

CABINET

Date of Meeting	Tuesday 16 February, 2016
Report Subject	The Social Services and Well-being (Wales) Act 2014
Cabinet Member	Cabinet Member for Social Services
Report Author	Chief Officer (Social Services)
Type of Report	Strategic

EXECUTIVE SUMMARY

The Social Services and Well-being (Wales) Act, comes into force on the 6th April 2016, when the formal implantation period for this new legislation will begin. The majority of regulations and codes of practice have now been consulted upon and we are at the final stages of this post legislative process.

The Act will provide us with a legal framework for improving the well-being of people who need care and support, and their carers, and will play a critical role in transforming how we deliver services over the next two years.

The process of implementation will take a phased approach which will be built on a foundation of training and cultural development. In Flintshire, we are working collaboratively to support the development and implementation of regional training plans which are aligned to the national learning and development strategy. We are making sound progress in transforming and modernising our services in preparation for the delivery of the Act, building key mechanisms into our practice and processes which are centered upon the key principles of the Act, such as the What Matters Assessment, SPoA Programme and linking to the new regional DEWIS Portal.

It has been outlined by the Minister for Health and Social Services that training and cultural change is vital to the success of the Act for not only those working in social care but also for practitioners in the whole local authority, health, housing and any other fields that can contribute to the well-being of people in Wales.

It is acknowledged that these changes will require years of continued work and commitment and there are key areas in which as a “whole council” we must consider as we move forward, for example:

- Learning how to share power with citizens – as a key step for **Voice and Control**
- Learning how to reduce wasteful bureaucracy and to focus resources on what matters to people – as a key step for **Outcomes**
- Learning how to trust each other (from side to side and from top to bottom) – as a key step for **Partnership**

RECOMMENDATIONS

1	Cabinet approves the Council's preparation and response to the Social Services and Well-being (Wales) Act 2014
2	Cabinet receives a further report in 6 months to report on the progress to implement actions in response to the Act.

REPORT DETAILS

1.00	EXPLAINING THE PROGRESS OF THE SOCIAL SERVICES AND WELLBEING (WALES) ACT 2014 AND THE KEY CONSIDERATIONS FOR FLINTSHIRE COUNTY COUNCIL
1.01	<p>The purpose of this report is to ensure that elected members are kept informed about fundamental changes in the policy and legislative framework which underpins the work of the local authority.</p> <p>The report has previously been presented to Social and Health Care Overview and Scrutiny on the 17th December, 2015</p>
1.02	<p>The Social Services and Well-being (Wales) Act, comes into force on the 6th April 2016. Flintshire has responded and presented the views of the Authority on Parts 2 to 11 of the Act during the formal consultation period. On completion of the formal consultations referenced above, the following key proposed changes are to be implemented:</p> <ul style="list-style-type: none"> • Creating proportionate and accessible assessments to establish people's needs and are eligible for support. <i>(This links to the "What Matters Assessment" and the "Integrated Assessment" already in place and being further developed in Flintshire Adult Services together with the Single Assessment currently being developed for Children's Services).</i> • Carers will be treated in the same way as persons in need of care and support. 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. <i>(Flintshire has collaborated regionally with providers and local</i>

authorities to review the Carers Assessment in line with the Act and has further supported in the development of SPoA Operative - Guidance for Carers).

- *Assessments will focus on the outcomes people want to achieve, promoting independence and control. (Flintshire is working co-productively with providers in a number of areas to establish new outcomes focused services, this is a way of ensuring internal and external assessments focus on what really matters to the people in our communities. Flintshire has been part of the SSIA (Social Services Improvement Agency) pilot to change the way we engage with services users and their families. The Outcome Focused Framework training has been delivered to 57 front line Social Workers and OTs in Adult Services and their respective Team Managers and our reporting systems now reflect this Outcome Focused approach.)*
- *There will be a duty for Local Authorities and LA 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 working closely with the SPoA regional programme and the DEWIS Information Portal to ensure we are making it easier for people to access relevant up to date information)*
- *The Introduction of a portable assessment of need so that if people 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. (Flintshire currently has a procedure in place which is in line with the Act and as part of the Act training programme this procedure will be highlighted.)*
- *The creation of National Independent Safeguarding Board. (The National Independent Safeguarding Board is currently being developed and will work alongside the regional Safeguarding Adults' and Safeguarding Children's Boards to secure improvements in safeguarding policy and practice throughout Wales).*
- *A new national eligibility framework, meaning the level at which people are entitled to receive support from social services will be consistent across Wales. (Flintshire expressed the view during the consultation that the referenced 'can and can only test' was potentially misleading or could be misunderstood, the phrase "can and can only" has been removed from the code of practice. Flintshire's view is that messages around eligibility will be linked to the capacity building of the care economy and not to gate-keeping).*
- *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*

	<p>others to reduce bureaucracy. <i>(Flintshire is working with partners to establish the regional partnership board which is aligned strongly to the Act and will be responsible for a number of key areas, for example the joint population needs assessment)</i></p> <ul style="list-style-type: none"> • 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 & support orders'. <i>(Flintshire is awaiting some further legal clarity with regard to this section of the Act prior to the review of the implementation. The training strategy moving forward will set a specific module on this area)</i> • There will be a greater focus on preventative services. <i>(Flintshire is developing its commissioning plans with the third sector in response to this section of the Act and has begun the process of restructuring children's services prioritising preventative provision).</i> • Charging for services, including preventative services and for the provision of information, advice and assistance. <i>(Flintshire has stated it has no intention of charging for these specific areas. Social services departments have begun reviewing other areas of charging at present).</i>
1.03	<p>The core principles of The Act remain:</p> <p>The Act is about everything and everyone:</p> <ul style="list-style-type: none"> • People and communities should be seen as assets & strengths • Social networks are really important • We are all assets with contributions to make • Everything around us, from leisure to work, is a well-being resource <p>The Act is about identifying solutions together:</p> <ul style="list-style-type: none"> • This is about all of us and how we can support each other • Co-production (power-sharing) between citizens and professionals • Collaboration and co-operation - not competition <p>The Act is about putting citizens and communities centre-stage</p> <ul style="list-style-type: none"> • Focusing on what matters to the person and their network • Valuing and nurturing community resources • Preventing unnecessary dependency on the state
1.04	<p>The Key Messages of the Act are:</p> <p>We Value the Core Economy</p> <ul style="list-style-type: none"> • We need to build community and social capital • Preventative services are much more than commissioned services • Currently there is unused and undervalued capacity

	<ul style="list-style-type: none"> • People and organisations want to contribute • The third sector is a huge resource of citizen assets <p>We value all participants:</p> <ul style="list-style-type: none"> • We are all stakeholders in the change. • All organisations can promote the messages of change, thus supporting implementation. • We need to identify champions throughout organisations and in the community to promote understanding and awareness • Working together, we can help build momentum and breakdown us-and-them barriers.
1.05	<p>The key working implications of the Act are to:</p> <ul style="list-style-type: none"> • Reduce pressure on finite state resources • Avoid citizens being pulled upwards towards acute provision • Use state resources positively: • Capacity building • Specialist assistance • Promoting well-being outcomes
1.06	<p>Flintshire’s progress in response to the Act</p> <p>Flintshire is working collaboratively with the other North Wales authorities to deliver a national training programme commissioned by Care Council for Wales. We have already delivered:</p> <ul style="list-style-type: none"> • Basic Awareness training open to all staff • An Introduction to the Act for Social Workers, OTs and Managers • Strategic Awareness and Implementation Training for Directors / Chief Officers and Heads of Service / Senior Managers • Members Training • Together with the promotion of support material available to all through the care Council for Wales “Getting in on the Act” learning hub <p>Starting in February ’16 we will be delivering classroom sessions on the 4 core modules of the national training programme:</p> <ol style="list-style-type: none"> 1. Introduction and General Function – a general oversight of the Act 2. Assessing and Meeting the Need – detailing the new eligibility criteria 3. Safeguarding – delivered to both Adults and Children’s Services staff 4. Looked After Children <p>In Flintshire we scheduled to deliver over a 100 workshops during the next 12 months as well as a series of Reflective Practice sessions which will give front line professional the opportunity to share knowledge gained to reach solutions to practical questions regarding the legislative changes.</p>

2.00	RESOURCE IMPLICATIONS
2.01	<p>The Welsh Government has provided some financial support to the 6 regional implementation collaboratives for the past 3 years, through the Delivering Transformation Grant in an effort to enable capacity for implementation planning and preparations to deliver the new duties contained within the Act from 6 April 2016. Each regional collaborative is developing detailed implementation plans, working together, with the support of the Association of Directors of Social Services Cymru and the Welsh Local Government Association to ensure consistent national approaches in key delivery areas.</p> <p>The key resource implication beyond implementation and training costs is the cost which the Act has in part been developed to manage and that is the rising cost of need, which cannot easily be met with finite state funds. It is important that we embrace this financial reality and newly renew our focus on how the Act will support the positive development of new more sustainable ways of providing services and better enabling citizens and communities to help themselves, with professionals as enablers and partners.</p>

3.00	CONSULTATIONS REQUIRED / CARRIED OUT
3.01	Staff and relevant third Sector partners have supported Flintshire in developing formal responses to the national consultations.

4.00	RISK MANAGEMENT
4.01	Key risks and mitigation measures are managed by the Social Services Programme Board.
4.02	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. However, there are concerns that local authorities will need to be mindful of Equality matters when undertaking population needs assessments.

5.00	APPENDICES
5.01	N/A

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	<p>SSWB Overview EN Draft</p> <p>Care Council for Wales – Getting In On The Act Learning Hub</p>

<http://www.ccwales.org.uk/getting-in-on-the-act-hub/>

The DEWIS Portal - <http://www.dewis.wales/>

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7.00	GLOSSARY OF TERMS
7.01	Adult Protection & Support Orders The introduction of an Adult Protection and Support Order supports professionals to be able to gain access to premises in order to make an assessment to determine whether an adult alleged to be at risk is making decisions freely and if any action is required
7.02	Can and Can Only Test As part of the Welsh Governments National Eligibility Criteria, Under the new framework , people will become eligible for a care and support package if their needs ‘can and can only’ be met by social services intervention. – This Test has now been removed.
7.03	Coproduction Coproduction is a key principle highlighted within the Social Services and Wellbeing (Wales) Act and is defined as not just a word, it’s not just a concept, it is a meeting of minds coming together to find a shared solution. In practice, it involves services and people who use them being consulted, included and working together from the start to the end of any project that affects them.
7.04	Core Economy Is the economy of family, neighbourhood, kith and kin. Recently more and more economists acknowledge that something like 40-50% of productive economic activity takes place outside of the market and is not measured by traditional indicators but instead the key contributions are none financial and are made in communities and with local assets.
7.05	DEWIS Portal <u>A new website</u> providing information on wellbeing in North Wales has launched, offering information on sources of advice and support. DEWIS Cymru also offers advice to local authorities about their obligations under the Social Services and Wellbeing (Wales) Act.
7.06	Integrated Assessments A new assessment process developed for Adults Social Services which simplifies the assessment process to minimise administrative burdens and

	improve service delivery. Currently being developed in Flintshire.
7.07	SPoA - Single Point of Access Joint first point of contact system for Adults Health and Social Care Services, providing information and advice and referral and assessment. Currently being developed across North Wales.
7.08	What Matters Assessment New early assessment, which is undertaken at the first point of contact with services. The assessment is proportionate, accessible and has been developed in line with person centred practice models. It uncovers what the person actually wants and avoids citizens being pulled upwards towards acute provision