



**Yr Athro/Professor Chris Jones**

Cyfarwyddwr Clinigol Cenedlaethol, GIG Cymru  
a Dirprwy Brif Swyddog Meddygol  
National Clinical Director, NHS Wales and Deputy Chief Medical Officer

Llywodraeth Cymru  
Welsh Government

To:

Alyson Thomas  
Chief Executive of Llais

6 July 2023

Dear Alyson,

I write to thank you for your letter of 16 June 2023 conveying Llais' response to our consultation on the Code of practice on access to premises and engagement with individuals. Your responses were most helpful in informing our finalisation of the Code. I would like to address some of the points you made directly, as set out below.

**Paragraph 18**

You referred to paragraph 18 of the draft Code and requested further information about the reference in it to the "rights of ... service providers". Principally this relates to the rights of service providers in terms of access by third parties to premises that providers own or operate. Such rights include rights to privacy and those derived from Article 8 of the European Convention of Human Rights. I can confirm that colleagues did consider whether to expand the wording of the Code to this effect but felt that it was sufficiently set out in the overall drafting and that to seek to particularise those rights at that point could affect the balance of the Code.

**Paragraph 23**

In relation to paragraph 23 and footnote 20, you questioned the inclusion of 'in-patient wards' as one of the examples of a (more) sensitive setting. This was a matter expressly raised in the consultation, hence the inclusion. However, on further consideration we agree that this was overly-broad and have now clarified by referring to 'long-stay inpatient wards', which we believe addresses your point whilst still addressing the overall intention.

Also in relation to paragraph 23 and footnote 23, whilst I note the clarification of Llais' intentions regarding access, the Health and Social Care (Quality and Engagement) (Wales) Act 2020 provides that requests for access may be made to any premises at which health services or social services are being provided and does not restrict the power to request access to settings in which service users are present. Accordingly, we deemed it better to retain the footnote for reasons of certainty. This is also a matter which was raised in consultation.

### **Paragraph 25**

In relation to paragraph 25 (sharing of visiting plans) we have taken the opportunity to lightly amend the paragraph to encourage the reciprocal sharing of visiting plans, insofar as this is possible, on a regular basis.

### **Paragraphs 32 and 24**

Regarding your points about the consent references in paragraphs 32 and 34, upon reflection we concluded that the reference to privacy and consent was not as helpful as it could be, and it has been omitted. We have also inserted new text into paragraph 32 which states "The processes and thresholds for such consideration [of the wishes, interests and well-being of users or residents of the service or premises] should be consistent with those applying to other requests for access for the purpose of providing services". I trust that this addresses the substance of your concern.

### **Paragraph 53(v) and page 17**

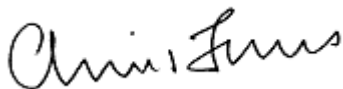
We have slightly amended the wording of paragraph 53(v) to address your point regarding sharing the outcomes of issues raised with the inspectorates back with Llais, and also added into the table on page 17 a cross-reference to the relevant part of the subsequent flow chart which deals with provision of support for complaints.

### **Review**

Finally, paragraph 1 of the Code now states Welsh Ministers' intention to review the Code after one year of operation.

I hope that this reply is helpful in outlining our response to your consultation feedback.

Yn gywir/Yours sincerely



**YR ATHRO/PROFESSOR CHRIS JONES CBE**