

Legislative Consent Memorandum for the Terminally Ill Adults (End of Life) Bill – BASW Cymru response

June 2025

Introduction

The British Association of Social Workers Cymru (BASW Cymru), part of the wider British Association of Social Workers UK-wide organisation with more than 21,000 members, is the independent professional voice for social work and social workers in Wales and across the UK. We are the largest professional membership organisation for social work in Wales. Our mission is to:

- Act for social workers!
- Act for social work!
- Act for a better society!

We deliver professional learning and career development opportunities, resources and advice and member representation.

In addition, BASW Cymru works tirelessly to influence and campaign to deliver positive change and well-being for the social work profession, and for children, young people and adults who use social work services across Wales.

The Terminally Ill Adults (End of Life) Bill, introduced by Labour MP Kim Leadbeater in October 2024, at Westminster, could significantly impact Wales if passed, though its application in Wales requires the Senedd's consent via a Legislative Consent Motion (LCM).

The Health and Social Care Committee at The Senedd has been asked to consider and report on the Bill by 27 June 2027. Following correspondence from the Chair of the Health and Social Care Committee, Peter Fox MS, dated 23 May 2025, with a list of questions, BASW Cymru is pleased to provide relevant information.

Questions

Clause 37: guidance about the operation of the Act

Clause 37 of the Bill requires the Chief Medical Officer (CMO) for Wales to prepare and publish guidance about the operation of the Act. Before making guidance, the CMO must consult with relevant individuals and groups, including people with learning disabilities, and ensure the guidance is practical and accessible.

1. What are your views on these proposals?

BASW Cymru: Comment.

Consulting relevant individuals and groups, including people with learning disabilities, under Clause 37, is crucial for creating guidance that is inclusive, equitable, and responsive to Wales' cultural and linguistic needs. Ensuring the

guidance is practical and accessible enables vulnerable populations to make informed decisions, protects against coercion, and supports effective implementation by stakeholders, such as social workers. It ensures the principles of the Act of autonomy; self-determination will be upheld at a time of considerable complexity and difficulty.

2. What are your views on whether these proposals are sufficient to ensure that the Chief Medical Officer for Wales can effectively oversee the implementation of assisted dying services?

BASW Cymru: Comment.

Considerations must be taken into account about any differences in implementation timelines between Wales and England. For social workers across Wales, this would create challenges in managing cross-border cases, ensuring consistent safeguarding, capacity assessments and addressing resource and training disparities.

3. What are your views on whether the current proposals for regulations by the Chief Medical Officer provide sufficient safeguards to protect vulnerable individuals under the new assisted dying regulations?

BASW Cymru: Comment.

From a social worker's perspective, careful consideration is needed regarding safeguarding duties, capacity assessment, training and development requirements, and cross-border challenges. BASW Cymru are pleased to see within the draft UK legislation, the introduction of a multi-disciplinary panel which will take into account the legal context of decision making. For social work, this will necessitate inclusion in capacity and safeguarding assessments as part of a multi-disciplinary approach.

Clause 39(1), (2), (5) and (6): Voluntary Assisted Dying Services: Wales

Clause 39 allows the Welsh Ministers to make regulations to support how voluntary assisted dying services work in practice in Wales. These regulations can be tailored to different situations (such as hospitals or care homes) and may include technical or transitional arrangements.

4. What are your views on the proposals to enable Welsh Ministers to provide, by regulations, for voluntary assisted dying services in Wales, determining how the services might be structured, managed and delivered?

BASW Cymru: Comment.

The proposals in Clause 39 to enable Welsh Ministers to regulate voluntary assisted dying services are a step forward to tailoring services to local needs. From a social worker's perspective, considerations should be taken and acted

upon around safeguarding responsibilities, training needs, and cross-border challenges. The Senedd's oversight must ensure sufficient investment and clear regulations to empower social workers to fulfil their roles effectively and for there to be independence in this role which is currently enshrined in legislation pertaining to mental capacity and adult safeguarding.

5. How do you anticipate the forthcoming regulations by Welsh Ministers on voluntary assisted dying services will (if approved) impact current palliative care practices in Wales, considering the details of these regulations are still to be determined?

BASW Cymru: Comment.

Social workers already play a critical role in safeguarding and care coordination in palliative care settings, requiring specialist training and support. The Senedd must ensure regulations are balanced between assisted dying and palliative care and appropriate training for all professionals which reflect these two areas.

Clause 45: Monitoring by Commissioner

Clause 45 requires the Voluntary Assisted Dying Commissioner (appointed by the Prime Minister) to monitor the operation of the Act, investigate and report to an appropriate national authority on any matter connected with the operation of the Act which the appropriate national authority refers to the Commissioner, and submit an annual report to each appropriate national authority on the operation of the Act.

6. What are your views on the proposals to:
 - a. enable the Welsh Ministers to refer any matter connected to the operation of the Act to the Voluntary Assisted Dying Commissioner for investigation;
BASW Cymru: Comment.
Enabling Welsh Ministers to refer matters to a Voluntary Assisted Dying Commissioner could enhance oversight, strengthen safeguards, and support social workers in fulfilling their safeguarding responsibilities, particularly in Wales' devolved context. It is essential that there is independence from the political process and that such independence is open to scrutiny and accountability.
 - b. require the Commissioner to consult with the Chief Medical Officer for Wales when preparing an annual report on the operation of the Act;
BASW Cymru: Comment.

Requiring a Voluntary Assisted Dying Commissioner to consult with the CMO for Wales when preparing an annual report would enhance oversight, strengthen safeguards and support in Wales. Importantly, it should report on legal, medical and social issues identified by the multi-disciplinary panel. It could also provide social workers with valuable practice guidance to fulfil their safeguarding and capacity assessment responsibilities and address cross-border policy and practice challenges.

- c. require the Welsh Ministers to publish the annual report submitted by the Voluntary Assisted Dying Commissioner, and prepare and publish a response to that report, which must both be laid before the Senedd.
BASW Cymru: Comment.

Requiring Welsh Ministers to publish the Commissioner's annual report, prepare and publish a response, and present both to The Senedd would strengthen oversight, transparency, and safeguards for assisted dying in Wales.

Clause 47(4) – Provision of information in English and Welsh

Clause 47 requires any service, report, declaration or certificate of eligibility provided under the Act to a person seeking assistance to end their own life must be in the persons first language, if that language is English or Welsh and, if neither of those languages is their first language, must be in their preferred language of English or Welsh.

- 7. What are your views on whether the Bill adequately ensures information and services are accessible in both English and Welsh? Specifically, what are your views on the proposals that:

- a. require that any service, report, declaration or certificate of eligibility provided under the Act to a person seeking assistance to end their own life must be in the person's first language, if that language is English or Welsh. If English or Welsh is not their first language, they must be provided in whichever is their preferred language of English or Welsh;

BASW Cymru: Comment.

Ensuring that vulnerable people and people in vulnerable situations in Wales receive all information in their first language, Welsh or English, is critical for promoting equity, accessibility, and empowerment, particularly in the context of proposed law like the Terminally Ill Adults (End of Life) Bill (Clause 47(4)). In the assessment of mental capacity, it is essential to

provide advice and support in people's first language and for first language Welsh speakers to be part of the multi-disciplinary team.

- b. any regulations containing provision for the Welsh language must be approved by a resolution of the Senedd.

BASW Cymru: Comment.

BASW Cymru believes strongly that The Senedd should always have primary authority over Welsh language issues, as opposed to Westminster, due to Wales' devolved governance, cultural distinctiveness, and the need for responsive, context and language specific policies.

Clause 50(1), (2), (5) and (6) – Regulations

Clause 39 allows the Welsh Ministers to make regulations to support how voluntary assisted dying services work in practice. Clause 50 provides that such regulations must be approved by the Senedd before they can take effect.

- 8. What are your views on the proposed procedure for regulations made under the Act, and whether it provides the Senedd with an appropriate level of oversight?

BASW Cymru: Comment.

BASW Cymru welcome the inclusion of social workers in the assessment process for people considering assisted dying. Undertaking capacity and adult safeguarding assessment support contribute to a robust process to protect the needs and wishes of individuals within the defined legislation. Consequently, Clause 39 could potentially increase the responsibilities of social workers in Wales, particularly in relation to safeguarding, capacity assessments, and supporting equitable access to assisted dying services. This is a positive development for people considering assisted dying but with a workforce already operating at capacity levels, issue around resources, training and timely availability will be significant. Welsh Government and relevant bodies, such as the Older People's Commissioner, should be consulted to ensure social workers are adequately supported and funded in implementing this legislation effectively.

Clause 54(6), (8) and (9) – Commencement

Clause 54 deals with the commencement of the Act.

- 9. What are your views on the proposal that the provisions of the Act (except sections 43, and 49 to 55) will come into force in Wales on the day(s) appointed by the Welsh Ministers by regulations?

BASW Cymru: Comment.

When the Act is implemented in Wales, consideration and action must be taken to ensure social workers receive tailored training which is refreshed annually and that sufficient investment, resources, and support are provided to enable them to effectively carry out their safeguarding and assessment responsibilities.

10. These regulations will have to be approved by the Senedd. What are your views on the appropriateness of this procedure?

BASW Cymru: Comment.

The National Office for Care and Support, part of the Welsh Government, oversees social care in Wales, which includes social work. From a social worker's perspective, to ensure tailored training, adequate investment, resources, and support are provided for effective safeguarding and assessment duties, The Senedd is best positioned to provide this comprehensive oversight through the National Office for Care and Support

11. What are your views on the possible implications if this legislation were to be commenced at different times in Wales and England?

BASW Cymru: Comment.

Introducing the Act on a different date in Wales could lead to operational, ethical, and equity challenges for social workers across Wales. This could impact negatively on training, regulatory clarity, placing additional burdens on social workers to navigate cross-border issues, manage client expectations, and uphold safeguarding duties. It will be important to undertake an impact assessment which includes population movements not only across the border interface with England, but also through transfer of people in receipt of care packages. The Senedd's role in overseeing Wales-specific implementation will be vital to ensure social workers receive tailored training, sufficient resources and funding, and clear guidance to effectively carry out their responsibilities.

ENDS

The above responses from BASW Cymru were emailed to seneddhealth@senedd.wales, date:

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