

FLINTSHIRE COUNTY COUNCIL

REPORT TO: CABINET

DATE: 17TH JUNE 2014

REPORT BY: CHIEF OFFICER, SOCIAL SERVICES

SUBJECT: SOCIAL SERVICES AND WELL-BEING ACT 2014

1.00 PURPOSE OF REPORT

1.01 To provide an update on the Social Services and Well-being (Wales) Act 2014, the key implications and timelines for implementation.

2.00 BACKGROUND

2.01 The Social Services and Well-being (Wales) Act 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 Act is to enable the transformation of priority areas of social care, bringing about significant change in how services are delivered and to ensure they are sustainable.

2.03 The Act places 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.

2.04 Flintshire has been proactive in developing a strategic approach to planning and developing services that respond to the drivers of the Act and the outcomes it seeks to achieve (see section 3 below).

3.00 CONSIDERATIONS

3.01 The Act has now been passed through the Assembly and gained Royal Assent on the 1st of May 2014. The Welsh Government intends that implementation will commence in **2015-2016**.

3.02 Subordinate legislation including relevant regulations, codes and guidance will be drafted following the achieved Royal Assent, providing further clarity on the requirements of the Act through **2014-2015**. Training and transitioning is anticipated to take place in **2015**.

3.03 Key Proposed Changes and updates

3.04 The following sections provides a summary of the features and requirements of the Act:

3.05 Understanding need (Section 14)

A duty will be placed on Local Authorities and Health Boards to better understand the needs of the local population. This will involve a collaborative assessment undertaken jointly by Health Boards and Local Authorities. This assessment should determine the level of needs within the local population and how needs can be met.

The joint commitment to integrated working between Social Services and Health both at a strategic and operational level, in Flintshire will provide an important cornerstone in delivering this work. The establishment of a Strategic Locality Leadership Team, and a commitment to develop a joint Health and Social Care Commissioning strategy for older people with dementia are both positive examples of how this agenda is being taken forward.

3.06 Enhancing Wellbeing (Section 2)

The Act states there is a shared responsibility on all services and organisations to promote the well-being of service users. Guidance is required to clarify how this translates in practice across organisations.

Alongside corporate ownership for promoting wellbeing there will be an increasing emphasis on how individuals and communities can be enabled to take responsibility for their own wellbeing. This agenda is reflected in our preventative and early intervention work and the Council's Improvement Plan priority 'Living Well'.

3.07 Early Intervention and prevention (Section 14 – 15)

The Act provides a greater focus on the importance of preventative and early intervention services. Local Authorities will be required to promote the availability of preventative services from the third sector

There will also 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. Flintshire is currently leading on the development of a Single Point of Access, which is an information service geared to providing people with the right information and support in the right place at the right time.

3.08 Providing support (Section 32-33)

The Act requires the development of proportionate and accessible assessments for all citizens to establish if people need and are eligible for support. The focus should be on the outcomes people want to achieve, promoting independence

and control. This means that anyone who needs help and support to promote their well-being, no matter how small the need may appear, will be legally entitled to a proportionate assessment. In many cases this will involve a conversation with a person about how, and where, they can draw on support that is available within their community.

Locally, a draft integrated assessment document has been developed to help guide a 'what matters' conversation. We are working in partnership across North Wales and with Health to launch this proportionate and person centred approach to assessment in the summer.

3.09 National Eligibility Framework (Section 32)

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. A three stage approach is envisaged which centres on:

1. Better access to information and community resources for everyone.
2. Proportionate Community Well-being Support for those who need some help.
3. Managed Support for those who need it.

Flintshire have been directly involved in a Task Group that has worked to inform and shape a National Eligibility Framework. This work means that we will be well placed to respond to and implement the criteria once finalised.

3.10 Direct Payments (Section 50-53)

For those people requiring managed support there will be a greater emphasis on the use of Direct Payments. Direct Payments will need to be seen as 'business as usual' rather than as an aside to other, more traditional service led forms of care, and service users will need support to understand the benefits of such an approach.

Arrangements to support people to take up the offer of a Direct Payment are in place. We are about to embark on a lean review of Direct Payments to ensure our processes are simplified, responsive and cost effective.

3. Integration (Section 166)

11

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.

Across North Wales we have developed a Statement of Intent with Health which sets out our ambition to work in collaboration and to secure integrated services for older people. The Statement is supported by a local Flintshire action plan which will help to direct and realise the ambition for greater integration.

3.12 Social Enterprise (Section 16)

There will be a duty on Local Authorities to promote the development of new models of delivery through social enterprises, co-operatives, user led and third sector services.

Our proposals to develop Double Click as a social enterprise reflects our early engagement in the new models envisaged by the Act.

3.13 Prisoner Rights (Section 187)

Social Service duties have changed for people detained in prison. Prisoners are now to be considered ordinary residents where the prison is located and therefore are entitled to support from that Local Authority.

3.14 Supporting Carers (Section 24)

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 Act 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.

Our arrangements to identify, assess and support the needs of carers are well established. A recent CSSIW inspection of our commissioning arrangements for people with dementia identified that carers identified the NEWCIS (North East Wales Carers Information Service) service we commission as being highly valued.

3.15 Safeguarding (Section 126-142)

There will be new provisions for ‘Adult Safeguarding.’ Local Authorities can now make enquiries where there is suspected risk and also apply to the court for ‘Adult protection and support orders’. Providing powers of entry where there is suspected risk.

A National Independent Safeguarding Board will be created. The Act also allows for children and adults safeguarding boards to merge.

We have established Safeguarding arrangements and will continue to proactively consider the options for future development aligned to the Act.

3.16 Advocacy (Section 181 – 183)

There will be a duty on Local Authorities and Health Boards to ensure advocacy services are made available to people with needs for care and support. Whether or not those needs are being met by a local authority.

We will be exploring the implications of this requirement at a local and regional level. At a regional level proposals have been developed for a North Wales advocacy service for children and young people that brings together existing arrangements into a coherent framework.

Note:

Please see Appendix 1 for a legal overview Summary.

3.17 Next Steps: Welsh Government

3.18 The Deputy Minister has confirmed that the next steps from Welsh Government will include :

- A detailed timetable for subordinate legislation will be published now the Act has received Royal Assent.
- Developing a programme of training for the social care, health and third sector workforces to prepare for changes to practice.
- Reprioritising the Welsh Government's programmes for social services to align resources towards implementing sustainable social services.
- Coordinating this activity in a comprehensive three-year implementation plan covering the broad areas of legislation, training, communications and finance.
- Developing the new model for care and well-being including arrangements for assessment and eligibility.

3.19 Next Steps for Flintshire

3.20 We have made sound progress in transforming and modernising our services. Delivering the Act within the context of growing demand for care and support, increasing complexity of need, and significant budgetary pressures requires us to build on our strengths to deliver an ambitious programme of service redesign and reform. The scale and pace of the change that is required should not be underestimated.

3.21 The Act requires transformational change in the way we manage and commission services for vulnerable people. We need to ensure that vulnerable people have access to high quality services whilst at the same we need to remodel more traditional models of care, and empower people and communities to take responsibility for their own wellbeing. This change agenda cannot be delivered in isolation. The council, the NHS, independent and voluntary providers of care and support and local communities will need to work together to turn the Act's ambitious plans and principles into an everyday reality.

3.22 In summary Flintshire will need to:

- Adopt a 'whole council' approach to addressing well-being; working with and across departments.
- Further develop and strengthen partnership arrangements with Health and other statutory agencies, including integrated and shared services where appropriate.

- Develop a greater understanding of local need and establish new approaches to commissioning to ensure high quality, sustainable services that deliver good outcomes.
- Ensure both children and adult's services are focussed on early intervention and prevention.
- Ensure robust programme and project management to deliver sustainable change.
- Deploy finite resources to fund services that meet existing need whilst investing in the design and development of new approaches and service models.

4.00 RECOMMENDATIONS

- 4.01 It is recommended that the legislative changes and obligations associated with the Act are directed and overseen through the established Modernising Social Services Board.
- 4.02 There will need to be a sustained focus on how services are commissioned, provided and where appropriate integrated. The Council's response will also need to be informed as we receive through proposed regulations and guidance from Welsh Government.
- 4.03 It is recommended that we conduct a self-assessment against the new guidance/regulations when they are published. As there is no timescale for publication it is suggested that self-assessment is undertaken within 3 months of publication.

5.00 FINANCIAL IMPLICATIONS

- 5.01 The Act does not provide the detail of how additional legal requirements, underpinned by regulations and guidance, can be funded and clarity has been called for nationally. Welsh Government Minister Gwenda Thomas has provided further detail about financial provision. (See Appendix 2)
- 5.02 Funding for workforce training and implementation costs has been identified in the Act. The Welsh Government plan to fund these costs via current funding streams, for example, the workforce grant is already being focussed to support the training and implementation.

6.00 ANTI POVERTY IMPACT

- 6.01 Greater clarity with regard to Ministerial Regulations is required in order to ascertain the potential impact and successes of the Act.

7.00 ENVIRONMENTAL IMPACT

7.01 None arising from this report

8.00 EQUALITIES IMPACT

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

9.00 PERSONNEL IMPLICATIONS

9.01 Our staff will need training to equip them with proper knowledge about new legal responsibilities arising from the Act and the associated expectations and processes relating to their role.

10.00 CONSULTATION REQUIRED

10.01 Consultation has been undertaken by Welsh Government.

11.00 CONSULTATION UNDERTAKEN

11.01 Welsh Government Consultation Undertaken 2013.

12.00 APPENDICES

12.01 The Social Services & Well-being (Wales) Act 2014 Overview, Professor Luke Clements.

12.02 Statement of Intent, Gwenda Thomas.

**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) Act.'

Contact Officer: Craig Macleod
Telephone: 01352 701313
Email: craig.macleod@flintshire.gov.uk