

## **Government Response: Part 8 Code of Practice – Role of Director of Social Services**

The Government is most grateful to the Committee for the time that has been afforded and the attention to detail that has been given to scrutinising the draft Code of Practice.

The Government acknowledges the matters raised. However, it respectfully submits that, albeit matters for correction, these are minor editorial points that do not change the operation or effect of the Code. Indeed, the matters raised in relation to the draft Code all relate to text that has been in publication since the previous Code of Practice was issued and brought into force in 2016.

Given this observation, the Government proposes to the Committee that the Government makes the editorial corrections, as outlined in further detail below, prior to issuing the Code of Practice. The Government considers this a pragmatic and proportionate response that will ensure the Code of Practice is published without imprecision or unnecessary delay.

### **Scrutiny points 1 and 2:**

The previous Code was laid before the Senedd on 28 January 2016 and issued on 16 March 2016, it had not been revised subsequently. The English and Welsh text will be amended to include the date of issue and the ISBN.

### **Scrutiny point 3:**

The defined term “the Act” will replace the full title of the Social Services and Well-being (Wales) Act 2014 at paragraphs 2 and 3 of the Code, and the heading of Chapter 3 of the Code. The Welsh text will be translated to the equivalent.

### **Scrutiny point 4:**

In the English text, in paragraph 1, a hyphen will be added to the incorrectly spelt word “wellbeing” in the title of the Act. In both texts, the defined term “the Act” or “y Ddeddf” will be used in the first sentence of paragraph 2 (replacing the full title of the Act and rectifying the error relating to the omission of “2014” from the title of the Act).

### **Scrutiny point 5:**

In paragraph 4, following the reference to “Section 147”, the words “of the Act” will be added to identify where the provision is found.

### **Scrutiny point 6:**

In the Welsh text, “a gyflwynir dan adran 145” will be substituted with “a ddyroddir o dan adran 145”. Paragraphs 15, 41, 43, 52 and 82 will be corrected in a similar context.

### **Scrutiny point 7:**

In paragraph 15 and elsewhere in the Code, in the Welsh text, “role” when referring to “the role of the director of social services” will be translated as “rôl” to be consistent with the title of the Code and the previous Code along with the Appointed Day Order for that Code.

### **Scrutiny point 8:**

In paragraph 45(d) of the English text, “experiencing abuse of neglect” will be replaced with “experiencing abuse or neglect”, the equivalent of the Welsh text.

### **Scrutiny point 9:**

In paragraphs 81, 85 and Annex 2, the term “well-being” will be translated to “llesiant”.

### **Scrutiny point 10:**

Schedule 2 to the Social Services and Well-being (Wales) Act 2014, which is replicated at Annex 1 of the Code, does not note any specific sections or use the phrase “The whole Act” in the entries for “Adoption Act 1976” and “Adoption and Children Act 2002”.

### **Scrutiny point 11:**

In Annex 1, in the first or second column:

1. At the entry for the “Children Act 1989”, “the Act” (the defined term currently used in the Code for the Social Services and Well-being (Wales) Act 2014) will be replaced with a newly defined term the “**1989 Act**” to avoid any ambiguity as to the Act being referred to in the extract i.e. by substituting “The whole Act” with “The whole 1989 Act”, and substituting “within the meaning of the Act” with “within the meaning of the 1989 Act”.
2. Likewise, at the entry for the “Education Act 1996”, “the Act” will be replaced with a newly defined term the “**1996 Act**”.
3. At the entry for the “Mental Capacity Act 2005”, “the Act” will be replaced with a newly defined term the “**2005 Act**”.

The Welsh text will include the equivalent defined terms.

### **Scrutiny point 12:**

In Annex 1, in the first column, where referring to the Social Services and Well-being Wales Act 2014, “This Act” will be replaced with “The Act” and the Welsh text will be amended to the equivalent.

### **Scrutiny point 13:**

In Annex 1, in the second column for the entry “Mental Health Act 1983”, in the Welsh text, the words “penodi **gweithwyr** iechyd meddwl sydd wedi’u cymeradwyo” are used as a translation of the words “approved mental health **professionals**” in the English text. The word “proffesiynol” was not included in the sentence in question as it is omitted from the Welsh version of Schedule 2 to the Social Services and Well-being (Wales) Act 2014. To note, the contracted form of “wedi’u” used in the draft Code will be replaced with “wedi eu” in the Code to be issued so that it corresponds with the 2014 Act (in Welsh: “gweithwyr iechyd meddwl sydd **wedi eu** cymeradwyo”; In English: “approved mental health professionals”).

### **Scrutiny point 14:**

The Code of Practice was issued under section 145(1) of the Social Services and Well-being (Wales) Act 2014 and the Code sets out the various requirements for the annual report. The view of the Welsh Government is that there is a very low risk of causing confusion to the reader by using the phrase as currently drafted, and that if any confusion is indeed caused, the implication of this would be very minor given that the requirements of section 144A are detailed at section 3 of the Explanatory Memorandum.

In addition to the changes made as a result of the Committee's report, subsequent minor changes have been identified and will also be corrected upon issuing of the Code, these are as follows:

1. In paragraph 8, “February 2016” will be substituted with “December 2023” to clarify that the table contained in Annex 1 has been updated since the previous Code was issued. The equivalent correction will be made to the Welsh text.
2. In paragraph 13 of the Welsh text, the second “cymdeithasol” will be amended to “cyhoeddus” (in the context of “public services” as opposed to “social services”) to correspond with the English text.

Formatting and typographical corrections will also be addressed prior to publication.