

Agenda Supplement – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Hybrid – Committee Room 4, Tŷ Hywel and videoconference via Zoom	P Gareth Williams Committee Clerk
Meeting date: 2 February 2026	0300 200 6565
Meeting time: 13.30	SeneddLJC@senedd.wales

Hybrid – Supplementary Pack

Please note the documents below are in addition to those published in the main Agenda and Reports pack for this Meeting

6 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 and 21.3 – previously considered (14.50 – 14.55)

6.1 SL(6)719 – The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Regulation and Inspection of Social Care) (Miscellaneous Amendments) (Wales) Regulations 2026

(Pages 1 – 5)

Attached Documents:

LJC(6)-04-26 – Paper 32 – Report

LJC(6)-04-26 – Paper 33 – Welsh Government response

11 Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Children's Wellbeing and Schools Bill: Draft report (15.15 – 15.30)

(Pages 6 – 16)

Attached Documents:

LJC(6)-04-26 – Paper 27 – Draft report



12 Legislative Consent Memorandum on the Cyber Security and Resilience (Network and Information Systems) Bill: Draft report

(15.30 – 15.45)

(Pages 17 – 23)

Attached Documents:

LJC(6)-04-26 – Paper 30 – Draft report

SL(6)719 – The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Regulation and Inspection of Social Care) (Miscellaneous Amendments) (Wales) Regulations 2026

Background and Purpose

The Regulations amend the Regulation and Inspection of Social Care (Wales) Act 2016 (“the 2016 Act”) in relation to the implementation in relation to Wales of provisions relating to the recognition of professional qualifications contained in:

- (a) the free trade agreement between Iceland, the Principality of Liechtenstein and the Kingdom of Norway and the United Kingdom of Great Britain and Northern Ireland done at London on 8 July 2021 (“the EEA EFTA free trade agreement”), and
- (b) the Agreement between the United Kingdom of Great Britain and Northern Ireland and the Swiss Confederation on Recognition of Professional Qualifications done at London on 14 June 2023 (“the Swiss Agreement”).

The Regulations amend the 2016 Act to give effect, within the framework established for the regulation of social care workers in Wales, to the provisions relating to the recognition of professional qualifications contained in the EEA EFTA free trade agreement and the Swiss Agreement.

Procedure

Senedd Approval Procedure

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following two points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Regulation 3 inserts various defined terms into the 2016 Act. The definition of “adaptation period” includes reference to “supervised practice”, but this is not a term that is defined in the 2016 Act nor elsewhere in the Regulations. The Welsh Government is asked to confirm what constitutes “supervised practice” and explain why this is not explicitly set out.



2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation

Regulation 12 inserts provision into the 2016 Act requiring the registrar to give notice of a decision in respect of registration or renewal by a specified state applicant (as defined in the Regulations) within four months after the date on which the application was submitted. The amendment goes on to say that where the registrar fails to give notice of a decision within that time period, that failure is to be treated as a decision of the registrar. It is not clear whether such failure would result in the decision being an approval or rejection of the application and the Welsh Government is invited to provide a further explanation in this regard.

Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 26 January 2026 and reports to the Senedd in line with the reporting points above.



Welsh Government Response: The Recognition of Professional Qualifications and Implementation of International Recognition Agreements (Regulation and Inspection of Social Care) (Miscellaneous Amendments) (Wales) Regulations 2026

Technical scrutiny point 1:

The term “supervised practice” is not newly created by these Regulations and reflects a concept already widely used and understood within professional qualification recognition regimes, including the frameworks implemented under international recognition agreements. The definition of “adaptation period” inserted into the 2016 Act deliberately mirrors the terminology used in the EEA EFTA Free Trade Agreement and the Swiss Agreement, both of which envisage an adaptation period consisting of a period of supervised practice carried out under the responsibility of a suitably qualified professional.

“Supervised practice” is therefore intended to take its ordinary meaning within the context of professional regulation: a period during which an applicant practises the relevant professional activities under the oversight and responsibility of a qualified professional, in this case a qualified social care worker, during which the applicant’s competence, conduct, and ability to practise safely may be assessed. The degree of supervision required will depend on the applicant’s qualifications, experience, and the nature of any identified substantial differences between their training and the competencies required for practice in Wales.

The Regulations do not define “supervised practice” because—

1. Flexibility is required to enable Social Care Wales (SCW) to tailor the supervision arrangements to the specific circumstances of individual applicants, including (a) the nature and extent of differences between the applicant’s qualifications and those required in Wales, and (b) the specific practice setting.
2. The term is already well understood in professional qualification recognition systems and in practice by regulators and therefore does not require further statutory elaboration.

3. Over-prescription in the primary legislation could inadvertently constrain SCW's ability to ensure that supervision arrangements remain proportionate, appropriate, and adaptable to different professional contexts.

Further detail about how supervised practice is to operate in practice—such as expected supervisory standards, assessment arrangements, and record-keeping—may appropriately be set out by SCW in rules, codes of practice, or guidance issued under its existing powers.

Technical scrutiny point 2

The purpose of regulation 12 (inserting subsections (5) and (6) into section 89 of the 2016 Act) is to ensure compliance with the timeliness obligations arising under the EEA EFTA and Swiss international recognition agreements. These instruments require competent authorities to process applications from specified state professionals within a fixed period.

Subsection (6) provides that where the registrar fails to give notice of a decision within the four-month period, that failure is to be treated as a decision of the registrar for the purposes of Parts 3, 4 and 8 of the 2016 Act. The provision is not intended to deem the application either approved or refused. Rather, the effect is procedural, enabling the applicant to access the existing appeals framework where the registrar has not complied with the statutory time limit.

This is reinforced by the parallel amendment to section 101, which expressly provides an appeal right for specified state applicants where no timely decision has been given. The intention is therefore:

- not that the application is automatically approved or rejected by default;
- but that the applicant gains a right of appeal, allowing a registration appeals panel to consider the matter and, where necessary, direct the registrar to determine the application.

This approach is consistent with comparable provisions in other regulatory regimes implementing international recognition agreements and ensures that applicants are

not left without remedy in cases of administrative inaction, while preserving the regulator's essential role in determining fitness to practise.

Agenda Item 11

By virtue of paragraph(s) vi of Standing Order 17.42

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