

## FLINTSHIRE COUNTY COUNCIL

**REPORT TO:** **SOCIAL & HEALTH CARE OVERVIEW & SCRUTINY COMMITTEE**  
**DATE:** **THURSDAY, 9 MAY 2013**  
**REPORT BY:** **DIRECTOR OF COMMUNITY SERVICES**  
**SUBJECT:** **SOCIAL SERVICES AND WELL-BEING (WALES) BILL**

### **1.00 PURPOSE OF REPORT**

1.01 To provide an explanatory report of the Social Services and Well-Being (Wales) Bill. This report arising out of the implementation of the Bill, will briefly outline some key changes and implications.

### **2.00 BACKGROUND**

2.01 The Social Services and Well-being (Wales) Bill gives effect to policy which was originally developed in the White Paper '*Sustainable Social Services for Wales: A framework for Action*'. This White Paper outlines the Welsh Governments response to the significant challenges currently facing social services in Wales, including the challenges of evolving societal expectations, demographic changes and a difficult financial resource environment.

2.02 The intended purpose of the Bill is to address the challenges highlighted by the White Paper, enabling the transformation of priority areas within services and organisations across Wales.

2.03 The Bill is also intended to integrate and simplify current social care legislation, which is at present located in various complex legal sources.

2.04 The Bill, if successful, is envisaged to significantly change how services are delivered, to ensure long term sustainability is a viable reality. The Bill intends to achieve this success through placing greater legal obligations on Local Authorities and Local Authority partners to: promote equality, improve the quality of services and the provisions for information and advice, provide service users and carers with a stronger voice and real control over the services they receive and encourage a renewed focus on prevention and early intervention.

### **3.00 CONSIDERATIONS**

3.01 If the Bill receives the Royal Assent at the end of this year, 2013. The Welsh Government intends that implementation will commence in **2015-2016**.

3.02 The Bill is currently undergoing consultation in the National Assembly for Wales. On the 15<sup>th</sup> March 2013 Flintshire County Council provided written contributory evidence to the stage one consideration of this Bill. This evidence/consultation response has now been published by the National Assembly for Wales and can be viewed via the National Assembly website. The stage two consideration process is yet to commence.

3.03 Welsh Government Ministers are expected to provide guidance and regulations for this Bill in **2014-2015**. Until the Ministers have done so it is difficult to predict the true impact the Bill will have on services and organisations linked to Well-Being (The Term 'Well-Being' is given a broad definition within this legislation). There is currently a lack of clarity surrounding many aspects of this legislation, funding is a key example of an area which requires further explanatory guidance.

3.04 Training and implementation of key changes is anticipated to take place in **2015**.

### **3.05 Key Proposed Changes**

- Creating proportionate and accessible assessments to establish if people need and are eligible for support.
- Carers will for the first time be treated in the same way as persons in need of care and support (This is a significant change, which places carers on a similar legal footing to those they care for) . The Bill removes the requirement that a carer must be providing "a substantial amount of care on a regular basis", before they can be assessed; instead it places a single duty on Local Authorities to undertake carers assessments.
- Assessments will focus on the outcomes people want to achieve, promoting independence and control.
- There will be a duty for Local Authorities and Local Authority partners to provide information, advice and assistance to help people understand how the care and support system works, what services are available locally and how to access the services.
- There will be portable assessments of need, which will mean if service users move from one Local Authority area to another,

they will still be entitled to similar services until the new Authority can review their situation. Carers are exempt from this portability, primarily because services are generally provided to the person they look after.

- A National Independent Safeguarding Board will be created. The Bill also allows for children and adults safeguarding boards to merge.
- There will be a new national eligibility framework, meaning the level at which people are entitled to receive support from social services will be consistent across Wales.
- There will be extended duties on social services and their partners to collaborate in the delivery of integrated services, including the use of pooled budgets, partnership working and working with others to reduce bureaucracy. Collaborative working is very much part of the underlying ethos of this Bill. The Bill states there is a shared responsibility on all services and organisations to promote the well-being of service users.
- There will be new provisions for 'Adult Safeguarding,' bringing these responsibilities on to a statutory basis. Local Authorities can now make enquiries where there is suspected risk and also apply to the court for 'Adult protection and support orders'.
- There will be a greater focus on preventative services.
- There will be charging for services, including preventative services and for the provision of information, advice and assistance.
- A duty will be placed in Local Authorities and Health Boards to better understand the needs of the local population.

**The Bill Will not:**

- Guarantee services will always be available to meet an individual's needs
- Eradicate the need for individual services to have their own access criteria. (E.g. Blue badges, eye test and day care).
- Guarantee care and support services provided in one authority will be replicated if a person moves to another.

#### **4.00 RECOMMENDATIONS**

4.01 Members to be aware this legislation is coming into force and will significantly change how services are delivered across Wales.

#### **5.00 FINANCIAL IMPLICATIONS**

5.01 There have been serious wide spread concerns regarding the financial impact this Bill will have on Local Authorities and Social Services Directorates. The reasoning behind such concern is that the Bill provides very little information regarding funding and cost implications.

5.02 For example broadening provisions for preventative services and increasing carers rights to assessment will lead to additional demand, which would require additional financial resources to support quality service provision. Another potential cost implication could arise around increased duties relating to information provision.

5.03 Funding for workforce training and implementation costs has been identified in the Bill. The Welsh Government plan to fund these costs via current funding streams, for example, the workforce grant of £8.41 million is already being focussed to support the training and implementation. In addition, the Welsh Government will support transformational change through its 'Invest to Save' programme.

5.04 It is thought further clarity regarding this issue will be provided by Welsh Government Ministers when they deliver their proposed guidance and regulations in 2014-2015.

#### **6.00 ANTI POVERTY IMPACT**

6.01 Greater clarity with regard to Ministerial Regulations is required in order to decipher the potential impact and successes of the Bill.

#### **7.00 ENVIRONMENTAL IMPACT**

7.01 None arising from this report.

#### **8.00 EQUALITIES IMPACT**

8.01 The intention of this Bill is to promote Equality. If the Bill is successful, then a number of provisions (see above) when implemented will have a positive impact on equalities.

#### **9.00 PERSONNEL IMPLICATIONS**

9.01 Possible training, resource and development implications – Further clarity required.

**10.00 CONSULTATION REQUIRED**

10.01 Consultation currently underway.

**11.00 CONSULTATION UNDERTAKEN**

11.01 Consultation currently underway. The Bill was introduced in to the National Assembly for Wales on the 28<sup>th</sup> of January 2013 for consideration and scrutiny. Stage One consideration near completion.

**12.00 APPENDICES**

12.01 Appendix 1 - Social Services and Well-Being (Wales) Bill – Summary.

**LOCAL GOVERNMENT (ACCESS TO INFORMATION ACT) 1985**  
**BACKGROUND DOCUMENTS**

- ‘Sustainable Social Services for Wales: A framework for Action’ (Welsh Government, February 2011). [http: Wales.gov.uk](http://Wales.gov.uk).
- Social Services and Well-Being (Wales) Bill

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