

## **Government Response: Part 2 Code of Practice: General Functions**

The Government is 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 Code of Practice is issued under section 145 of the Social Services and Well-being (Wales) Act 2014. Under section 145(2) a Code may impose requirements or it may include guidelines (or both). This Code includes both and the helpful points raised by the Committee relate only to provisions of the Code that do not impose requirements. Notwithstanding that the Government notes 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.

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 point 1:** The second sentence of paragraph 44 will be amended from “Support will need to be appropriate ...” to read “Support should be appropriate ...”, as this statement follows the guideline in the previous sentence where ‘should’ is used.

Paragraph 351 of the Code will be amended to state “Protocols to enable this to happen should be put in place and regularly reviewed”.

The Government has considered the other uses of the phrase “need to” in the Code and has concluded that in each case the term is clear in terms of its purpose and is not intended to impose a legal requirement or guidance.

**Scrutiny point 2:** The Government has noted the Committee’s comments about the use of the word “locality”, which is not defined in the Glossary, and has considered the six uses of this term in the Code.

In paragraph 230 the use of “what works best in any given locality or region” is intended to convey a sense of “what works best across the local authorities in the region.” Therefore, the reference to “what works best in any given locality or region” will be amended to “what works best in the region”.

The other five usages of the term occur in Chapter 6 of the Code of Practice, which deals with the information, advice, and assistance service. The use of the term “locality” here is synonymous with the use of the defined term “region,” the term will be changed accordingly.

**Scrutiny point 3:** Paragraph 83 of the English text will be amended to refer to “Chapter 2B of this Code.”

**Scrutiny Point 4:** Paragraph 230 of the Welsh text will be amended to “gwahanol fathau o sefydliadau a dulliau gweithredu”, which is the equivalent to the English text.

**Scrutiny Point 5:** Paragraph 251 of the Welsh text will be amended to replace “a chynnwys y bobl hyn” with “ac ymgysylltu â’r bobl hyn” the equivalent of the English text.

**Scrutiny Point 6:** Paragraph 276 of the Welsh text will be amended to “(gweler pennod 2 o’r Cod hwn)”, the equivalent of the English text.

**Scrutiny Point 7:** Paragraph 283 will be amended to use the defined term “the service” when referring to the “information, advice and assistance service” to be consistent with the drafting of the paragraphs immediately before and after 283. Formatting, equivalence, and typographical corrections, as set out within your additional comments document, will also be addressed prior to publication.