

# SL(5)503 – Code of practice in relation to the performance and improvement of social services in Wales

## Background and Purpose

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This code of practice applies to the exercise of social services functions by local authorities in Wales, and sets out how improvement in services, and for individuals, will be supported, measured and sustained by local authorities.

The purposes of the code are:

- to set out quality standards,
- to set out a performance and improvement framework,
- to set out the data and evidence that local authorities must collect to evidence their progress towards achieving the quality standards,
- to ensure that local authorities use data and evidence effectively,
- to ensure that local authorities understand their responsibilities for improving the well-being outcomes of people who need care and support and carers who need support.

## Procedure

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A draft of the code must be laid before the Assembly. If, within 40 days (excluding any time when the Assembly is dissolved or is in recess for more than 4 days) of the draft being laid, the Assembly resolves not to approve the draft code then the Welsh Ministers must not issue the code.

If no such resolution is made, the Welsh Ministers must issue the code (in the form of the draft) and the code comes into force on a day specified in an order made by the Welsh Ministers.

## Scrutiny under Standing Order 21.7

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### **Two points are identified for reporting under Standing Order 21.7 in respect of the code.**

1. The code places a heavy focus on the collection, use and sharing of data, in order to improve social services in Wales. However, there is no reference to any data protection impact assessment that has been carried out, or that will have to be carried out, as a result of the code.

It is our understanding that the General Data Protection Regulations impose stricter requirements in respect of data protection impact assessments, so that data protection risks can better be analysed, identified and minimised.

2. The Explanatory Memorandum states that the Social Services and Well-being (Wales) Act 2014 was made by the Welsh Government. While it was, of course, the Welsh Government that drafted, designed and introduced the legislation, it was made/passed by the National Assembly for Wales.



Cynulliad Cenedlaethol Cymru  
**Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad**

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National Assembly for Wales  
**Legislation, Justice and Constitution Committee**

## Implications arising from exiting the European Union

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No points are identified for reporting under Standing Order 21.7 in respect of this code.

## Government Response

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A data protection impact assessment has not been carried out, as the Code of Practice does not require the collection, processing or sharing of any new personal data under Article 35(1), 35(3) and 35(4) of the GDPR. Any new information collected and shared in accordance with the Code of Practice is limited to numerical data and does not identify any individuals.

Consideration will be given to whether a Data Protection Impact Assessment is required when issuing or revising any future guidance setting out the data requirements under the performance and improvement framework.

## Committee Consideration

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The Committee considered the instrument and Government response at its meeting on 2 March 2020 and reports to the Assembly in line with the reporting points above.

