

SL(6)579 – The Regulated Services (Inspection Ratings) (Wales) Regulations 2025

Background and Purpose

These Regulations make provision about ratings given by the Welsh Ministers in relation to the quality of care and support provided by a service provider following an inspection under Part 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 (“the Act”). They are due to come into force on 31 March 2025.

The Regulations impose requirements on certain service providers in relation to ratings given by the Welsh Ministers, to display such ratings in a specified manner and place and making it an offence to fail to do so; and to provide for an appeal procedure against such ratings in certain circumstances.

Procedure

Affirmative.

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 requires service providers to make available or display inspection ratings at or for each place at, from or in relation to which it provides a service. “Service provider” is defined in regulation 1 as (in summary) a provider of a relevant regulated service. However, regulation 3 does not limit the requirements in relation to displaying or making available inspection reports to places where a “relevant regulated service” is provided, it simply refers to “service” which is not defined in the Regulations. This may cause confusion if more than one type of service is provided at any place operated by a service provider, or if a service provider operates different services from different places. Clarification is therefore requested as to why regulation 3 refers to “service” rather than “relevant regulated service”.

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

Under regulation 4(2)(b), a service provider is prevented from submitting an appeal against the rating that has been applied to them until the service provider has received the outcome



of the Welsh Ministers' review of the inspection ratings. There is no time frame set within which the Welsh Ministers must provide such outcome, which may create uncertainty and delay for service providers in submitting an appeal. The Welsh Government is therefore asked to explain why it did not decide to set a time frame for the outcome of any review to be provided to a service provider.

Merits Scrutiny

The following point is identified for reporting under Standing Order 21.3 in respect of this instrument.

3. Standing Order 21.3(ii) – that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd

Paragraph 5 of the Explanatory Memorandum notes that a 12 week public consultation was carried out in relation to these Regulations between 29 July and 14 October 2024. No detail is provided in relation to this consultation, and the paragraph ends with a colon, as if further detail should have been added. It is therefore not clear whether the consultation section of the Explanatory Memorandum is complete.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

5 February 2025

