



## Consultation by the Subordinate Legislation Committee

### 1. Introduction – about Arthritis Care in Wales

Arthritis Care in Wales welcomes the opportunity to provide a response to this Welsh Assembly Government (WAG) consultation document.

Arthritis Care is the UK's leading user-led organisation benefiting people with arthritis. Arthritis Care in Wales is the Wales component of the UK wide charity. We are a user led organisation, working with and for people in Wales who have arthritis:

Arthritis and musculoskeletal conditions are the most common type of self-reported illness<sup>1</sup> and affects 1 in 5 adults in the UK.<sup>2</sup> Musculoskeletal conditions are amongst the most costly illnesses because of the long term care and support they require. They

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<sup>1</sup> Office for National statistics. Living Britain; results from the 1998 General Household Survey. London HMSO 2000, Welsh Health Survey 2003/04: Available at <http://www.wales.gov.uk/keypubstatisticsforwales/content/publication/health/2005/hs2003-04/hs2003-04.htm>

<sup>2</sup> McCormick A., Fleming D., Charlton J., 1995 'Morbidity statistics from general practice. 4<sup>th</sup> national study 1991 – 1992. London, HMSO

consume on average 3% of total GDP in developed countries<sup>3</sup> and one in all four GP consultations in the UK relates to musculoskeletal problems such as arthritis.<sup>4</sup>

Arthritis is a long term condition, which can affect every aspect of a person's life, and can have a profound and devastating impact both on the person with arthritis and on their families.

The concept of self management, where people are empowered, to better manage their own condition, is fundamental to an effective approach to arthritis as well as many other long term conditions.

Arthritis Care Cymru values this opportunity to contribute to this consultation into the scrutiny of subordinate legislation and delegated powers. We are happy for our response to published and we will be prepared to give oral evidence to the Committee.

Arthritis Care Cymru is concerned with ensuring participation of the user and the citizen, we have concentrated our response to this consultation on this principle.

### **SIGNIFICANT ISSUES**

One of the fundamental roles of the WAG is within legislation and particularly the scrutiny of secondary legislation. Therefore the Citizen in Wales has a fundamental constitutional right to be informed of the processes used. We support and welcome the consultations major objective, which is to make the process of Subordinate Legislation more transparent, accountable and accessible to both the Citizen and Assembly Members in Wales

Whilst it is acknowledged that this consultation can be the subject of academic analysis and debate, it also needs a more basic straightforward exchange of evidence to inform the consultation on the way to improve public involvement and accessibility

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<sup>3</sup> The Burden of Musculoskeletal conditions at the Start of the new millennium (2003) World Health Organisation and Bone and Joint Decade.

<sup>4</sup> Prroy S 2005 'Joint Effects: the impact of allied health professionals on orthopaedic and musculoskeletal change in Scotland' page 11

The WAG proposal to open up this political and legislative process and allow public involvement demonstrates that the WAG attaches a great importance to develop the scrutiny and transparency of a process that arguably has previously taken place behind closed doors. This is greatly welcomed.

Secondary legislation passed by the WAG should be available in a high quality and easy format<sup>5</sup> and should be free to the citizen in Wales. The WAG should consider different ways to present this legislation in the most accessible and useable way to the public and can be used to sign post the public. This information could be provided online by the WAG. Her Majesty's Stationary Office (HMSO) and the Statutory Publications Office (SPO), which produces the Statute Law Database are working together to create a free access online legislation. This is one route which could provide better engagement.

On a matter of engaging the public, the time that the delegated committee meets, that is 8:15a.m. This is an inconvenient time to attract members of the public to engage in the process.

In 2003, the Hansard Society began a review of the Rippon Commission Report, Making the Law. The review resulted in a series of published papers. The sixth paper was published in May 2005 and considered post-legislative scrutiny. It concluded that, rather than leaving the monitoring of legislation to chance, "it should become a core function of Parliament".

Additionally, The law commission stated '*We suggest that in the light of experience of post – legislative scrutiny of primary legislation by a new committee serving this purpose, there is scope for the development of Parliamentary post – legislative scrutiny of secondary legislation. [para 4.7].*

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<sup>5</sup> Primary and Secondary legislation should be consolidated

Possibly this is a process that the WAG should consider in the future with the aims to;

- To see whether the secondary legislation in Wales is working as intended.
- To ensure the evolving process of better regulation.

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