

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Virtual – Video conference via Zoom	P Gareth Williams
Meeting date: 24 June 2024	Committee Clerk
Meeting time: 13.30	0300 200 6565
	SeneddLJC@senedd.wales

Remote

Public meeting

(13.30 – 13.45)

1 Introduction, apologies, substitutions and declarations of interest
(13.30)

2 Instruments that raise issues to be reported to the Senedd under
Standing Order 21.2 or 21.3
(13.30 – 13.35)

Made Negative Resolution Instruments

2.1 SL(6)491 – The Food Additives and Novel Foods (Authorisations and
Miscellaneous Amendments) and Food Flavourings (Removal of
Authorisations) (Wales) Regulations 2024

(Pages 1 – 3)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-21-24 – Paper 1 – Draft report

2.2 SL(6)492 – The Building (Amendment) (Wales) Regulations 2024

(Pages 4 – 5)



[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-21-24 – Paper 2 – Draft report

Affirmative Resolution Instruments

2.3 SL(6)493 – The Procurement (Wales) Regulations 2024

(Pages 6 – 9)

[Regulations](#)

[Explanatory Memorandum](#)

Attached Documents:

LJC(6)-21-24 – Paper 3 – Draft report

3 Inter-Institutional Relations Agreement

(13.35 – 13.40)

4 Papers to note

(13.40 – 13.45)

4.1 Correspondence from the Cabinet Secretary for Economy, Energy and Welsh Language: The Data Protection and Digital Information Bill

(Pages 10 – 12)

Attached Documents:

LJC(6)-21-24 – Paper 4 – Letter from the Cabinet Secretary for Economy, Energy and Welsh Language, 17 June 2024

4.2 Correspondence with the Cabinet Secretary for Health and Social Care: Healthy Food Environment

(Pages 13 – 15)

Attached Documents:

LJC(6)-21-24 – Paper 5 – Letter from the Cabinet Secretary for Health and Social Care, 17 June 2024

LJC(6)-21-24 – Paper 6 – Letter to the Cabinet Secretary for Health and Social Care, 5 June 2024

4.3 Correspondence from the Health and Social Care Committee to the Cabinet Secretary for Health and Social Care and the Minister for Mental Health and Early Years: Prisoner healthcare

(Pages 16 – 19)

Attached Documents:

LJC(6)-21-24 – Paper 7 – Letter from the Health and Social Care Committee to the Cabinet Secretary for Health and Social Care and the Minister for Mental Health and Early Years, 19 June 2024

5 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting

(13.45)

Private meeting

(13.45 – 13.55)

6 Correspondence with the First Minister in relation to a general scrutiny session: Further consideration

(13.45 – 13.50)

(Pages 20 – 33)

Attached Documents:

LJC(6)-21-24 – Paper 8 – Briefing paper

LJC(6)-21-24 – Paper 9 – Letter from the First Minister, 11 June 2024

LJC(6)-21-24 – Paper 10 – Letter to the First Minister, Counsel General, and the Cabinet Secretary for Finance, Constitution and the Cabinet Office, 13 May 2024

7 Correspondence from Adam Price MS in relation to HM Prison Parc: Further consideration

(13.50 – 13.55)

SL(6)491 – The Food Additives and Novel Foods (Authorisations and Miscellaneous Amendments) and Food Flavourings (Removal of Authorisations) (Wales) Regulations 2024

Background and Purpose

These Regulations make provision, in relation to Wales, on regulated food product authorisations. Part 2 of these Regulations (regulations 2 and 3 and Schedules 1 to 3) is made in exercise of powers in Regulation (EC) No 1331/2008 establishing a common authorisation procedure for food additives, food enzymes and food flavourings (EUR 2008/1331). Regulation 2 and Schedule 1 update, in relation to Wales, the domestic list of food additives approved for use in foods in Annex 2 of Regulation (EC) No 1333/2008 on food additives (EUR 2008/1333). Regulation 3 and Schedules 2 and 3 amend, in relation to Wales, Commission Regulation (EU) No 231/2012 laying down specifications for food additives listed in Annexes II and III to Regulation (EC) No 1333/2008 (EUR 2012/231).

The amendments made in Part 2 of these Regulations provide for—

- the authorisation, in relation to Wales, of the placing on the market and use of the food additive E 960b steviol glycosides from fermentation (*Yarrowia lipolytica*);
- the authorisation, in relation to Wales, of a new production method for an existing authorised additive: E 960c enzymatically produced steviol glycosides. The specification for the existing production method in the Annex to EUR 2012/231 is renumbered as E 960c(i). The specification for the new production method is inserted as “E 960c(ii) rebaudioside M, AM and D produced via enzymatic conversion of highly purified steviol glycosides from *Stevia* leaf extracts”;
- the authorisation, in relation to Wales, of a new use (edible ices) for the food additive E 476 polyglycerol polyricinoleate, and an amendment to an existing authorised use (sauces);
- the introduction of a maximum residue limit of 0.1 mg/kg for residues of ethylene oxide applying to all authorised food additives;
- minor miscellaneous corrections to Annex 2 to EUR 2008/1333.

Part 3 of these Regulations is also made in exercise of powers in EUR 2008/1331. Regulation 4 removes, in relation to Wales, 22 flavouring substances from the domestic list of authorised flavouring substances in Annex 1 to Regulation (EC) No 1334/2008 on flavourings and certain food ingredients with flavouring properties for use in and on foods (EUR 2008/1334). Regulation 5 makes transitional provision to allow existing products containing these substances to continue to be marketed and used until their date of minimum durability ('best before' date) or 'use by' date.



Part 4 of these Regulations (regulation 6 and Schedules 4 to 8) is made in exercise of powers in Regulation (EU) 2015/2283 on novel foods (EUR 2015/2283). Part 4 updates, in relation to Wales, the list of authorised novel foods in the Annex to Commission Implementing Regulation (EU) 2017/2470 establishing the Union list of novel foods (EUR 2017/2470) –

- Schedule 4 inserts a new entry, authorising the placing on the market of partially hydrolysed protein from spent barley (*Hordeum vulgare*) and rice (*Oryza sativa*) as a novel food for use in the specified food categories.
- Schedule 5 inserts a new entry, authorising the placing on the market of cetylated fatty acids as a novel food for use in food supplements for adults only.
- Schedule 6 inserts a new entry, authorising the placing on the market of 3-fucosyllactose (3-FL) (from a strain of *Escherichia coli* K-12 DH1) as a novel food for use in the specified food categories.
- Schedule 7 inserts a new entry, authorising the placing on the market of lacto-Nfucopentaose I (LNFP-I) and 2'-fucosyllactose (2'-FL) mixture as a novel food for use in the specified food categories.
- Schedule 8 corrects errors in existing entries— — In Table 1 only, the existing entry for “bovine milk basic whey protein isolate” is replaced to address formatting errors in the existing entry. — In Table 2 only, the specification for Xylo-oligosaccharides is amended to add the parameter for “Dry material (%)”, which was missing from the existing entry.

Procedure

Negative

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vii) – that there appear to be inconsistencies between the meaning of its English and Welsh texts;

In Regulation 3(2), in the Welsh text, in the description of the amendment, the word “for” in the phrase “**for** *Note: Ethylene.... food additives* substitute—” has been translated as “ar gyfer”. However, “yn lle” is the standardised translation of “for” noted in the Welsh Government’s Legislative Translation Unit’s Style Guide when used in the phrase “for X substitute Y”. It also means that the description in the Welsh text of the amendment in this regulation is inconsistent with that found in other similar amendments in these Regulations where the standardised phrase has been used.



Merits Scrutiny

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

2. 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;

We note that these Regulations make minor corrections within existing legislation for authorised novel foods and food additives. In particular, we note the following paragraph in the Explanatory Memorandum:

“This instrument makes minor corrections within the existing legislation for authorised novel foods and food additives - including corrections we committed to making in the Welsh Government’s response to technical scrutiny points raised by the Legislation, Justice and Constitution Committee in their report on the Food Additives, Food Flavourings, and Novel Foods (Authorisations) and Food and Feed (Miscellaneous Amendments) (Wales) Regulations 2023. These amendments can be found in Regulation 2 and Schedule 1, paragraph 6 of this Instrument.”

Welsh Government response

A Welsh Government response is not required.

Legal Advisers

Legislation, Justice and Constitution Committee

18 June 2024



Agenda Item 2.2

SL(6)492 – The Building (Amendment) (Wales) Regulations 2024

Background and Purpose

The Building Regulations 2010 (“the **2010 Regulations**”) include requirements for automatic fire suppression systems to be installed in new or converted care homes for adults. The Domestic Fire Safety (Wales) Measure 2011 (“the **2011 Measure**”) contains similar requirements for automatic fire suppression systems to be installed in care homes for children.

These Regulations amend the 2010 Regulations to include, with amendments, the requirements for the installation of automatic fire systems in care homes for children contained in the 2011 Measure.

Procedure

Negative.

The Regulations were made by the Welsh Ministers before they were laid before the Senedd. The Senedd can annul the Regulations within 40 days (excluding any days when the Senedd is: (i) dissolved, or (ii) in recess for more than four days) of the date they were laid before the Senedd.

Technical Scrutiny

The following point is 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.

The Explanatory Note to these Regulations states that their effect will be to “move” the provisions requiring the installation of automatic fire suppression systems in care homes for children contained in the 2011 Measure to the 2010 Regulations.

The provisions in the 2011 Measure containing those obligations are not repealed by these Regulations. However, section 1(3)(b) of the 2011 Measure specifies that its provisions do not apply to building work if building regulations imposing requirements as to the provision of automatic fire suppression systems apply to that work (or would apply but for a direction under section 8 of the Building Act 1984 dispensing with such requirements).

Regulation 37A(5) of the 2010 Regulations (as amended by these Regulations) provides that the requirement to install an automatic fire suppression system in a care home for children does not apply to temporary buildings with a planned time of use of two years or less. A



similar exemption does not seem to appear in the corresponding provisions in the 2011 Measure requiring the installation of such a system.

The Government is therefore asked to clarify whether it intended to preserve a requirement to install an automatic fire suppression system in a care home for children comprised within temporary buildings with a planned time of use of two years or less in accordance with section 1 of the 2011 Measure.

Merits Scrutiny

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

2. 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.

The Explanatory Note to the Regulations confirms that a regulatory impact assessment has been prepared as to the likely costs and benefits of complying with these Regulations. However, the Explanatory Memorandum accompanying the Regulations states (at paragraph 6.1) that *“an RIA has not been undertaken”*.

The Government is therefore asked to explain whether a regulatory impact assessment has been made in relation to these Regulations.

Welsh Government response

A Welsh Government response is required.

Legal Advisers

Legislation, Justice and Constitution Committee

17 June 2024



Agenda Item 2.3

SL(6)493 – The Procurement (Wales) Regulations 2024

Background and Purpose

The Procurement Act 2023 (“the Act”) repeals the current EU procurement regulations and lays out new rules and procedures for Welsh contracting authorities when selecting suppliers and awarding contracts with a value above and below certain thresholds. The Act will also provide for the UK to meet its international obligations on public procurement. The Act will regulate the procurement process and will have enhanced transparency requirements under a new noticing regime which will span the full lifecycle of procurement.

These Regulations provide additional detail and requirements which are necessary to ensure the functioning of the Act. The intention of the Regulations is to:

- specify the services which can be supplied under a light touch contract, including reservable light touch services;
- define “central government authority” and “works” for the purposes of the thresholds in Schedule 1 of the Act;
- set out rules on using the central digital platform and the Welsh digital platform for the publishing of procurement notices;
- provide for the form and content of various procurement-related notices and assessment summaries;
- make consequential provisions;
- deal with below threshold procurement; and
- disapply section 17 of the Act (preliminary market engagement notices) for private utilities.

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 eleven points are identified for reporting under Standing Order 21.2 in respect of this instrument.

- 1. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements**

In regulations 1 and 2, the full title of the Procurement Act 2023 is used on each occasion when referring to that Act. However, it has been defined as “the 2023 Act” in regulation 3 for the whole set of Regulations. The defined term “the 2023 Act” should have been used when referring to the Procurement Act 2023 in regulations 1 and 2.

2. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 4, in the defined term “CA 2006”, in the English text, the corresponding language definition that appears in italics and brackets afterwards is incorrect. It states “Deddf 2006”, but “DC 2006” is the corresponding defined term that has been used in the Welsh text.

3. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 4, the term “significant control” has been defined for Part 2 of these Regulations. However, the term is only used in regulation 12. Therefore, it should have been included with the terms that are found in regulation 12(9) which have been defined for that regulation alone – see Writing Laws for Wales, paragraph 4.14(1).

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

Regulation 12(17) uses the phrase “significant influence”, but this phrase is not defined for the purpose of the Regulations. Clarification is requested as to why the meaning of this phrase is not set out in the Regulations.

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

Regulation 13(8) uses the phrase “concerted practice”, but this phrase is not defined for the purpose of the Regulations. Clarification is requested as to why the meaning of this phrase is not set out in the Regulations.

6. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 13(8)(a), there appears to be a conjunction missing between paragraphs (i) and (ii) to show the relationship between them and whether they are intended to operate cumulatively or as alternatives.

7. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 28(2)(e)(vi), the term “associated person” is defined in parentheses after the term is used in paragraph (vi). In legislation, words in parentheses are usually inert material to aid the reader. Therefore, it is incorrect to include operative material such as this definition within parentheses. It should have been included in a separate interpretation provision in regulation

28 as has been done for the definitions of “ceased lot information” and “secured information” in paragraphs (3) and (5) of this regulation. In addition, it is not necessary to include the corresponding Welsh definition in italics and brackets afterwards as there is only a single definition rather than a list of several definitions.

We also note regulation 41(3), which does not appear to consist of operative material yet is included in the Regulations as a standalone paragraph. This information should have been included in a footnote.

8. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 46(2), there is a difference between the English and Welsh text. In the new words that replace the existing text it states, “an estimated value equal to or greater than £2,000,000” but the meaning of the Welsh text is “an estimated value of, or greater than, £2,000,000”. Therefore, there is no word that corresponds to “equal to” in the Welsh text.

9. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements

In regulation 46(3)(b) and (c), there is a difference between the English and Welsh text. In the English text, the corresponding language definitions are included in italics and brackets when identifying the definition for amendment. But in the Welsh text, the corresponding language definitions are not included in italics and brackets when identifying the definition for amendment.

In this regard, the Welsh text is following the usual pattern found in the Welsh SIs where the corresponding language definition is not usually noted as well when identifying a definition for amendment.

The same difference between the English and Welsh text occurs in regulation 49 where the English text has included the corresponding language definition when identifying the definition for amendment, unlike the Welsh text.

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

In Schedule 2 to the Regulations, the final “related body” to the Welsh Ministers in the table refers to “Welsh NHS Bodies”. This is preceded by an entry which refers to the Welsh National Health Service Trusts and Local Health Boards”. “Welsh NHS Bodies” is not defined and no information is provided as to how they are distinct from the preceding entry. Further explanation would be welcomed in this regard as to what constitutes a Welsh NHS Body for the purpose of Schedule 2.

11. Standing Order 21.2(vi) – that its drafting appears to be defective or it fails to fulfil statutory requirements.

In the list of central government bodies set out in Schedule 2 to the Regulations, reference is made to the National Assembly for Wales Commission. The Senedd and Elections (Wales) Act 2020 amended section 27 of the Government of Wales Act 2006, so that this Commission is now known as the Senedd Commission. Similarly, reference is made to the Care Council for Wales. Under section 67 of the Regulation and Inspection of Social Care (Wales) Act 2016, this Council is now known as Social Care Wales.

Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

12. 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.

The majority of the Regulations come into force at the same time that section 11 of the Act comes into force. Section 11 of the Act comes into force on such date as a Minister of the Crown shall appoint. The Explanatory Memorandum notes that this approach:

mirrors the approach adopted by the UK Government (UKG) and will avoid any potential risk around a lack of legal certainty associated with coming into force on different dates of these and the equivalent English regulations.

Further information is requested as to whether any discussions have taken place with the UK Government regarding when section 11 of the Act will be brought into force.

13. 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.

We note that Schedule 1 to the Regulations specifies various health services as light touch services.

We would be grateful if the Welsh Government could clarify how the specifying of those services will interact with regulations made in relation to the procurement of health services under the Health Service Procurement (Wales) Act 2024.

Welsh Government response

A Welsh Government response is required to each of the reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

18 June 2024

Agenda Item 4.1

Ysgrifennydd y Cabinet dros yr Economi, Ynni a'r Gymraeg
Cabinet Secretary for Economy, Energy and Welsh Language



Ein cyf/Our ref MA/JMEEW/5564/24

Llywodraeth Cymru
Welsh Government

Chair of the Legislation, Justice and Constitution Committee

17 June 2024

Dear Chair

I am writing in response to the Legislation, Justice and Constitution Committee's (LJCC) report on the Supplementary Legislative Consent Memorandum (Memorandum No.4), laid on 13 May in respect of the Data Protection and Digital Information Bill ('the Bill').

As you will know, the plenary debate for the Legislative Consent Motion on the Bill was held on 14 May. During the debate I recommended that the Senedd withheld its consent for the Bill and the motion was not agreed.

You will also be aware that the Bill fell following the dissolution of the UK Parliament on 30 May.

I would like to thank the Committee for their detailed consideration of Memorandum No.4. I have considered the conclusions set out in the report and have responded to each of the recommendations below.

Legislative Consent

I note that the Committee agreed that the amendments to the clauses (and Schedule) set out in Memorandum No.4 require the consent of the Senedd.

In respect of clauses 74 and 78, I also note that the Committee agreed that consent should be sought for clause 74 and clause 78(3), reflecting the UK Government's view that legislative consent should be sought when conferring or imposing reserved functions on a devolved Welsh authority.

Constitutional concerns

I welcome the Committee's support in respect of the constitutional concerns the Welsh Government raised on the Bill. I agree with the Committee's conclusion that, were the Bill to have not fallen and been passed by the UK Parliament without the consent of the Senedd, this would have brought into question the operation of the Sewel Convention.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Recommendations

Recommendation 1

Should the Bill be enacted in its current form, the Cabinet Secretary should confirm if it is the Welsh Government's intention to bring forward provisions in a Bill that would re-delegate to the Welsh Ministers the regulation-making powers under section 79 of the New Roads and Street Works Act 1991 (subject to the Welsh Ministers consulting the appropriate UK Minister in accordance with paragraph 11(2) of Schedule 7B to the Government of Wales Act 2006).

Response:

The Bill fell following the dissolution of Parliament.

Recommendation 2

The Cabinet Secretary should, during the relevant consent debate for the Bill, provide full details to explain his statement that a number of the Bill's provisions could impact on the UK's EU Data Adequacy status and have the potential to lead to legal challenge in the Court of Justice of the European Union.

Response:

I note in the report that the Committee found concerns around the potential for legal challenge in the Court of Justice of the European Union in respect of the Bill's impact upon the UK's EU Data Adequacy status, to be stark and concerning.

During the Legislative Consent Motion debate, I explained the provisions in the Bill which we consider to have the potential of a review by the European Commission, or legal challenge in the Court of Justice of the European Union. This included those provisions which were seen to weaken the independence of the Information Commissioner and undermine individual rights.

I went on to explain that as the Bill amended the statutory definition of personal data, there was a risk that a broader range of health and social care data could have been included in the scope of free trade agreements.

Although the Bill has fallen, the importance of retaining EU data adequacy remains and my officials will monitor the matter going forward.

Recommendation 3

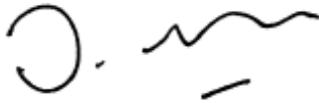
The Cabinet Secretary should make clear during the relevant consent debate for the Bill whether, in addition to the UK-EU obligations already cited, the Welsh Government considers the Bill has implications for other international arrangements such as the UK-US data bridge established in 2023. If so, the Cabinet Secretary should provide detailed information.

Response:

During the motion debate I set out my concerns that the Bill signalled the beginning of the UK's divergence from the data protection regime currently in place across the EU. Further, that this approach had the potential to undermine the data protection provisions in the Trade and Co-operation Agreement across a broad range of policy areas and could lead to the potential loss of EU data adequacy.

I am copying this letter to the Chair of the Culture, Communications, Welsh Language, Sport, and International Relations Committee.

Yours sincerely

A handwritten signature in black ink, consisting of a stylized 'J' followed by a series of wavy lines and a short horizontal stroke at the end.

Jeremy Miles AS/MS

Ysgrifennydd y Cabinet dros yr Economi, Ynni a'r Gymraeg
Cabinet Secretary for Economy, Energy and Welsh Language

Eluned Morgan AS/MS
Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol
Cabinet Secretary for Health and Social Care

Agenda Item 4.2


Llywodraeth Cymru
Welsh Government

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee

SeneddLJC@senedd.wales

17 June 2024

Dear Mike,

Thank you for your letter dated 5 June 2024 asking for an update on my progress in bringing forward healthy food environment legislation this year.

I can confirm that I intend to lay legislation to restrict the price promotion and placement of high fat, salt and sugar products before the Senedd in 2024. I will very shortly be consulting on the text of draft regulations and an enforcement approach for this legislation. The restrictions and proposed enforcement approach largely mirror UK Government regulations in this area.

My officials are in regular contact with teams in UK Government to discuss the proposals I intend to take forward. This has included ongoing discussions around the impact of the Internal Market Act 2020. I will update you on the conclusions of our assessment in relation to this in due course.

To respond to your final question, the announcement of the UK General Election has resulted in a pause to the UK Government's programme of revoke, restate and reform using its Retained EU Law (Revocation and Reform) Act 2023 powers. Until the results of the Election and an announcement on the new government's projected use of REUL powers, we cannot say what effect they will have on our proposals.

Yours sincerely,



Eluned Morgan AS/MS
Cabinet Secretary for Health and Social Care
Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Eluned Morgan MS
Cabinet Secretary for Health and Social Care

5 June 2024

Dear Eluned

Proposals relating to supporting a healthier food environment in Wales

Last year, the Committee exchanged correspondence with the previous Deputy Minister for Mental Health and Wellbeing regarding the Welsh Government's proposals relating to supporting a healthier food environment in Wales.

On 11 September 2023, the then Deputy Minister responded to a letter from the then Chair of the Committee, dated 7 July 2023, in which the Deputy Minister agreed to update the Committee on various aspects of bringing forward the relevant subordinate legislation in the autumn term of 2024.

We would be grateful to receive an update on the Welsh Government's plans in this area. In particular, and as per the commitments given by the then Deputy Minister in her letter on 11 September 2023, we would welcome:

1. Confirmation that it remains the Welsh Government's intention to lay the relevant subordinate legislation before the Senedd in Autumn 2024.
2. A summary of the outcomes of any discussions the Welsh Government has had with the UK Government on these proposals.
3. A detailed assessment of any impact the *United Kingdom Internal Market Act 2020* may have on the proposals.
4. Any assessment made of how the *Retained EU Law (Revocation and Reform) Act 2023* may impact these proposals.

I would be grateful to receive a response by 24 June 2024.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges

Chair

Agenda Item 4.3

Y Cymdeithas a
Gofal Cymdeithasol

Health and Social Care Committee

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Eluned Morgan MS

Cabinet Secretary for Health and Social Care

Jayne Byrant MS

Minister for Mental Health and Early Years

19 June 2024

Dear Eluned and Jayne

Prisoner healthcare

You will be aware that, towards the end of the last Senedd, our predecessor committee undertook an **inquiry into health and social care on the adult prison estate in Wales**. The inquiry focused on the provision of health and social care services and its impact on the mental and physical health and wellbeing of prisoners.

That committee's **report** made a number of recommendations to the Welsh Government which highlighted the importance of structured governance, collaborative efforts across government and health bodies, and the establishment of clear standards and pathways to address the health and social care needs within the prison system. It emphasised the need for a comprehensive approach to prison health and social care, encompassing staff education, strategic planning, resource allocation, and the integration of technology to meet the healthcare needs of prisoners effectively.

In 2022, we exchanged **correspondence** with you and your then deputy Ministers about progress in implementing the recommendations in the above report. At that time, some of the progress had been impacted by the pandemic.

More recently, we have been **contacted by Dr Robert Jones** from the Wales Governance Centre about funding for prison healthcare. His letter highlights that the underfund for prisoner



healthcare has deepened since the Committee concluded its inquiry in 2021. He states that, in the last 12 months, the cost of prisoner healthcare services in Wales increased by 29 per cent to £7,163,188, whilst the funding provided through the Block transfer remained the same as when it was set two decades ago; £2.544m.

In addition to the above, we are, of course, aware of the series of recent drug-related deaths at HMP/YOI Parc in Bridgend, which have given rise to concerns about prison safety.

These are matters that merit further consideration at this time and, to this end, I have set out a number of areas in the attached annex where I would be grateful for an update on progress. For convenience, I have included a reference to the relevant recommendation from our predecessor's report, where relevant. I would appreciate a response by **8 July 2024**.

A copy of this letter goes to Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee and Jenny Rathbone MS, Chair of the Equality and Social Justice Committee, given their respective Committees' interest in this subject area.

Yours sincerely

A handwritten signature in black ink that reads "Russell George". The signature is written in a cursive style with a long horizontal flourish underneath.

Russell George MS
Chair, Health and Social Care Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.

Annex

Could you provide an update in each of the following areas:

1. the inspection arrangements for HMP/YOI Parc and whether they fully align with those in place for public sector prisons in Wales (Recommendation 3);
2. since the healthcare at HMP/YOI Parc has been under the Cwm Taf Morgannwg University Health Board (December 2022), the improvements that have been observed in the healthcare services provided;
3. how the MoU between the Health Board, HMPPS, and Welsh Government ensures that healthcare delivery is consistent and meets the required standards;
4. the representations that have been made to the UK Government to enable the Prisons and Probation Ombudsman to question professional and clinical judgment in complaints about health services in privately-run prisons like HMP Parc (Recommendation 5);
5. the consideration that has been given to adopting the approach used in England for making pre-prison medical records available to prison health services (Recommendation 8);
6. how progress on mental health priorities will be monitored, including how the contribution of national standards will be assessed (Recommendation 10);
7. the anticipated timescales for developing a standardised clinical pathway for managing substance misuse in prisons (Recommendation 12);
8. the revised priorities and workplan for the Deep Dive Group, including monitoring access to support for prisoners with co-occurring issues (Recommendation 13);
9. discussions with HMPPS about establishing an Expert Advisory Group for Medicines (Recommendation 14);
10. regarding the agreed service specification for healthcare services at HMP/YOI Parc, the measures that are in place to ensure the quality and effectiveness of dementia screening and support (Recommendation 16).
11. the steps that have been taken towards finding a fair, sufficient and sustainable baseline for funding via the Welsh Block' for prison healthcare provision (Recommendation 21);
12. the progress that has been made in collating and reviewing the costs of healthcare provision across prisons in Wales, and when we can expect this information to be published (Recommendation 22);

13. the steps taken to monitor demand, provision and spend on social care in prisons to ensure funding issues do not prevent access to necessary care (Recommendation 23);
14. the steps taken towards identifying, developing, and publishing Wales-specific datasets on current and forecast prison population (Recommendation 25).

Agenda Item 6

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

Document is Restricted



Chair
Legislation, Justice and Constitution Committee

11 June 2024

Dear Chair

I am writing in response to your letter of 13th of May inviting the Cabinet Secretary for Finance, Constitution and Cabinet Office, Counsel General and me to attend a general scrutiny session.

I can confirm that Rebecca Evans, as the relevant Cabinet Secretary, and the Counsel General will be available to attend on the 23rd of September.

I will be giving evidence to the Committee for the Scrutiny of the First Minister on the 12th of July, where there will be an opportunity for members to raise questions on any aspect of the government's work, including those within your Committee's remit.

Yours sincerely

VAUGHAN GETHING

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Rt Hon Vaughan Gething MS

First Minister of Wales

Mick Antoniw MS

Counsel General

Rebecca Evans MS

Cabinet Secretary for Finance, Constitution and Cabinet Office

13 May 2024

Dear all

Invitation to give evidence

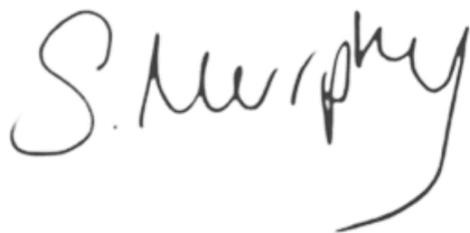
We have established a constructive and valuable practice in this Sixth Senedd whereby the member(s) of the Welsh Government with responsibilities which fall within our remit have dedicated time to appear before us regularly for general scrutiny sessions.

In line with this practice, I would like to invite you all to attend our committee meeting on either 24 June, 8 July or 15 July for a collective scrutiny session. We would appreciate 2 hours of your time, and are content to be as flexible as we can with a convenient start time.

This meeting will take place on the Senedd estate, room location to be confirmed. I would be grateful if you could confirm, at your earliest convenience, whether you will be able to attend. The Committee Clerk can liaise with your officials to discuss appropriate timings.

This session will help inform our next annual report, which we intend to lay before the Senedd in the autumn term.

Yours sincerely,

A handwritten signature in black ink that reads "S. Murphy". The signature is written in a cursive style with a long, sweeping tail on the letter 'y'.

Sarah Murphy

Chair