

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



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA-L/MD/0014/15

David Rees AM
Chair
Health and Social Care Committee
Ty Hywel
Cardiff Bay
CF99 1NA

20 October 2015

Dear David

I am writing to update you on the changes made to the Codes of Practice on Parts 3 and 4 of the Social Services and Well-being (Wales) Act 2014. These changes follow your letter of 7 July which included the committee's conclusions from evidence taken from stakeholders; and issues raised during the plenary debate on the Care and Support (Eligibility) (Wales) Regulations 2015.

The regulations were passed by the Assembly but there were clear messages about changes needed to the code of practice on eligibility to address the issues raised. I have set out the changes in the table attached to this letter; I have also attached a copy of the most recent codes of practice with changes highlighted for ease of reference. These are the versions I intend to lay before the National Assembly for Wales in November.

The Committee discussed at length how the new eligibility criteria, which have become known as the 'can and can only test', can be applied consistently across Wales. I am concerned that a term used to help communicate the new model of eligibility when it was being developed has the potential to be misinterpreted as a way of preventing access to care and support. To deal with this the code on part 4 has been updated to expand and further clarify the process of determining eligibility to reflect the regulations which were passed by the National Assembly on 14 July. In addition, the codes include additional references to the requirement for the practitioner to record the outcome of the assessment and how personal outcomes will be met on the assessment and eligibility tool. This was a strong message from the Committee and has been taken on board.

The codes have also been updated to include work that was ongoing following the consultation. The changes include a section on additional considerations for children which is supplemented by updated chapters from the Framework for the Assessment of Children

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)

English Enquiry Line 0300 0603300
Llinell Ymholiadau Cymraeg 0300 0604400
Correspondence: Mark.Drakeford@wales.gsi.gov.uk
Printed on 100% recycled paper

in Need and their Families in the annex to the code on part 3. There is also guidance in both codes on the appropriate level of qualification for practitioners undertaking assessments and preparing care and support plans, which was developed with the Care Council for Wales. These changes have also been highlighted in the codes attached to this letter.

These final codes of practice will now be laid and I am satisfied that they reflect comments raised by the Committee, the plenary debate and our ongoing engagement with stakeholders. I am copying this letter to opposition party spokespeople in advance of a meeting I have with them on 21 October.

Best wishes,

Mark.

Mark Drakeford AC / AM

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