

## **Explanatory Memorandum to the Code of practice in relation to the performance and improvement of social services in Wales**

This Explanatory Memorandum has been prepared by the Department of Health and Social Services and is laid before the National Assembly for Wales in conjunction with the above code of practice and in accordance with Standing Order 27.1

### **Minister/Deputy Minister's Declaration**

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Code of practice in relation to the performance and improvement of social services in Wales.

Julie Morgan AM

**Deputy Minister for Health and Social Services**

11 February 2020

## **PART 1**

### **1. Description**

In 2011 the Welsh Government published the White Paper Sustainable Social Services: A Framework for Action, which set out an ambitious plan to create a new integrated and person-centred approach to social services provision in Wales. To achieve this new approach, in the last assembly term the Welsh Government made a piece of primary legislation: the Social Services and Well-being (Wales) Act 2014 ('the Act').

The Act provides the legal framework for improving the well-being of people who need care and support, and carers who need support. It also enables the Welsh Ministers to put in place regulations, publish guidance and issue codes of practice.

This code of practice relating to the performance and improvement of social services in Wales, sets out the framework for measuring the progress that local authorities make in relation to the discharge of their duties under the Act as a whole and enables local authorities to continuously improve their services to ensure that all people in need of care and support and all carers who need support are able to improve their well-being outcomes.

This code replaces the Code of practice in relation to measuring social services performance issued in April 2016

### **2. Matters of special interest to the Legislation, Justice and Constitution Committee**

None.

### **3. Legislative background**

The powers enabling the making of this code are contained in Sections 145 and 146 of the Act.

Section 145 of the Act permits Welsh Ministers to issue, and from time to time revise, one or more codes of practice on the exercise of social services functions.

### **4. Purpose and intended effect of the legislation**

The purpose of the code is to set out, through new quality standards, the vision for social services in Wales and how improvement in services for individuals will be supported, measured and sustained by local authorities.

The code has been drafted to move local authorities away from a very bureaucratic and process driven focus on data to a more holistic and collaborative approach where consistent collection of high quality data will become routine practice and local authorities understand how to collect and

use data and evidence to inform both performance and improvement. The code will be used to:

- require local authorities to focus on both performance and improvement
- set out the range of different types of data that local authorities must be collecting and accessing to inform their performance and improvement
- raise expectations in relation to the quality and consistency of data gathered by local authorities
- ensure local authorities are fulfilling their core functions as set out in the Act and the associated legislation and codes of practice
- ensure there is a clear, nationally understood approach to inform performance and improvement that is shared between Welsh Government and local authorities
- ensure local authorities, Welsh Government and other partners within the social care sector can access consistent and comparable data that provides clear evidence of progress, identifies areas where further work is needed and accurately and reliably informs policy at a local and national level

This code of practice replaces the Code of practice in relation to measuring social services performance issued in April 2016.

It is intended that this code of practice comes into effect on 1 April 2020.

## **5. Consultation**

Section 146 (1) of the Act states that before issuing or revising a code under section 145 Welsh Ministers must consult on a draft code. The code of practice, together with the draft technical guidance that support the performance and improvement framework, were consulted upon in a 12 week consultation that ran from 13 May to 5 August. The consultation received 43 responses from local authorities, third sector organisations and individuals.

Prior to formal consultation the code of practice and supporting technical guidance were developed and tested in close collaboration with a wide range of stakeholder groups who met regularly from January 2018 – April 2019.

Following the consultation, the code was reviewed and amendments made where appropriate, to take into account the views of respondents. A consultation

summary report together with a list of respondents will be published on the Welsh Government's website in February 2020<sup>1</sup>.

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<sup>1</sup> Consultation Document relating to Code of Practice in relation to measuring Social Services performance: <https://gov.wales/measuring-social-services-performance-code-practice>

## **6. Regulatory Impact Assessment**

The code is not subordinate legislation made by statutory instrument and for that reason a RIA is not required under section 4.2 of the Welsh Ministers Regulatory Impact Assessment Code.

However, consideration has nonetheless been given to whether the impact of the code is in any case sufficient to warrant completion of an RIA. Given that this code does not impose additional requirements on local authorities it has been decided that its impact is not such as to warrant completion of an RIA.

The code of practice has been subject to a full Integrated Impact Assessment (IIA). The IIA has shown that there are no significant negative impacts on any of the areas under consideration. Additionally, the code does not create any significant regulatory burden; therefore a full RIA has not been completed. A summary of the IIA will be available on the Welsh Government website.