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Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol
Minister for Health and Social Services



Llywodraeth Cymru
Welsh Government

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David Rees AM
Chair of the Health and Social Care Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

8 September 2015

Dear David,

Regulation and Inspection of Social Care (Wales) Bill

You will recall, during the General Principles debate on the Bill on 14 July, I confirmed that I would provide a detailed response to your Committee's Stage 1 report and its 46 recommendations. Whilst there is no strict requirement to provide a response to every single one of the recommendations, I felt it was important to answer them under the same headings that your report provided to help you understand the consideration that I have given them. My detailed response is included with this letter.

I am copying this letter to Jocelyn Davies AM, chair of the Finance Committee, as I am aware that she provided her Committee's response to you for inclusion in your report.

Best wishes,

Mark.

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Recommendations from the Health and Social Care Committee Stage 1 Report into the Regulation and Inspection of Social Care (Wales) Bill.

I would like to thank the Committee for their support for the Regulation and Inspection of Social Care (Wales) Bill and for the detailed scrutiny of its provisions that has been undertaken. I am pleased that the Committee has recognised that this Bill takes positive steps to provide much needed accountability, transparency and stability to the social care sector in Wales. I am reassured to see that the Committee has acknowledged and welcomed a number of our proposals including those for a responsible individual and market stability reporting.

I welcome the vast majority of recommendations made by the Committee and provide further detail on each recommendation below.

General Principles and the Need for Legislation

I am grateful for the Committee's support for the general principles of the Bill

In terms of **recommendation 2**, the Committee will understand that the First Minister has indicated he will provide a response to the Flynn Review later this month. That response will cover the key policy responses to Dr Flynn's review, and I will therefore be able to provide further detail after that point. In terms of this Bill, the Committee will be aware of Dr Flynn's comments within the Executive Summary of her report, where she acknowledged the ongoing dialogue as the Bill had been developed. She noted how that dialogue had

'considered how emergent findings might be reflected: by ensuring that those who own and gain from the provision of services, that is, Board members, are held accountable; by allowing regulators to take action against a corporate body rather than a single service; and by ensuring that information about services providing care and support is accessible to individuals receiving care and to their families'

These three priority findings are, I believe, strongly reflected within this Bill. For example, the new requirements around Responsible Individuals are a significant new approach to accountability of providers in our sector. The move to a service model will allow action by the regulator at a series of levels. The new requirements about published annual reports will transform the information available to the public about care services in Wales.

In addition, Dr Flynn set what she described as an 'ambitious' list of ideas in terms of the new regulatory regime. These will be important contributors to the process of implementation and the regulations that will flow from the Bill. I will ensure that the technical groups we will establish to take forward regulations will consider how these ideas could be taken forward.

However, after reading Dr Flynn's report and considering her ideas I have decided to seek to amend the Bill in one very important way. I will be proposing an amendment on the face of the Bill that establishes in primary legislation the criteria by which we will establish whether someone is fit to register to deliver services in our sector.

I have provided additional information in response to **recommendation 3** as appendices to this letter.

I have sought further advice in response to the concerns raised by both the Committee and stakeholders in respect of amending the Bill to require all those exercising functions under the Bill to have due regard to the United Nations Conventions on the Rights of the Child, the Rights of the Disabled People and the United Nations Principles for Older Persons (**recommendation 4**). Based on this advice I am satisfied that such an amendment is not required and I am **rejecting** this recommendation. The protection of protect vulnerable individuals' rights. This is best achieved I believe through the creation of a framework of regulation which ensures that regulators have appropriate functions at their disposal to promote and maintain high standards in the provision of social care services and, where necessary, intervene to safeguard vulnerable individuals from harm. In my view the Bill creates this framework. The Bill adopts an approach which is designed to ensure that the interests of vulnerable individuals are protected; this will occur through the imposition of detailed duties on providers of social care services, and the conferral of tailored powers upon regulators established for the purposes of safeguarding the interests of the vulnerable. The relevance of the Conventions and Principles lies in informing policy development by the Welsh Government and I am confident that that system of regulation created by the Bill has been informed by those Conventions and Principles. I would re-iterate what I said to the Committee when I gave evidence, that if the Committee is of the view that there are gaps or weaknesses in the regulatory systems established by the Bill that could be resolved by bringing forward amendments to the Bill I would be happy to consider those further.

Moving on to **recommendation 5**, I am happy to **accept** this in part and thank the Committee and stakeholders for drawing this issue to my attention. I have again sought further advice in respect of the United Nations Convention on the Rights of Disabled People and I am of the view that the obligation to provide detail in the annual report on the public sector equality duty will necessarily cover the principles contained in the Convention on the Rights of Disabled People. However, I will bring forward an amendment ensuring that duties under the United Nations Principles for Older People are reported on by the Care and Social Services Inspectorate Wales (CSSIW) in its annual report.

Engagement with the Public

I was very pleased to see the duties to engage the public within the Bill recognised by both the Committee and stakeholders. I am satisfied that the Bill as it stands sets out very clearly the Welsh Government's expectation that CSSIW and Social Care Wales (SCW) must work closely with citizens in carrying out their work. However, in acknowledgement of the views expressed by both the Committee and stakeholders I am happy to provide more detail on those expectations in response to **recommendation 6 below**. I believe very strongly that the precise ways in which the public should be involved in the work of both CSSIW and SCW should not be dictated by Government but should be developed in conjunction with the sector, stakeholders and the public.

Whilst I remain unconvinced about the need to specify the requirement for CSSIW to engage lay inspectors, I am certainly of the view that the public should play an active role in the inspection process. I will bring forward an amendment to ensure that this expectation is met. As such I am **accepting recommendation 7** and **partially accepting recommendation 9** in that the amendment will be a general requirement rather than a specific one.

CSSIW has taken significant steps forward over the past few years in improving its engagement and involvement of users, carers and citizens. I would expect this development to continue. The National Advisory Board and its developing regional presence can continue to provide a voice for citizens and to retain oversight of and challenge to the work of CSSIW. Beyond this I will expect CSSIW to develop strong community links in order to ensure that those closest to care can inform and shape its work. I expect CSSIW to take on board the important wider perspectives that those involved in the sector, and those who are not, can bring. In respect of SCW, I am firmly of the view that public involvement and engagement should extend beyond the presence of its lay-led board and the lay-led requirements this Bill establishes for workforce regulation. With its role leading improvement in our sector, Social Care Wales must stand as an exemplar as to how engagement with and involvement of citizens can make a positive difference to the outcomes for people in Wales.

I am happy to **accept recommendation 8** and agree that the Bill could be strengthened in respect of carers in certain sections and will bring forward amendments accordingly.

Accountability and Transparency

I **accept recommendation 10** in principle; I have made clear my intention to work with the sector in the development of these regulations and also my intention to consult on these regulations prior to introduction. However to add clarity I will bring forward an amendment providing more detail as to the content of the annual return on the face of the Bill. I will also bring forward an amendment specifying that the first set of regulations drafted in relation to annual returns must follow the affirmative procedure.

In **recommendation 11** the committee has asked for an outline of how the provisions relating to Responsible Individuals (RIs) apply to UK-wide or multinational organisations which provide social care services within Wales. The requirements for a RI are a central part of this Bill, they cement the link between the front line and the Boardroom. As such whilst some flexibility in the system is essential the fundamental premise of this provision must be retained i.e. those gaining from the social care sector in Wales must hold primary responsibility and accountability for the quality and safety of the care being provided. In applying these principles it is clear that the RI provisions contained within section 19 of the Bill must apply to large organisations in exactly the same way as to smaller organisations.

The prevention of unsuitable individuals providing social care services in Wales is a fundamental aspect of this Bill. I have decided, following the Flynn Review, that this is an aspect of the Bill that represents a clear opportunity to strengthen our regulatory regime by being absolutely clear about who can and who cannot register to deliver services. I therefore **accept recommendation 12 in principle** as more clarity could be added on the face of the Bill regarding the fit and proper person test that must be satisfied before registration is granted to deliver social care services in Wales. I will bring forward an amendment accordingly.

In my previous letter to the Committee I set out my intention to use the regulation making powers in sections 26 and 27 of the Bill, and the powers to issue guidance set out in section 28 of the Bill, to require providers and/or Responsible Individuals to have appropriate whistle-blowing policies and procedures in place. On this basis I am **rejecting recommendation 13** as I am reluctant to bring forward an amendment of this nature. There

are a range of other very important requirements upon which regulations and guidance could be drafted using the powers contained in sections 26, 27 and 28 of the Bill, and there is no intention to list any of these on the face of the Bill. An indicative list could have the effect of being interpreted as an exhaustive list, thus potentially limiting the extent of areas in which regulations and guidance could be brought forward. The powers in sections 26 and 27 are wide and are intended to be so. That is why the affirmative procedure has been ascribed to these powers so that the Assembly will have the opportunity to scrutinise the necessity and appropriateness of each of the requirements.

I note the Committee's **recommendation 14** and **accept** this on the basis that I will keep sections 19, 21 and 24 of the Social Services and Well-being (Wales) Act under review.

Regulated Services

Recommendation 15 refers to the placing of advocacy services as a regulated service on the face of the Bill. We discussed this issue in Committee and I have given this recommendation further thought. However, my views have not changed from those expressed previously. Although children's advocacy services are well-established my intention is not to take a piecemeal approach but to bring all advocacy services within the regulatory regime at the same time, once full and proper discussions have taken place with the entire sector. However, whilst I am **rejecting** this amendment I am happy to re-iterate my commitment that advocacy will be first in line to become a new regulated service in the first relevant tranche of regulations made under section 2(h) of the Bill.

The Committee has asked for further detail in **recommendation 16** outlining how I will monitor and assess whether the requirement to register should be extended to preventative services and innovative service delivery models emerging under the Social Services and Well-being Act 2014. I **accept** this and can advise the Committee that the relevant duties at section 15 of the 2014 Act will be commenced in April 2016. Once those provisions are commenced it will take time for such services and models to emerge. During that period I will be receiving updates and intelligence from both CSSIW and local authorities themselves. As is currently the case I will be continuing to meet CSSIW on a regular basis and to receive advice on a range of regulatory issues. There will be a continued expectation that CSSIW will advise me of any changes in the sector requiring my attention including new services requiring regulation.

Recommendation 17 concerns outlining the arrangements and support that will be put in place for social care providers during the transition to the service-based model of registration. I am happy to **accept** this recommendation. I have asked CSSIW to undertake an exercise looking into transition planning to include training requirements, dissemination of information and communication of key messages. I envisage that this planning may include the establishment of tools to assist providers during transition such as a support helpline.

The Committee raised concerns regarding how the Bill will deliver a culture of regulation and inspection in which the support and improvement strands of CSSIW's work do not compromise the delivery of robust and effective regulatory activity and enforcement and asked for further detail regarding this in **recommendation 18**, which I **accept**. I do not consider that there is a conflict of the nature described and sections 4 and 67 of the Bill specifically refer to the roles of both CSSIW and SCW being to promote and maintain high

standards. In fact the Bill will, for the first time, make adherence to quality standards a regulatory requirement and provide CSSIW with a range of strengthened enforcement powers and offences with stronger penalties. It is these factors that will ensure robust and effective regulatory activity and enforcement and the involvement of service users and lay people will provide the additional layer of scrutiny which I described in Committee.

Definition of Care

The Committee and stakeholders have expressed concerns that the definition of care in section 3 of the Bill does not take into account the definition of well-being in the 2014 Act. This is reflected in **recommendation 19** which I am **accepting** in principle. Having considered this issue further I am still of the view that the regulatory requirements imposed by section 26 of the Bill, which specifically refer to the well-being outcomes, ensure that well-being is taken into account in the Bill, and the direct correlation to the definition of well-being between both the Bill and the 2014 Act is achieved by section 187. As such I do not intend to bring forward an amendment to the Bill itself but I will be amending the Explanatory Notes for the Bill to make this clearer. I will be bringing forward an amendment to the Explanatory Notes to include examples of what we intend “care” and “support” to relate to, and these will I be along the lines of those included in the Public Services Reform (Scotland) Act 2010 which establishes a similar regime.

With reference to **recommendations 20 and 21** I have reflected further and am happy to say I **accept** both recommendations and will bring forward appropriate amendments.

Inspections

Recommendation 22, which I **accept**, refers to the Committee receiving more information on the outcomes-based inspections which will be undertaken by CSSIW and raises concerns regarding resource and capacity implications following the introduction of a new system. Representatives from CSSIW who gave evidence to Committee were clear that work on outcomes-based inspections had already commenced and so this will not be a completely new system for them or service providers. There will clearly be implications once the new system is fully operational and I anticipate that this will be examined in far more detail in the work on transition which I have asked CSSIW to undertake. Once that information is to hand I would be happy to make a statement.

Recommendations 23, 24 and 25 I **accept** and will bring forward relevant amendments. In respect of 23 and 25, I will ensure that the requirement for appropriate training for inspectors is included in the relevant code that must be prepared pursuant to section 32 and section 161A. I also **accept recommendation 26** and agree that it is essential for regulations to make clear rights and processes for re-inspections.

Power to Charge Fees

I note both the comments from Committee and stakeholders however I feel it is clear under section 185 of the Bill as drafted that the regulations to be made under section 38 relating to the charging of fees, will be subject to the affirmative procedure. I am therefore not minded to bring forward an amendment to section 38 to add that a statement of consultation will be required as the provision of information on the consultation undertaken is included in the Explanatory Memorandum that will be laid alongside the regulations as part of the current established legislative process, as such I **reject recommendation 27**.

Local Authority Social Services

I acknowledge the comments of both the Committee and stakeholders regarding the commissioning of social care services by local authorities and agree wholeheartedly that effective commissioning practices lie at the heart of the delivery of excellent social services. I agree that there is scope to clarify the role of CSSIW in this area on the face of the Bill so **accept recommendation 28** and I will bring forward an amendment to achieve this at stage 2. I am unable to extend this amendment to include local health boards (LHBs) as CSSIW's powers under this Bill do not extend to LHBs. However I do expect an increasingly integrated approach to be taken to commissioning and will look towards producing appropriate guidance.

Market Stability and Financial Sustainability

I have reflected on both the views of the Committee and stakeholders in respect of **recommendations 29, 30, 31 and 33** and am happy to **accept** all four recommendations. I will bring forward an amendment to section 62 of the Bill to make clear that an analysis of commissioning should be included in market stability reports. I cannot imagine a situation where consultation would not take place prior to the introduction of regulations, however as it is felt that this requires clarification, I will bring forward amendments to sections 55, 58 and 62 of the Bill to make clear that consultation will take place prior to the introduction of regulations under these sections. In addition, I will bring forward a further amendment to section 55 to ensure that local authorities must consult with a LHB with which it carried out a population needs assessment pursuant to section 14 of the 2014 Act.

Recommendations 32 and 35 refer to ensuring appropriate resourcing and support for both local authorities and CSSIW in the preparation of market stability reports and the oversight of the regime itself. I **accept** both recommendations and re-iterate my comments to the Committee; the Regulatory Impact Assessment prepared for the Bill identifies the resource requirements for all market oversight related work. This has been arrived at in consultation with stakeholders. In respect of **recommendation 34**, section 58 contains a regulation making power which provides flexibility should the need arise to change the criteria for those subject to market stability reporting. However it remains the case that the primary responsibility for ensuring the due diligence for contractual arrangements remains with local authorities rather than the Welsh Government.

Social Care Wales

I am happy to **accept recommendation 36**. I am reassured that the Committee found the majority of stakeholders to be broadly in favour of extended functions for Social Care Wales. I believe that combining the regulation and service improvement functions to be a logical and progressive approach which can result in shared learning and added value. This view was also endorsed in a report produced for my consideration by the Strategic Improvement Steering Group which provided advice on the establishment of Social Care Wales.

However, I am mindful of the need to put in place measures aimed at mitigating against any perceived conflict of interest that might arise as a result of combining functions. The Bill itself establishes, importantly, a new statutory role for the regulator of Registrar, ensuring there is clear accountability for the regulatory functions of Social Care Wales. I have also established a Transition to Social Care Wales Advisory Panel to develop a transition plan

for my consideration by March next year. As one of its priorities, I have asked the panel to consider governance options for Social Care Wales and specifically to explore and recommend an approach designed to mitigate against any conflict of interest. The panel, which includes stakeholders from across the sector, is currently considering this very important issue so I don't want to pre-empt any recommendations that the panel might make, however I will ensure that Members are updated on the work of this group as it develops its recommendations.

I also **accept recommendation 37** to provide further detail about why there is a need to rebrand the Care Council for Wales as Social Care Wales. The Transition to Social Care Wales Advisory Panel is also considering issues around communications and branding for Social Care Wales which I will update you on as part of my commitment to keep members informed of progress in that work.

Essentially, the case for rebranding centres around the need to convey the significance of the shift to Social Care Wales and the prominence of the service improvement function in particular. The organisation will have responsibility for demonstrating clear leadership to driving improvement across the sector. I therefore believe a modest level of rebranding to be necessary in order to raise awareness of this significant development and to ensure that Social Care Wales can successfully be positioned at the heart of change

Social Care Workforce

I have listened carefully to the range of expression and views from stakeholders and the Committee on the matter of workforce regulation. It has been a rich discussion about a key area of the Bill, given its direct impact upon public assurance. The Bill builds on the foundation of workforce regulation put in place over the last 15 years and paves the way forward for an approach that continues to strengthen the workforce and provide public assurance for the future.

I have signalled that I am in favour of strengthening public assurance in relation to domiciliary care staff and further to that, adult residential care workers. I commit to registration of the domiciliary workforce within the lifetime of the next Welsh Government. In this way I therefore accept the principle behind **recommendation 38**. However it is not viable to move immediately to registration of this workforce without significant risk to service continuity. I will therefore use the medium term to develop the workforce, and our understanding of it, to allow an effective transition to formal registration in due course. I will work with the providers of such services to ensure that the public has access to information about the workforce, its background, qualifications, training and other important information. Using the registration requirements from the service regulator, the Welsh Government will ensure that citizens will have an unprecedented understanding of the staff that are delivering care in people's homes. This will significantly enhance public assurance. But it will also be an opportunity to make a step change in the capabilities and skills of this workforce. I will use the levers at the Welsh Government's disposal, including funding, to prioritise the development of domiciliary workers. A clear and ambitious programme to support career and skill development will be put in place, as part of our wider commitment to the care workforce across health and social care.

On the matter of foster carers, the white paper opened up the question of potential registration and responses were ambivalent, acknowledging the comprehensive vetting processes already operated by local authorities and fostering agencies. Work is taking place with relevant stakeholders to develop a national approach to fostering services in Wales, as part of our wider strategy for looked after children. The aim is to set a new direction for fostering services, linked to the Social Services and Well-being (Wales) Act and this Bill. In this context, I **accept recommendation 39** to explore the potential benefits of applying registration to foster carers.

The Committee also recommended in **recommendation 40** that I reconsider whether the Bill is flexible enough to respond to the regulatory needs of the future workforce. I **accept** this recommendation and have given this matter further consideration. I have reached the conclusion that the Bill upholds the key principles of rigorous lay-led regulation whilst at the same time enabling flexibility of process through regulations and then rules determined by Social Care Wales.

It is vital that the Bill provides clarity to the sector on the relevance of the various provisions to the different elements of the workforce. The committee recommended that I ensure that the terminology used in the Bill achieves this. I **accept recommendation 41** and have looked again at the language of the Bill. I am of the view that the Bill, in following the well-established approach of the Care Standards Act, is already sufficiently clear in how it applies to the social care workforce, including how it relates to the various professions who make a valuable contribution to it. I think it is understood by those working in the sector and moving away from this approach could cause confusion. In order to provide an additional safeguard against any misinterpretation of the Bill, I have asked my officials to look again at the Explanatory Notes to see if they can be further developed to provide greater clarity. I will also ensure that the implementation of the Bill is supported by awareness raising events and publicity material to ensure that all of those affected have a clear understanding of its implications.

Regulation will also be strengthened by relevant bodies and regulators co-operating with each other to ensure coherent workforce regulation and development across sectors and jurisdictions. I therefore **accept recommendation 42 in principle**. The Bill requires Social Care Wales and CSSIW to co-operate with each other and with those relevant authorities listed in section 175. There is a strong history of positive cooperation between regulators across the UK and we are in dialogue with the UK government to explore if this can be formalised on the face of the Bill.

Part 7 of the Bill brings provides the basis for a distinct addition to workforce regulation which would have wide ranging implications for workers, employers and the public at large. In view of this, I **accept recommendation 43** that these regulations should be taken forward through full consultation with the sector and a regulatory impact assessment. I am happy to place this commitment on the face of the Bill.

Cooperation and Joint Working

On the issues of cooperation and joint working, I welcome the broad support that these provisions received. These are new and, I believe, important parts of the Bill. I note the shared view across stakeholders and the Committee that it is important to provide as much opportunity as possible for cooperation and joint working across public services, and for the

law to enable rather than limit these behaviours. The Bill therefore seeks to set out clearly and constructively the expectation and powers for such cooperation. It provides powerful new duties on regulators to share information when well-being is at risk, a provision I was pleased to see endorsed by many stakeholders including WLGA and ADSS Cymru.

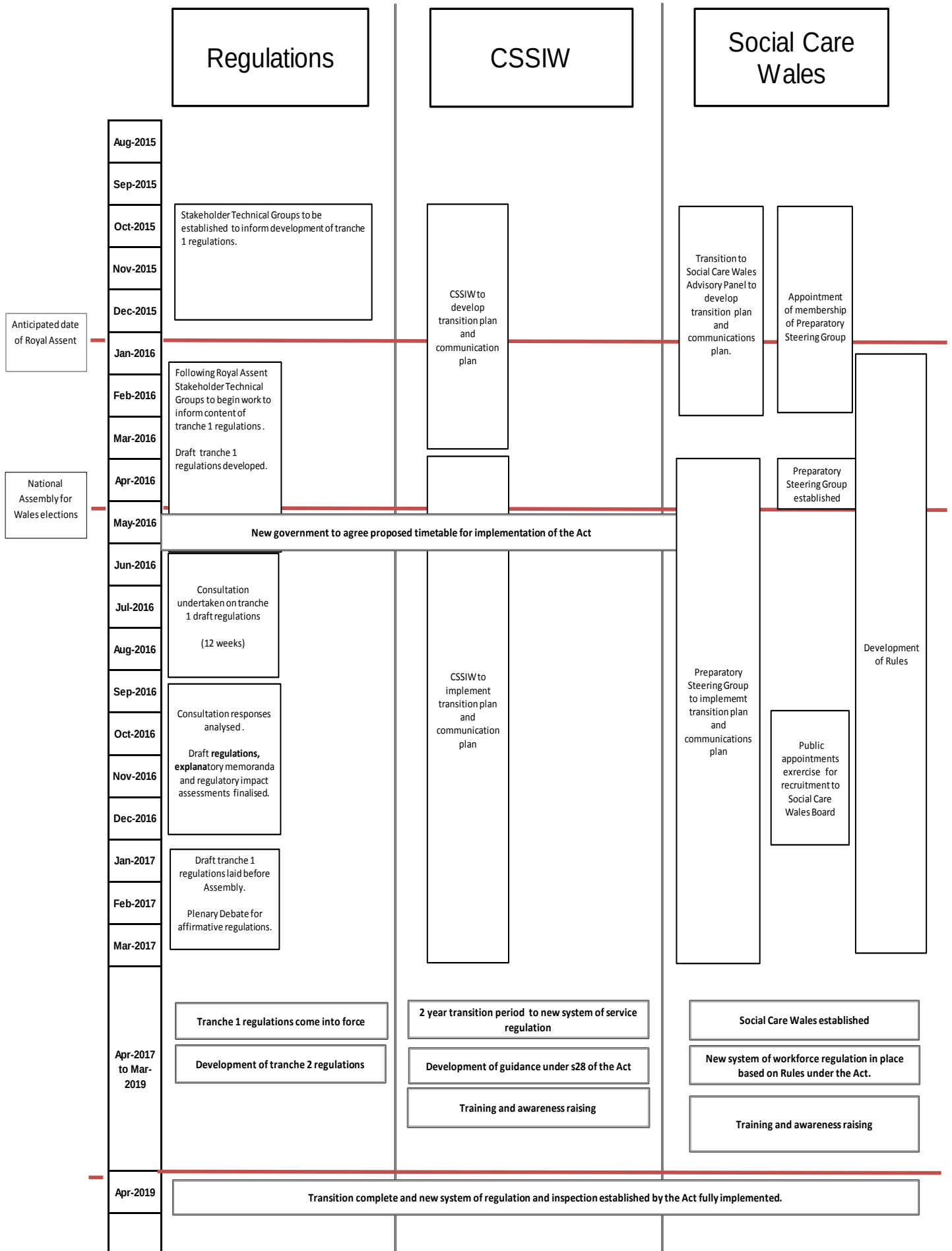
The Committee and stakeholders rightly raised the lack of non-Welsh bodies in the list of authorities in section 175 of the Bill. As I said in Committee, it is my firm intention that this list will include such bodies when it comes into force, but I have been working with officials and the UK Government to establish how that can be achieved most appropriately. In **recommendation 44**, the Committee ask me to set out the non-Welsh bodies I would intend to add to the list. Discussions are ongoing regarding this list of bodies and it would not be appropriate at this time for me to pre-empt the outcome of those discussions by including a list of non-Welsh bodies in this response so I am **unable to accept** this recommendation at this stage.

I also **accept recommendation 45**, although as in this case, it is not always possible to guarantee such consent when it often relies on external factors and the actions of organisations outside the control of the Welsh Government.

The Committee also reported on their considerations regarding the integration of health and social care, and specifically the opportunities for joint working between the relevant regulators - HIW and CSSIW. As both of these bodies reported in their evidence to the Committee, and as I said in scrutiny, there is no legislative barrier to working together given that the functions they both carry out are on behalf of Welsh Ministers. In **recommendation 46** the Committee asks me to set out how the Bill provides a basis for joint working, and whether the Bill is suitably flexible to respond to the outcomes of the green paper on NHS Quality currently out to consultation. Again I am happy to **accept** this recommendation. The Bill sets out clear powers and duties on regulators to share information, work together and to cooperate. It allows for regulators to carry out functions, such as inspections, jointly and it allows regulators to delegate functions in some circumstances. In section 180 it establishes a powerful new duty on such regulators to share information where that is necessary or expedient to protect the well-being of an individual in Wales.

In terms of the future, the Bill sets out functions in relation to Welsh Ministers, and not structures. This means that if and / or when the regulatory landscape is changed following the current consultation, these functions will remain and will apply to the new systems. If some of these regulatory functions were to be required to be passed onto a body other than Welsh Ministers this could be achieved through the legislation that would be required by the other changes.

Appendix A – Timeline for Implementation



Appendix B – Proposed Timings of Legislation Based on Implementation Timeline

Tranche 1 (by April 2017)

Section	Description
2 (1)(h) - Regulated Services	Regulation of additional services: advocacy.
6(1)(d) & (2) – Application for Registration as a service provider	Form and content of application for registration to provide a regulated service.
9(2); 9(3)(a)(ii); 9(3)(b) – Application for variation of registration as a service provider	Form, content and time limit for application to vary registration as a service provider.
19(6) – Responsible Individuals	The specific circumstances in which an individual may be designated as a responsible individual by the Welsh Ministers.
26(1) – Regulations about regulated services	Standards & requirements to be placed upon on service providers.
27(1) - Regulations about responsible individuals	Duties of responsible individuals
29(1) – Service providers who are liquidated.	Requirement for an appointed person to notify the Welsh Ministers of their appointment
30(1) – Service providers who have died	Provision relating to a service provider who has died.
43 – Failure by service provider to comply with requirements in regulations	Offence of failing to comply with provisions of regulations made under section 26.
44 – Failure by responsible individual to comply with requirements in regulations	Offence of failing to comply with regulations made under section 27
51(b) – Penalty Notices	Detail of fixed penalty notice scheme.
78(2)(b) – Meaning of “social care worker”	Provide that persons are to be treated as social care workers.
79 (1)(b) – The register	Register maintained by SCW to include managers, children’s home workers, social work students
90(1)(c) and (d) – Content of register	Information required in an entry in the register.
109(6) – List of persons removed from the register	Form and content of the list; publication; circumstances in which an entry may be removed from the list.
173(1) – Proceedings before panels	Proceedings before (a) registration appeals panels; (b) interim orders panels; and (c) fitness to practise panels.
172(5)(b) – Duty to establish panels etc.	Persons who may not be members of a panel.

Appendix B – Proposed Timings of Legislation Based on Implementation Timeline

Tranche 2 (by April 2018)

Section	Description
8(2) & 8 (3) – Annual returns	Form, content and time limit for annual return by service providers.
32/56(2) - Service Inspections	Code of practice about manner in which inspections are carried out, including the frequency of inspections.
55 – 144A of Act - Annual report by local authorities	Form and content of annual reports by local authorities.
55 – 144B of Act – Local Market Stability Reports	Form, timing and content of local market stability reports
58(1); (4) – Specifying criteria for application of market oversight regime	Criteria for determining whether, and extent to which, s60 applies to a service provider.
60(6); (7) – Assessment of financial sustainability of service provider	Obtaining appropriate information and the making of assessments.
62(1); (3) – National Market Stability Report	Timing, publication and content of the national market stability.
110(5) – Use of title ‘social worker’ etc.	Organisations who may maintain a ‘relevant register’ – <i>subject to changes elsewhere in the UK.</i>
118(4)(d) – Preliminary consideration	Persons who may not carry out preliminary consideration - <i>subject to changes elsewhere in the UK.</i>
124(5)(d) – Duty to investigate	Persons who may not carry out investigations - <i>subject to changes elsewhere in the UK.</i>

Section 28 – Guidance about regulations under sections 26 & 27 to be developed by CSSIW once regulations have been developed.

Remaining regulations will be developed by April 2019 or as and when required.