

## Appendix 1

### Social Services (Wales) Bill – Summary

The message from Welsh Government is clear - this **is not a Social Services Bill**. It is intended to be a transformation of services to maintain and enhance the wellbeing of people in need involving the whole Council and the NHS.

The proposed Social Services (Wales) Bill provides the legislative framework to take forward the change programme set out in *Sustainable Social Services for Wales: A Framework for Action*.

The Bill repeatedly states that Welsh Government do not see the need for any additional resources - it is about doing things differently. Initial thoughts are that this will be a challenge and this has been raised with the Deputy Minister by the Association of Directors for Social Services Cymru.

The Bill is split into 6 areas. The key points are summarised below:

#### **1. Maintaining and enhancing the wellbeing of people in need**

The Bill will support the delivery of services in an integrated way to people of all ages; not separately to children and adults. It will enable an approach that sees people as members of their families, networks and communities along with a focus on the development of early intervention & preventative services.

A new definition, “people in need,” has been devised to cover children and adults. The Bill will bring in a duty to maintain and enhance the wellbeing of people in need.

The Bill will require **local authorities** to understand the characteristics of the population in need in their areas, to make this public and to have powers to make arrangements to provide a range of services to meet need.

#### **2. A stronger voice and real control**

The Bill will give people a right to accessible information, advice and assistance in finding out about services. Aim – greater clarity for users.

The proposals give individuals a statutory right to have their needs assessed regardless of age and will require those assessments to be undertaken in a way that focuses on the outcomes people are seeking. If people move within Wales their assessment moves with them. This is intended to give more control and power to service users - the assessment belongs to them not to any agency. This will require improved IT systems and has risks in that we have not always been happy with the quality of assessments undertaken by other local authorities.

Welsh Ministers will have the powers to establish a national eligibility framework to create more consistency in access to / delivery of services - though potentially a threat to local democracy.

The Bill will extend the range of services for which people have the right to a direct payment thus promoting user control and choice. All existing legislation

on direct payments is to be brought together in the Bill. Also, the proposal is to draw together the legislation relating to carers rights and duties on local authorities and partners. It will also create a single definition of “carer.”

The Bill will strengthen the complaints procedure and extend the Public Services Ombudsman’s powers to consider complaints about care home providers, domiciliary care agencies and palliative care services. It will extend the duty on social services and the NHS to collaborate in the delivery of integrated services, including the use of pooled budgets and other flexibilities.

### **3. Strong national direction and local accountability for delivery**

The Bill will include powers to establish a National Outcomes Framework supported by high level, measurable indicators. Aim – greater transparency.

It will require Welsh Ministers to prepare and consult on a Code of Practice which would provide guidance for social services authorities on the exercise of their functions.

The Bill will include a duty on local authorities to appoint a Director of Social Services to lead and manage family-focused social services. Ministers will have powers to specify the competences that a Director must have. The Bill will include provisions to allow authorities to share a Director.

The Bill will introduce powers for Ministers to make regulations to strengthen partnership working (between local authorities and across local authority functions) and pooled budgets to create more integrated models of service provision. A belief that the potential savings from local authority / NHS integrated working far exceed those from regional collaboration.

### **4. Safeguarding and Protection**

The Bill will establish a National Independent Safeguarding Board which will have: a national remit; expert membership; cover protection of adults and children. Its precise structure and remit will be developed during 2012. The purpose of the board will be to improve standards, strengthen existing policy / guidance and provide strong national direction.

The proposal is to replace LSCBs with 6 x Safeguarding Children Boards which will run in parallel to Adult Protection Boards. In time, these will merge together. Arrangements for adult protection to be on equitable footing to those for safeguarding children. Professionals remain unconvinced that this will enhance safeguarding.

Implement a new legal framework for adult protection. Definition of ‘adult at risk’ and ‘harm’ to be included in Bill based on ‘In Safe Hands’. The Bill will ensure that key statutory agencies accept equal responsibility to protect adults at risk. This may bring other agencies to the table which would be an improvement on current arrangements.

## **5. Regulation and Inspection**

Continued commitment to the regulation and inspection of services and the workforce which will contribute to the core objective of maintaining and enhancing the well being of “people in need.” Existing workforce regulations with the Care Council to be extended to new categories of social care workers to reflect new models of services. Current voluntary registers to cease.

Existing regulatory functions remain but more emphasis on organisational governance and quality assurance processes leading to continuous improvement. Streamline the existing registration process taking into account growing number of providers with more than one care setting / service.

Social Services will be required to register its social work services with the Care and Social Services Inspectorate Wales (CSSIW) and operate to prescribed standards. Enforcement action could be taken if a social work service was not performing.

The Bill proposes that Ministers should have regulation-making powers which require registered providers to produce public reports against a common set of factors and common format.

The proposal is to remove the word ‘minimum’ from National Minimum Standards.

## **6. Services**

The Bill will simplify arrangements in relation to adoption by establishing a duty on the 22 local authorities to establish a National Adoption Service to discharge certain functions. The Bill identifies the need to prevent unnecessary delays and duplication in the adoption process. Heads of Children’s Services remain to be convinced that a national agency will achieve the intended outcome.

In terms of transition arrangements, the proposal is to make regulations to specify categories of disabled children within the new “people in need” definition and specify the transitional services and assistance that must be provided for higher categories of need up to 21 years - this could be a potential threat to local determinism.

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*A consultation process is being undertaken on the proposed Bill. It will close on the 1<sup>st</sup> June 2012. Once the consultation has closed, WG will publish a summary of the responses and arising actions. It is then anticipated that the Bill will be introduced into the National Assembly for Wales in October 2012.*