

Mark Drakeford AC / AM  
Y Gweinidog Iechyd a Gwasanaethau Cymdeithasol  
Minister for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref

David Rees AM  
Chair  
Health and Social Care Committee

13 July 2015

*Dear David,*

Thank you for your letter dated 7 July following evidence taken on the Care and Support (Eligibility) Regulations at the Health and Social Care Committee meeting on 11 June.

These regulations are central to the success of the Social Services and Well-being (Wales) Act and I welcome the additional scrutiny that the committee has provided before the plenary debate on 14 July. I am pleased that the Committee concluded these Regulations should be supported.

I am confident that a significant number of the issues raised in the letter have already been addressed through the revisions to the codes of practice. For example, with reference to the comments under the headings of Community Resources and the Can and Can Only Test I consider that these are attended to in the Code of Practice on Assessment under Part 3. The code includes further detail about the National Assessment and Eligibility Tool which requires that the assessment records the actions to be taken by the local authority and other persons to help the person achieve those outcomes. In addition a statement of how the practitioner assesses the identified action will contribute to the achievement of the outcome. This applies not only to those needs which are due to be met through the provision of care and support but also those met through community based or preventative services, the provision of information, advice or assistance, or by any other means.

Similarly, the comments on the impact on carers are also addressed in the code of practice on Assessment and the references to Advocacy are covered in the code of practice on part 10 which is currently out to consultation.

With regards to the references on reviewing decisions I have previously mentioned that I will look to strengthen the code of practice to clarify the process of re-assessment and I will consider the Committee's comments during this process. As you also know references to having due regard to the United Nations Convention on Disabled People have been included under Part 2 and 3 of the Act and I will consider a reference to it under Part 4.

Please rest assured that I will use the opportunity before the codes are finalised in the autumn to ensure that the committee's views are considered and the codes strengthened to provide clarity where necessary. I also support the Committee's recommendation that the successor committee review the implementation of the regulations at an appropriate time alongside the monitoring and evaluation undertaken by the Welsh Government.

A copy of this letter will be shared with the Chair of the Constitutional and Legislative Affairs committee.

Best wishes,

Mark

**Mark Drakeford AC / AM**

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

CC David Melding AM, Chair of the Constitutional and Legislative Affairs Committee