

SL(6)684 – Code of Practice on Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services 2026

Background and Purpose

The Code of Practice on Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services 2026 ('Code of Practice') sets out the requirements and guidelines which local authorities must act in accordance with when exercising their social services functions in relation to quality assurance and performance management, escalating concerns and closure of regulated services under the Social Services and Well-being (Wales) Act 2014 ('the 2014 Act').

The Code of Practice also constitutes guidance under section 169 of the 2014 Act and guidance under section 2 of the National Health Service (Wales) Act 2006 ('the 2006 Act').

To ensure this Code of Practice has comparable force in relation to Local Health Boards and NHS trusts in Wales, the Welsh Ministers will direct Local Health Boards and NHS trusts in Wales under powers set out in the 2006 Act to exercise their functions in accordance with the requirements contained within this Code of Practice when exercising their respective functions.

Procedure

Draft negative

A draft of the code must be laid before the Senedd. If, within 40 days (excluding any time when the Senedd is dissolved or is in recess for more than 4 days) of the draft being laid, the Senedd 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

The following 20 points are identified for reporting under Standing Order 21.7 in respect of this code.

1. In paragraph 1.2, the term "the 2009 Guidance" has been used twice when appearing to refer to the statutory guidance first referred to in paragraph 1.1, Escalating Concerns with, and Closures of Care Homes Providing Services for Adults issued in 2009. However, that guidance was not defined as "the 2009 Guidance" in paragraph 1.1 of the Code and the full title of that guidance has also been used in paragraph 1.2. Should the title of that



guidance be defined as “the 2009 Guidance” in paragraph 1.1 and used consistently on each occasion in paragraph 1.2?

2. In paragraph 1.3, there is an incomplete reference to “1.2(b)” but it should note “paragraph 1.2(b)” (see the cross-reference in paragraph 5.17 for a correct example).
3. In paragraphs 1.4 and 1.5, there are references to the Social Services and Well-being (Wales) Act 2014 and to the National Health Service (Wales) Act 2006. However, these Acts have already been defined as “the 2014 Act” and “the 2006 Act” respectively in the opening words of the preamble of the Code. Therefore, the definitions should have been used in paragraphs 1.4 and 1.5 of the Code.
4. In paragraph 1.6, the reference to “section 147” is incomplete because it does not identify the Act in which that section is found. Other references to sections have correctly included the title of the relevant Act afterwards.
5. In paragraph 1.14, in the final sentence, there is a difference between the English and Welsh text. In the English text, it notes “appropriate monitoring mechanisms” but the meaning given by the Welsh text is “appropriate monitoring and evaluation mechanisms”.
6. In paragraph 3.1, in the final bullet point, it refers to a “registered service provider” and this term is used on approximately 5 occasions in the Code. Elsewhere, there are numerous references to “service provider” in the Code. However, the term “service provider” has been defined by the Glossary as meaning a person or organisation registered by Care Inspectorate Wales to provide a regulated care and support service under section 6 of the 2016 Act. Therefore, the defined term “service provider” should be used on each occasion if there is no difference in meaning between a “registered service provider” and a “service provider” in the Code. In addition, it could also be argued that the words “registered under the 2016 Act” in the third bullet point of paragraph 3.1 are superfluous after the words “service provider” due to the definition.
7. In paragraph 3.4, in the first sentence, there is a difference between the English and Welsh text. In the English text, it notes “Registered service providers” but the meaning given by the Welsh text is “Registered providers”. In addition, there is also a greater significance to the choice of term in both language texts because “service provider” has been defined by the Glossary of this Code.
8. In paragraph 3.5, in the second sentence, there is a difference between the English and Welsh text. In the English text, it notes “for the well-being of the people of Wales” but it could be argued that the meaning given by the Welsh text is “for the welfare of the people of Wales”. This is because “llesiant” rather than “lles” is the term normally used for “well-being” in the Welsh text of legislation and has been used consistently elsewhere in this Code. In addition, the word “lles” is also used later in paragraph 3.5 to convey the meaning of “welfare”. Therefore, the reader of the Welsh text will be unable to distinguish between “well-being” and “welfare” in paragraph 3.5 of the Code.



9. In paragraphs 4.15, 5.13 and 7.11, there are references to “the Registered Manager”. However, this term has not been defined with a meaning by the Glossary or other provisions of the Code. Therefore, it has no clear meaning in the Code.
10. In paragraphs 4.17 and 5.18, there is a difference between the English and Welsh text. In the English text of both of these paragraphs it notes “process flowchart” but there is no word or phrase to convey the meaning of “flowchart” in the Welsh text. In other provisions such as paragraphs 6.9 and 7.1 and the Annexes, the word “siart lif” has been used to correctly convey the meaning of “flowchart” in the Welsh text.
11. In paragraph 5.26, it refers to “registered social care workers or managers”. However, these terms have not been defined with a meaning by the Glossary of the Code unlike the term “registered nurse” in that paragraph. Is there any reason why those terms have not been defined in the Code?
12. In paragraph 6.3, in the first sentence, there is a difference between the English and Welsh text. In the English text, it notes “the desired outcomes or performance” but the meaning given by the Welsh text is “the desired outcomes or standards”.
13. In paragraph 6.7, in the second sentence, there is a difference between the English and Welsh text. In the English text, it notes “arranged by other commissioning bodies” but the meaning given by the Welsh text is “arranged by external commissioning bodies”.
14. In paragraph 7.5, in the second sentence, there is a difference between the English and Welsh text. In the English text, it notes “example procedures and plans for responding to the closure” but the meaning given by the Welsh text is “example procedures and plans for the closure”.
15. In paragraph 7.8, in the first sentence, there is an inconsistency in the choice of word to convey the meaning of “identified” in the Welsh text. In paragraph 7.7 and elsewhere in the Code, “nodi” has been used to express the meaning of “identified” in a similar context but “canfod” has been used in paragraph 7.8.
16. In paragraph 7.9, in the first sentence, there is a difference between the English and Welsh text. In the English text, it notes “must assess a carer’s needs” but the meaning given by the Welsh text is “must assess an unpaid carer’s needs”.
17. In Annex A, on page 25, in the flow chart, there is a difference between the English and Welsh text. In the English text, in the second box down in the centre which has a beige background, it notes in bold “Contract performance management meeting with service provider”. But the meaning given by the Welsh text is “Contract performance management meeting with provider”. The same difference of meaning also occurs in the first sentence immediately after those words in the same box. As already mentioned, “service provider” is a term that is defined by the Glossary of the Code.
18. In Annex A, on page 25, in the flow chart, there is a difference between the English and Welsh text. In the English text, in the fourth box down in the centre which has a beige



background, it notes "risks, breaches in required standards and agreed actions". But the meaning given by the Welsh text is "the areas of improvement and agreed actions". In addition, the formatting of this box is quite different in both language texts in the flow chart.

19. In Annex C, on page 27, in the flow chart, there is a difference between the English and Welsh text. In the English text, in the box at the bottom of the page which has a pink background, in the second line, it notes "(see also Regulated Care and Support Services – Closure Flowchart...)". But the meaning given by the Welsh text is "(see also Regulated Care Services – Closure Flowchart...)".
20. In Annex D, on page 30, in the flow chart, there is a difference between the English and Welsh text. In the English text, in the box at the bottom of the page which has a light blue background, it notes "Regulated Service Closure Team". But the meaning given by the Welsh text is "Regulated Service Team".

Government response

A Welsh Government response is required to the reporting points.

Legal Advisers

Legislation, Justice and Constitution Committee

10 December 2025

