

Explanatory Memorandum to the Code of Practice on Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services (Appointed Day) (Wales) Order 2026

This Explanatory Memorandum has been prepared by the Health Social Care and Early Years Group and is laid before Senedd Cymru alongside the Code of Practice on Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services (Appointed Day) (Wales) Order 2026. This is in accordance with Standing Order 27.1.

Minister's Declaration

In my view, this Explanatory Memorandum gives a fair and reasonable view of the expected impact of the Code of Practice on Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services (Appointed Day) (Wales) Order 2026.

Dawn Bowden MS
Minister for Children and Social Care
6 February 2025

1. Purpose and overview

- 1.1. The Code of Practice on Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services (Appointed Day) (Wales) Order 2026 (“the Appointed Day Order”) appoints the 31 March 2026 as the date upon which the Code of Practice on Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services 2026 comes into force.
- 1.2. The Code of Practice on Quality Assurance and Performance Management, Escalating Concerns, and Closure of Regulated Care and Support Services 2026 (“the Code of Practice”) was laid in the Senedd on 1 December 2025.

2. Matters of special interest to the Legislation, Justice and Constitution Committee

- 2.1. None.

3. Legislative background

- 3.1. The Appointed Day Order is made under section 146(4)(b) of the Social Services and Well-being Act (Wales) 2014 (“the 2014 Act”). Although the Appointed Day Order does not follow a Senedd procedure, it is still required to be laid before the Senedd under section 37F of the Legislation (Wales) Act 2019.
- 3.2. Section 145 of the 2014 Act gives the Welsh Ministers the power to issue, and from time-to-time revise, one or more codes on the exercise of social services functions. 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.
- 3.3. The Welsh Ministers, as required by section 146(1) of the 2014 Act, have consulted such persons as they think fit on a draft of the Code of Practice on Quality Assurance and Performance Management, Escalating Concerns and Closure of Regulated Care and Support Services 2026.
- 3.4. In accordance with section 146(2) of the 2014 Act, a draft Code of Practice was laid before the Senedd on 1 December 2025 and is brought into force by the Appointed Day Order on 31 March 2026. The Code of Practice is issued, in the form of the draft laid before the Senedd.
- 3.5. In accordance with section 146(3) of the 2014 Act, within a period of 40 days Senedd Cymru did not resolve not to approve the draft Code of Practice, and the Code of Practice was issued in the form of that draft.

4. Regulatory Impact Assessment (RIA)

4.1. An RIA has not been completed for this Appointed Day Order. This is in line with the exemption in section 3.2 of the Welsh Ministers' code of practice for carrying out regulatory impact assessments for subordinate legislation.