they retain ownership of the information contained within a return. We consider this to be reasonable and appropriate.

### Offences

It is an offence under section 48 of the 2016 Act for a service provider to fail to submit an annual return to the Welsh Ministers (CIW).

Under section 52 of the 2016 Act, the Welsh Ministers may impose a penalty notice if they are satisfied that the service provider has committed a prescribed offence. This includes a failure to submit an annual return. The Regulated Services (Penalty Notices) (Wales) Regulations 2019 sets out that the penalty to be paid is an amount corresponding to level 4 on the standard scale (this is equivalent to £2,500).

Therefore, the Welsh Ministers consider it prudent to create an offence of failing to publish an annual return, equivalent to that under section 48 of failing to submit an annual return, with the penalty for the new offence being the same as that for the current offence. It is not intended to make it an offence to fail to make available a copy of an annual return upon request.

### **Impact**

This change will maintain the original policy intention of providing objective and comparable information about regulated services to citizens.

Placing the requirement to publish annual returns on service providers will save time for the inspectorate as they will not need to deploy CIW staff to check the returns for potential data breaches or other information that may not be appropriate to publish. This will greatly reduce the burden on CIW, enabling it to focus on its core role of regulating services.

Amending the 2016 Act will also mitigate against the consequences of a data breach, should CIW inadvertently publish annual returns that contain personally identifiable information.

We have calculated the time cost for CIW to check annual returns. For 2023-24, CIW received 945 annual returns. CIW used artificial intelligence to indicate the ones that required further examination. The system indicated that 455 annual returns needed checking. These returns were then passed back to the provider for correction before

resubmitting. Some annual returns needed checking multiple times if providers failed to adequately address the issues raised. This resulted in a total of 766 checks being completed which took approximately 400 hours.

Should CIW inadvertently publish annual returns containing personal information, such as the names of people living at a regulated service, they may be in breach of UK GDPR. The cost to Welsh Government of a data breach could be very significant, as the Information Commissioner's Office (ICO) has the power to issue fines to organisations who breach data protection laws. Any fine would be based on Welsh Government's turnover and the maximum fine could be £0.5bn. However, due to the mitigating factors CIW has put in place, including requesting that providers do not include personal information in their returns and checking all annual returns, a fine of this level is extremely unlikely.

With regards to any potential impact on the quality of the annual returns because of this amendment, it was never the intention for CIW to check the accuracy of annual returns. We have always been clear that the responsibility for the content of the annual returns lies with providers. The risk of service providers submitting false information within an annual return is mitigated by Section 47 of the 2016 Act which makes it an offence to make a statement which is known to be materially misleading as part of the annual return.

As such, we do not consider that requiring providers to publish their own annual returns will have any impact on their quality. Inspectors may consider a service provider's annual return as part of the inspection process, alongside other information from the service provider.

Neither the 2016 Act or the Regulated Services (Annual Returns) (Wales) Regulations 2017, as amended, give a timescale for the publication of annual returns. It is anticipated that placing the requirement on service providers without specifying a time limit could lead to inconsistencies in the timing of publication across services. The amendment includes a regulation-making power for the Welsh Ministers to prescribe a time limit for publication of the annual return by the service provider.

### **Costs**

The expectation is that service providers should publish their annual returns on their own website. Whilst service providers already communicate with CIW online (for example, to submit their annual returns and register their services), there is a risk that not all providers will have their own website.

We are aware that at least 66% of providers already have a website, as they included their web addresses within their annual returns for 2023-24. However, as this data is voluntary, the actual percentage of providers with a website could be higher as they may have chosen not to include this information within their return.

The cost of developing and maintaining a website varies widely based on a range of factors, including the complexity of the site, its features, style, and functionality. A basic website can be set up for free without any web development skills by using a website

builder which provides a template for users to add details about their services. Some website builders will provide a subscription option for a small fee for additional features and the removal of their advertisement banner. A more sophisticated website which has been designed by a web designer with bespoke features, better functionality and search engine optimisation is likely to cost thousands of pounds.

We consider that a basic website would be sufficient for the purpose of publishing an annual return and that the wider benefits for providers of having a website to promote their service would far outweigh the costs.

### **Savings**

In placing the requirement to publish annual returns on service providers, CIW staff will not need to check the returns for potential data breaches or other information which may not be appropriate to publish. This will reduce the burden on the inspectorate enabling it to focus on its core role of inspecting services.

### **Category 3: Cancellation of registration**

#### *Cancellation of registration without application: notice procedures*

The 2016 Act provides CIW with statutory tools to support its improvement and enforcement process.

In accordance with section 15 of the 2016 Act the Welsh Ministers, CIW in practice, are required to comply with the improvement notice procedure (section 16 of the 2016 Act) prior to cancelling the registration of a service provider without application.

The improvement notice specifies the proposed action and the grounds upon which such action is being taken. It details the actions the provider must take or the information that must be provided within a specified time limit to satisfy CIW that the proposed enforcement action should not be taken.

A notice of proposal (section 18 of the 2016 Act) is another enforcement tool under the 2016 Act. A notice of proposal is a notice informing the provider of a decision the Welsh Ministers (CIW) propose to take and giving the service provider the opportunity to make written representations within a certain time period, which must be at least 28 days. Such a notice may also give the provider the opportunity to rectify the situation by providing a time limit within which certain things must be done to avoid the action being taken.

There are circumstances where following the improvement notice procedure lacks practical efficacy or relevance as the grounds for cancellation are such that no improvement can be made. We are proposing amendments to section 15 of the 2016 Act to ensure that the notice procedure used is that which is most appropriate to the circumstances. We intend to replace the requirement to follow the improvement notice procedure with a requirement to follow the notice of proposal procedure when cancellation is on one of the following grounds:

- The service provider no longer provides any regulated service;

- The Welsh Ministers are no longer satisfied that the service provider is a fit and proper person to be a service provider;
- The service provider has been convicted of, or has been given a caution in respect of, a relevant offence in connection with a regulated service provided by the service provider.

#### *Application for cancellation of service provider's registration: information to be provided*

The 2016 Act does not include a power for the Welsh Ministers to require information from service providers applying to cancel their registration as a service provider under section 14. However, it does contain a regulation-making power to allow the Welsh Ministers to require information from service providers seeking to vary their registration as a service provider under section 11. The regulation-making power under section 11 has been exercised and enables the Welsh Ministers (CIW) to require information from providers seeking to vary their registration about how they will comply with the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017 until the service ceases to be provided. This creates an obvious disparity.

We intend to amend the 2016 Act to provide the Welsh Ministers with the power to make regulations prescribing that an application to cancel a service providers registration contain specified information and is made in the prescribed form.

#### Offences

We are not proposing to create any offences as a result of these amendments.

#### ***Impact, Costs and Savings***

These changes serve to create greater consistency in practice and remove unnecessary steps within processes which did not become apparent until the Act was established.

These changes will enable CIW to take a more agile and nuanced response to circumstances, thus saving time for both them and providers. The proposals consider the long term by ensuring that our systems for regulating, inspecting, and improving regulated services are flexible and responsive.

## Children's Rights

Ministers are required to have due regard to the United Nations Convention on the Rights of the Child when exercising any of their functions. The convention protects the human rights of children up to the age of 18.

### Identifying services operating without registration

This amendment will provide clarity on the Welsh Ministers' (CIW's) legal powers to establish whether individuals are operating a service without registration. This will support the aim of safeguarding vulnerable individuals who may be at risk from using a service which does not have the necessary oversight or measures in place to ensure their safety and well-being.

As stated in CIW's [2021-22 annual report](#), CIW has reported an increase in referrals about services operating without registration from 10 in 2019–20 to 74 in 2021–22. The majority of these related to care homes for children. In 43 cases, CIW found the service was operating as an unregistered children's home. Over 90% of the children living in unregistered services were under 16 years old.

As stated in the report:

*Not only do children lack the safeguards which come with a service being registered, but access to education and healthcare support can be made more problematic by living at a temporary address. In addition, most children will have to move to another service and consequently experience further disruption to their lives.*

The increase in the number of referrals is concerning. However, the report demonstrates that, despite the legal ambiguity on the face of the 2016 Act, CIW has been successful in requesting information from individuals in connection with a service that may be operating illegally. This is backed up by direct data from CIW, referenced earlier in the document.

As the proposed changes will reinforce existing practice, there is unlikely to be a significant difference in how children experience these changes to the 2016 Act. However, a full Children's Rights Impact Assessment has been carried out, at Annex A.

### Publication of annual returns

There will not be any positive or negative effects on children of placing the requirement to publish annual returns on service providers, as it will still fulfil the intention of giving people transparent and comparable information about regulated services.

### Cancellation of registration

The changes proposed will enable CIW to carry out its role more efficiently and flexibly by removing unnecessary steps within the system of enforcement and improvement. This should lessen the administrative burden on inspectors, enabling them to focus on their

core functions to improve the quality and safety of services for the well-being of the people of Wales. The changes should lessen the administrative burden on service providers in certain circumstances.

The proposed change will enable regulations to be made to ensure CIW has the necessary legal powers to require information from a service provider who is exiting the market and cancelling their registration. The power to specify information requirements in regulations will enable the regulator to assure itself that the service can continue to support the safety and well-being of individuals at the service. Prescribing the information requirements in regulations will give clarity to service providers about the information expected in these circumstances. It will also align the approach for service providers exiting the market with that for those who are varying their registration.

Overall, these changes should have a minor positive impact on children who use regulated services.

## SECTION 8. CONCLUSION

### 8.1 How have people most likely to be affected by the proposal been involved in developing it?

A public consultation was held between 17 August and 7 November 2022 to invite views on the proposed changes as set out in Chapter 4 of the consultation document:

<https://gov.wales/proposed-changes-legislation-social-care-and-continuing-health-care>

We engaged directly with organisations representing groups most likely to be affected by the proposal. These included the following groups:

- Service providers and professionals working in social care, health, police and probation, education and childcare, and their representatives.
- Users of social care services, their families, and representatives.
- Adults in receipt of Continuing NHS Healthcare, their families, and representatives.
- Care Inspectorate Wales and Social Care Wales, and those regulated by or who engage with them.

The full list of organisations to whom a notification email was sent can be found at:

<https://www.gov.wales/sites/default/files/consultations/2022-09/consultee-list.pdf>

Information was made available in accessible formats such as a one-page summary, an animated explainer video in Welsh, English and British Sign Language (BSL), as well as an Easy Read summary and consultation response form.

The Welsh Government received 200 responses to the consultation.

### 8.2 What are the most significant impacts, positive and negative?

#### Identifying services operating without registration

These amendments will strengthen the Welsh Ministers' (CIW's) powers to require information from individuals who are providing a regulated service without registration. Whilst CIW is already fulfilling this function in practice, the proposals will restore the previous position under the Care Standards Act 2000. Doing so will support the aim of safeguarding vulnerable individuals who may be at risk from using a service which does not have the necessary oversight or measures in place to ensure their safety and well-being.

Several respondents to the consultation commented that the proposal was a reasonable amendment to the 2016 Act in that it would safeguard individuals. One suggested that it would deter individuals from providing an unregulated service and another welcomed any proposal to strengthen CIW's powers.

#### Publication of annual returns

This change will maintain the original policy intention of providing objective and comparable information about regulated services to citizens.

Placing the requirement to publish annual returns on service providers will save time for CIW staff who will not need to check the returns for potential data breaches or other information that may not be appropriate to publish. This will greatly reduce the burden on CIW, enabling it to focus on its core role of regulating services.

The expectation is that service providers must publish their annual returns on their own website. Whilst service providers already communicate with CIW online (for example, to submit their annual returns and register their services), there is a risk that not all providers will have their own website. We do not have data on this. In these circumstances, there may be cost and time implications for those providers in terms of setting up and maintaining a website. This issue was raised from several respondents during the consultation.

Whilst we recognise that a minority number of service providers may not have a website, many platforms enable basic websites to be set up quickly and free of charge or for a small fee. We would consider a website to be a staple of modern services with the benefits far outweighing the costs. We consider there to be sufficient time before the requirement comes into force for providers to set up a website. Consideration will be given as to whether additional support may be needed for providers to do this.

### Cancellation of registration

The changes proposed under this heading relate to relatively minor and technical amendments to CIW's improvement and enforcement processes. These changes serve to create greater consistency in practice and remove unnecessary steps within processes which did not become apparent until the Act was established. These changes will enable CIW to take a more agile and nuanced response to circumstances, thus saving time for both them and providers. The proposals consider the long term by ensuring that CIW's systems for regulating, inspecting, and improving regulated services are flexible and responsive.

### **8.3 In light of the impacts identified, how will the proposal:**

- **maximise contribution to our well-being objectives and the seven well-being goals; and/or,**
- **avoid, reduce or mitigate any negative impacts?**

The 2016 Act introduced a new registration and regulatory regime for providers of care and support services ('regulated services') in Wales. It also reformed the system of registration and regulation of the social care workforce.

The 2016 Act aligns within the Welsh Government's 7 well-being goals and is relevant to:



- *A Healthier Wales - A society in which people's physical and mental well-being is maximised and in which choices and behaviours that benefit future health are understood, and*
- *A Wales of cohesive communities – attractive, viable, safe and well-connected communities.*

An impact assessment, which considered how the original Bill contributed to the Welsh Government's wellbeing objectives was carried out during the Bill stage of the 2016 Act, which can be found [here](#).

The proposals within the Social Care Bill serve to achieve the original policy intent of aspects of the 2016 Act, resolve anomalies within systems that have become apparent in practice, and/or to assist Care Inspectorate Wales in its regulatory processes and activities.

With regards to mitigating any negative impacts, such as the potential cost to service providers of setting up a website to publish their annual returns, we will continue to communicate with the sector to understand the extent of the issue.

#### **8.4 How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes?**

*What plans are in place for post implementation review and evaluation?*

We will continue to engage with the sector as the proposal progresses.

We anticipate that the first post implementation review will be completed between 3 and 5 years following implementation of the Act.