



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

By e-mail only

30th March 2007

Dear Colleague

- (i) **THE HEALTH, SOCIAL CARE AND WELL-BEING STRATEGIES (WALES) (AMENDMENT) REGULATIONS 2007; and**
- (ii) **THE HEALTH, SOCIAL CARE AND WELL-BEING STRATEGIES GUIDANCE (WALES) 2007**

I am pleased to confirm that on the 27th March 2007, the National Assembly for Wales made the *Health, Social Care and Well-being Strategies (Wales) (Amendment) Regulations 2007* (SI No. 2007/1042 (W.102) (the new Regulations), and the *Health, Social Care and Well-being Strategies (Wales) Guidance 2007* (the Statutory Guidance). Both the Regulations and Statutory Guidance will come into force on the 1st April 2007.

Both the new Regulations and Statutory Guidance were subject to full public consultation, from November 2006 to February 2007. All responses received were considered as part of the consultation evaluation process, and informed the development of these final versions. I would like to take this opportunity to thank all who contributed.

THE HEALTH, SOCIAL CARE AND WELL-BEING STRATEGIES (WALES) (AMENDMENT) REGULATIONS 2007

The new Regulations make the following amendments to the *Health, Social Care and Well-being Strategies (Wales) Regulations 2003*:

- (i) deleting the reference to “Health Authority” . This is no longer required as a result of the abolition of Health Authorities in Wales;

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- (ii) removing the need for Local Health Boards and Local Authorities to consult before formulating their strategies. This change was identified as desirable by Health, Social Care and Well-being Partnerships (LHBs and LAs) in their Annual Reports to reduce “consultation overload”, and will effectively mean that there will be no requirement to consult with the local population and with any other representative bodies or people whose interests are likely to be affected by the strategy, before formulating their strategies. However, LHBs and LAs will still be required to co-operate widely in preparing their strategy and to consult on their draft strategy once they have been formulated. In practice, this means they will not need to consult on the first stage of the process, which is compiling a Needs Assessment for the local population.
- (iii) including in the list of matters, which the strategy must address (under the sub-section ‘inequalities in health and well-being’); inequalities relating to disability, race, gender, language, age, sexual orientation, and religion and belief. This brings the Regulations and Guidance in line with new legislative requirements;
- (iv) removing the requirement for LHBs and LAs to provide the Assembly with full and detailed reasons why it has not entered into a commissioning arrangement for secondary care services. Regulation 6 will provide a vehicle for establishing commissioning arrangement groups in local authority areas that will include representatives from local government. It is proposed these groups will feed into the new Regional Commissioning Unit structures, which will be introduced during 2007-8;
- (v) updating references to other strategies and plans:
 - including a reference to ‘Children and Young People’s Plans’ to be produced under section 26(1) of the Children Act 2004;
 - removing the duty for ‘Children’s Services Plans’, ‘Community Care Plans’ and ‘Health Improvement Plans’ to be published with and be annexed to the Health, Social Care and Well-being Strategy; and
 - replacing the reference to section 28 of the Health Act 1999 with section 17 of the National Health Service (Wales) Act 2006 (the 2006 Act). This is to effect the coming into force of the 2006 Act on 1 March 2007, prior to the coming into force of these Regulations on 1 April 2007; and
- (vi) changing the operative period of the strategy from five years to three years from 2008. This will complement existing local authority and health sector planning requirements, and will align with the Children and Young People’s Plans effective from 2008-2011.

As a result of comments received during the consultation process, the proposal to remove the duty on LHBs and LAs to prepare a procedure for co-operation with NHS Trusts, Community Health Councils, County Voluntary Councils, Health Commission Wales (Specialist Services), and any private, business, voluntary or other

organisation, which has an interest in the provision of health and well-being services to the local population before starting the process of strategy formulation, has not been included in the new Regulations. **Therefore, the requirement to produce the Procedure for Co-operation remains.**

THE HEALTH, SOCIAL CARE AND WELL-BEING STRATEGIES GUIDANCE
(WALES) 2007

The Statutory Guidance has been developed to support the next round of Strategies, and has addressed a number of issues raised during the consultation process. First, there is experience from the first round of strategies.

Secondly, there is the need to reflect the policy changes that have occurred since the first set of Guidance in 2003. This includes the launch of *Health Challenge Wales*, and the issue of major strategy documents setting the future direction for health services and social care in Wales – *Designed for Life* and *Fulfilled Lives, Supportive Communities*.

Thirdly, there is the need to reflect the results of the plan rationalisation exercise. You will recall that this was undertaken to reduce the planning burden on local authorities. As a result of this the Health, Social Care and Well-being Strategy was identified as one of the three major strategies to be retained in support of the Community Strategy.

Hard copies of both of these instruments will not be available for some weeks. Accordingly, please find attached an electronic version of Statutory Guidance for your immediate assistance. This copy is in the form as approved by the National Assembly, and a final version will also be available on the following website:

<http://www.opsi.gov.uk/legislation/wales/w-2007.htm>

Yours sincerely

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