

SOCIAL SERVICES AND WELL-BEING (WALES) ACT

TRAINING RESOURCES: INTRODUCTION AND AWARENESS



Getting in on the Act

#GetTheAct

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Further copies and other formats:

This publication is also available in other versions, including plain text.

Further copies of this document and all other Care Council resources are available to download from our website www.ccwales.org.uk

Index of training resources

SECTION 01 - CONTEXT AND INTRODUCTION

An overview of the resources: who they are for, aims and learning outcomes, and suggestions for getting the most out of them.

A video message from Mark Drakeford, Minister for Health and Social Services
www.youtube.com/watch?v=qc6i5K95qXw

SECTION 02 - SUGGESTED WORKSHOP PROGRAMME AND PLAN

A suggested workshop programme and trainer's plan for a two-hour workshop: introduction and awareness on the Act.

SECTION 03 - PRESENTATION

A presentation giving an overview of the Act and including facilitator notes for guidance and preparation. This can also be printed as a handout with space for participants to make notes.

SECTION 04 - IDEAS FOR GROUP WORK

A range of options is provided and the facilitator can select or create their own group work exercises to meet the needs of the audience.

SECTION 05 - IDEAS FOR PARTICIPANTS' PACK

A list of suggested materials and handouts for a participants' pack.

SECTION 06 - EVALUATION AND PERSONAL ACTION PLAN

To be used at the end of the workshop.

SECTION 07 - ADDITIONAL MATERIALS

A range of handouts and additional resources which may be included in the participants' pack or introduced as a part of the workshop.

These resources can be downloaded from the Information and Learning Hub: www.ccwales.org.uk/getting-in-on-the-act-hub/. It is expressly prohibited to use any, or all, of this training resource for commercial gain.

SECTION 01

CONTEXT AND INTRODUCTION

Context and introduction

Context

The Social Services and Well-being (Wales) Act 2014 forms the basis for a new statutory framework for social care in Wales. Ministers made it clear they wished the core elements of this framework to be in place by April 2016, when the Act was implemented.

Key changes are that the principle of social services is based on the well-being of people who need care and support, and carers who need support. This focus on well-being, and greater voice and control for service users and carers, sets the foundations for improvement across the sector.

Introduction

These training resources are the first in a suite of materials to support the effective implementation of the Social Services and Well-being (Wales) Act (the Act).

The resources are designed to support the facilitator to deliver a short (two or three hour) introductory and awareness raising workshop. Additional materials are provided to allow the facilitator to extend or tailor their workshop to the needs of a specific audience, or to vary the delivery methods.

To maximise use of these resources, the facilitator will need a basic understanding of the principles of the Act and facilitation skills to manage the discussions of the specific audience.

Aim of the training

- To provide an overview of the Act
- To support the implementation of the Act
- To provide a foundation for more in-depth and specialist training, as necessary

Learning outcomes

By the end of the workshop participants will:

- Know about the history and development of the Act
- Be aware of the parts and features of the Act
- Appreciate key differences in the emphasis of care and support
- Begin to identify changes to practice
- Begin to identify further training needs

Target groups

- Local authority managers and elected members
- All social services managers, social workers, occupational therapists, social care workers, planning, support and commissioning staff
- Managers and providers in the statutory, third and independent sectors
- NHS managers and practitioners

The facilitator will need to consider the range of participants and the size of the group when finalising content and timings, and selecting group work discussions

The training resources

These training resources include:

- Suggested workshop programme
- Trainers' workshop plan
- PowerPoint presentation with trainers' notes
- Ideas for group work
- Ideas for participants' pack
- Evaluation form
- Additional materials
 - PowerPoint handout with space for participants' notes
 - Useful links

Each of these resources can be adapted to suit the needs of the participants and the local or regional context.

Participants' pack

These training resources can be used to assemble a pack of relevant materials for each participant to take away (see *Ideas for participants' pack*).

Evaluation

The facilitator should allow sufficient time to evaluate the workshop focusing on:

- Whether the learning outcomes have been met
- The actions the participant intends to take to build on their learning

It may be appropriate to encourage / require the participant to share an action plan with their manager or training team.

Acknowledgements

Thanks are due to the following organisations for materials, examples, time and expertise to develop these training resources:

Blaenau Gwent County Borough Council
 Caerphilly County Borough Council
 Conwy County Council
 Eliesha Training
 Flintshire County Council
 Monmouthshire County Council
 Neath Port Talbot County Borough Council
 Newport City Council
 Pembrokeshire County Council
 Torfaen County Borough Council
 Wrexham County Borough Council

SECTION 02

SUGGESTED WORKSHOP PROGRAMME AND PLAN

Suggested workshop programme

Welcome and introduction	(5 mins)
Introduction to the Social Services and Well-being (Wales) Act	(20 mins)
Group discussion	(10 mins)
More on the Act	(30 mins)
Implications for practice	(30 mins)
Local / regional implementation	(15 mins)
Evaluation including training needs	(10 mins)

Note: Timings can be adjusted and additional activities added depending on participants' needs and time available.

Trainers' workshop plan

Welcome and introduction	(5 mins)
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Draw attention to the aims and learning outcomes for the workshop. Emphasise that this is an introduction and awareness raising event. Participants will be invited to identify further training needs. Draw attention to the participants' pack.

Introduction to the Social Services and Well-being (Wales) Act	(20 mins)
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Use the PowerPoint presentation and notes, slides 1-11 in Section 3, to introduce the background and principles of the Act. While depending on the audience and time available the facilitator may choose to spend more time on some slides than others, it is essential to convey the **principles** and **aims** of the Act, as well as an **overview of the content and parts**.

Group discussion	(10 mins)
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What impact will the definition of well-being have upon practice? (*Handout 1*)

Note: Depending on the audience this exercise can be adapted to consider the definition of well-being in relation to other areas such as policy, service development, "your role", etc.

More on the Act	(30 mins)
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Use the PowerPoint presentation and notes, slides 12-30 in Section 3, to introduce the parts of the Act. While depending on the audience and time available the facilitator may choose to spend more time on some slides than others, it is essential to convey the **principles** and **aims** of the Act, as well as an **overview of the content and parts**.

Implications for practice

(30 mins)

Either:

What are the implications for practice? (*Handout 2*)

Or:

Use *Discussion ideas*

Or:

Use the time to discuss what is “timely” at the point of delivery of the training, e.g. local implementation.

Local / regional implementation

(15 mins)

Give information on local and regional structures and progress on plans to implement the Act. This could include information on delivering transformation plans and further training. It could include how the Act relates to developments in the delivery of care and support locally and regionally.

Evaluation

(10 mins)

Evaluate the workshop, e.g. by inviting participants to complete a workshop evaluation form.



SECTION 03

PRESENTATION

SLIDE 1: Aims and outcomes

Aim

- To provide an overview of the Act

Participants will:

- Know about the history of the Act
- Be aware of the parts and features of the Act
- Appreciate differences in the emphasis of care and support
- Begin to identify changes to practice
- Begin to identify further training needs

Facilitator Notes

Reminder this is a brief and generic overview of the Act.

The workshop is intended to:

- Support the implementation of the Act
- Provide a foundation for more in-depth and specialist training, as necessary



SLIDE 2: The development of the Act

- The Social Services and Well-being (Wales) Act received Royal Assent and became law on 1 May 2014
- The Act was implemented in April 2016

Facilitator Notes

- The Act was implemented in April 2016
- This is different legislation to the Care Act 2014, covering England
- For the first time there is completely separate social care legislation for Wales and England
- The main difference between them is that the Welsh Act applies to people in need of any age and their carers. The English Act is mainly confined to the needs of adults
- The new statutory framework for delivering social services has three parts. The first part is the Act itself. The other two parts consist of regulations and codes of practice or statutory guidance, which help supply the detail and help those charged with functions under the Act to understand how they are to carry these out



SLIDE 3: The development of the Act

- In 2011 the Law Commission proposed that the many confusing and conflicting social care statutes be repealed and be replaced by a single Act
- They recommended that more than 40 statutes be repealed or amended
- The Commission's recommendation was for a single, clear, modern statute and code of practice that would pave the way for a coherent social care system

Facilitator Notes

The **Law Commission** is the statutory independent body created by the Law Commissions Act 1965 to keep the law under review and to recommend reform where it is needed.

Law Commission recommends radical overhaul of adult social care law, 11 May 2011

The Law Commission is recommending the most far-reaching reforms of adult social care law seen for more than 60 years, in a report published today. The Commission's recommendation for a single, clear, modern statute and code of practice would pave the way for a coherent social care system. For the first time, older people, disabled people, those with mental health problems and carers will be clear about their legal rights to care and support services. Local councils across England and Wales will have clear and concise rules to govern when they must provide services. Included in the Commission's recommendations are:

- Putting the individual's well-being at the heart of decision-making, using new statutory principles
- Giving carers new legal rights to services
- Placing duties on councils and the NHS to work together
- Building a single, streamlined assessment and eligibility framework
- Protecting service users from abuse and neglect with a new legal framework, and
- For the first time, giving adult safeguarding boards a statutory footing

SLIDE 4: The development of the Act

- The Act makes wide-ranging reforms to social services in Wales
- It gives effect to the policy set out in the Welsh Government's White Paper *Sustainable Social Services for Wales: A Framework for Action*
- Strategy for Social Services (2007) *Fulfilled Lives, Supportive Communities*

Facilitator Notes

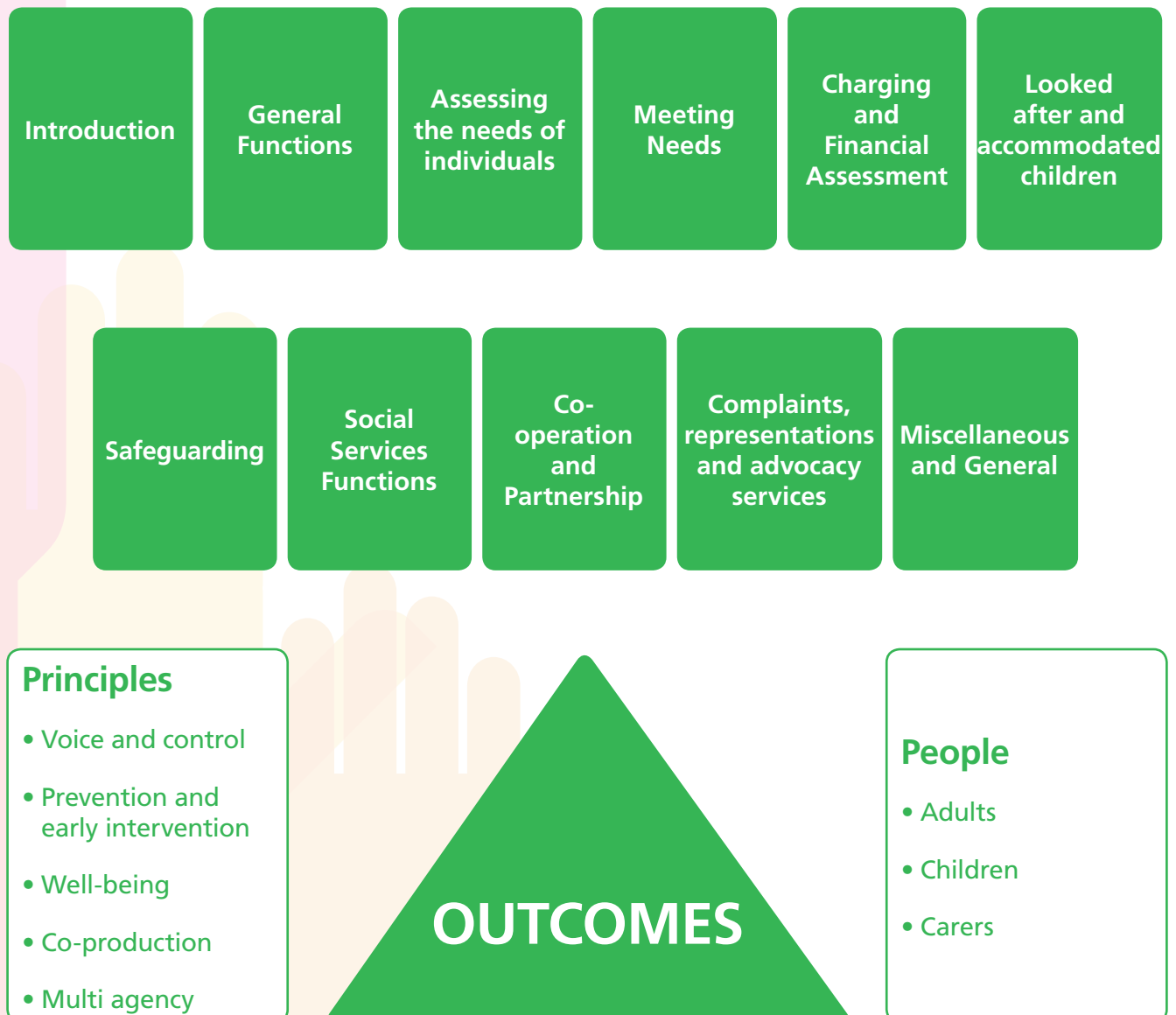
The White Paper *Sustainable Social Services for Wales: A Framework for Action* sets out a programme of change to meet these challenges based on the following nine principles:

- A strong voice and real control
- Supporting each other
- Safety
- Respect
- Recovery and restoration
- Adjusting to new circumstances
- Stability
- Simplicity
- Professionalism

Developments date back further and the seeds of the Act can be seen in the Strategy for Social Services (2007) *Fulfilled Lives, Supportive Communities*.

Make reference to the links and recommend participants revisit these documents.

SLIDE 5: Parts



Facilitator Notes

Overview of the Act:

- The 3 Ps
 - Parts within the Act
 - Principles throughout the Act
 - People it affects

The facilitator may wish to emphasise the **principles**.

SLIDE 6: The development of the Act

- Aims of the Act:
 - Engage with and empower citizens
 - Promote independence and well-being
 - Give people who receive support and their carers control over their lives and the support they receive to maximise independence

Facilitator Notes

The Act will transform the way social services are delivered, promoting people's independence to give them a stronger voice and more control.

It provides the statutory framework to deliver the Welsh Government's commitment to integrate social services to support people of all ages, and support people as part of families and communities.

SLIDE 7: The development of the Act

- New duties of the Act:
 - Prioritise improved well-being of citizens and greater access to support
 - Work across service boundaries in partnership
 - Provide adults at risk with legal protection
 - Reduce outdated bureaucratic systems in respect of assessment

Facilitator Notes

The Act affords enhanced duties on local authorities and local health boards to take steps to prevent and reduce the needs for care and support of people in their area.

These 'preventative' services are available potentially to the population of 3 million in Wales.

Strengthens collaboration and provides a framework for integration of key services and places new duties on local authorities, local health boards and other public bodies to improve the well-being of people with care and support needs.

SLIDE 8: The development of the Act

- Legislation to be repealed:
 - Carers (Recognition and Services) Act 1995
 - Carers and Disabled Children Act 2000
 - Carers (Equal Opportunities) Act 2004
 - Carers Strategies (Wales) Measure 2010
 - National Assistance Act 1948
 - Health Services and Public Health Act 1968
 - Chronically Sick and Disabled Persons Act 1970

Facilitator Notes

Refer to previous slide – Law Commission.

In 2011, the Law Commission proposed that the many confusing patchwork of conflicting social care statutes be repealed and be replaced by a single Act.

It recommended that more than 40 statutes be repealed or amended.

The Commission's recommendation was for a single, clear, modern statute and code of practice that would pave the way for a coherent social care system.

Important Note

Some legislation remains in place, e.g. Mental Capacity Act 2005, or in part remains, e.g. Children Act 1989.

SLIDE 9: The development of the Act

- Legislation to be repealed:
 - Health and Social Services and Social Security Adjudications Act 1983
 - Disabled Persons (Services, Consultation and Representation) Act 1986
 - National Health Service and Community Care Act 1990
 - Health and Social Care Act 2001



SLIDE 10: Overview of the Act

- Part 1** – Introduction
- Part 2** – General Functions
- Part 3** – Assessing the Needs of Individuals
- Part 4** – Meeting Needs
- Part 5** – Charging and Financial Assessment
- Part 6** – Looked After and Accommodated Children
- Part 7** – Safeguarding
- Part 8** – Social Services Functions
- Part 9** – Co-operation and Partnership
- Part 10** – Complaints, Representations and Advocacy Services
- Part 11** – Miscellaneous and General

Facilitator Notes

Let the audience know that you will briefly go through each part.

SLIDE 11: Part 1 – Introduction

- Provides an overview of the whole Act and defines some of the key terms

For discussion

What impact will the definition of well-being have upon practice?

Facilitator Notes

Meaning of **well-being** – Give as a handout (1) (page 5 of the Act).

Well-being, in relation to a person, means well-being in relation to any of the following:

- a. physical and mental health, and emotional well-being
- b. protection from abuse and neglect
- c. education, training and recreation
- d. domestic, family and personal relationships
- e. contributions made to society
- f. securing rights and entitlements
- g. social and economic well-being
- h. suitability of living accommodation

In relation to a child, **well-being** also includes:

- a. physical, intellectual, emotional, social and behavioural development
- b. "welfare" as that word is interpreted for the purposes of the Children Act 1989

In relation to an adult, **well-being** also includes:

- a. control over day-to-day life
- b. participation to work

SLIDE 12: Part 1 – Introduction

Meaning of adult, child, carer and disabled

- **Adult** – Means a person who is aged 18 or over
- **Child** – Means a person who is aged under 18
- **Carer** – Means a person who provides or intends to provide care for an adult or disabled child
- **A person is disabled** if the person has a disability for the purposes of the Equality Act 2010

Facilitator Notes

To note for carers – Carers Wales welcomes the new definition of **carer** in the Act as it removes the requirement that carers must be providing “a substantial amount of care on a regular basis”.

To note – within the Act the term **individual** covers adult, child, carer and disabled person combined.

The Act moves away from the “medical model” in existing legislation where language such as age, illness and being disabled was used. The Act speaks of **people who need care and support** and **carers who need support**.

You’re disabled under the Equality Act 2010 if you have a physical or mental impairment that has a ‘substantial’ and ‘long-term’ negative effect on your ability to do normal daily activities.

What ‘substantial’ and ‘long-term’ mean

‘Substantial’ is more than minor or trivial – e.g. it takes much longer than it usually would to complete a daily task such as getting dressed.

‘Long-term’ means 12 months or more – e.g. a breathing condition that develops as a result of a lung infection.

Progressive conditions

A progressive condition is a condition that gets worse over time. People with progressive conditions can be classed as disabled. However, you automatically meet the disability definition under the Equality Act 2010 from the day you’re diagnosed with HIV infection, cancer or multiple sclerosis.

SLIDE 13: Part 2 – General Functions

- **Overarching duties** – General duty to promote the well-being of people in need and carers
- **Well-being outcomes** – Defined by Welsh Ministers by a statement of outcomes and a code of practice
- **Local arrangements** – Emphasis on preventative services and promoting co-production
- **Information, advice and assistance services**

Facilitator Notes

Overarching duties

The Act requires that persons 'exercising functions' under the Act have due regard to the UN Principles for Older People (1991) and the UN Convention on the Rights of the Child.

Well-being outcomes:

The Law Commission in its 2011 report recommended that the new legislation be underpinned by a code of practice of the type that underpins the Mental Capacity Act 2005.

Local arrangements

The Act creates both a strategic and a practical duty in relation to preventative services. This includes a duty to assess the extent of need for a range and level of preventative services. Population needs assessment will be important for informing and providing an evidence base for developments.

One of the most distinctive provisions in the Act concerns the requirement to promote social enterprises / co-operatives / the third sector to provide preventative services OR preventative service that involve the individual in the design or running of the service.

Local authorities are under an enhanced duty to provide information to people in need and their carers about what is available in their area. They need to inform individuals of what's available, how to access it and how to raise concerns.

For more information, see:

Part 2 Code of Practice (General Functions)

SLIDE 14: Part 3 – Assessing the Needs of Individuals

- The underlying approach of this part of the Act is for adults and children to be assessed for care and support and for carers to be assessed for support
- The aim is to simplify the assessment process
- Where appropriate, assessments for a carer and a cared for person can be combined

Facilitator Notes

The duty to assess an adult in need is in many aspects the same as under previous legislation (NHS and Community Care Act 1990).

The duty to assess the needs of a child in need of care and support is positive development. Also a disabled child is presumed to need care and support in addition to support provided by the family.

The Act consolidates the previous three carers acts and removes the 'substantial amount and regular' when providing care.

- Duty to involve the carer as much as possible
- Assessment is triggered on the appearance of need.

For more information, see:

Part 3 Code of Practice (Assessing the Needs of Individuals)



SLIDE 15: Part 4 – Meeting Needs

- Responding to identified needs
- The Act sets out an eligibility framework creating an enforceable right for the individual
- A care and support plan must identify the personal outcomes and set out the best way to achieve them
- There is a continuation of direct payments plus extended availability to other forms of care and support

Facilitator Notes

The individual has an eligible need for care and support if an assessment establishes that overcoming barriers to achieving their personal outcomes requires the local authority to prepare and ensure the delivery of a care and support plan, or a support plan for carers.

The assessment process is integral to the wider system of care and support, and determination of eligibility flows naturally from the assessment process. Eligibility status is given to the need for care and support – not the individual.

The Act secures the extension of the availability of direct payments for other forms of care and support (for example, for long-term residential care) and to individuals who were excluded from receiving direct payments (for example, those with drug or alcohol problems). Direct payments can now be used to buy care and support supplied by the local authority.

For more information, see:

Part 4 Code of Practice (Meeting Needs)

SLIDE 16: Part 5 – Charging and Financial Assessments

- Identifies the circumstances in which a local authority may charge for providing or arranging care and / or support for individuals
- When a local authority may charge for preventative services and the provision of assistance
- How the charges can be set, paid and enforced

Facilitator Notes

For more information, see:

Part 4 and 5 Code of Practice (Charging and Financial Assessment)



SLIDE 17: Part 6 – Looked After and Accommodated Children

- Part 6 is made up of 11 sub parts which focus on:
 1. Interpretation
 2. Accommodation duties
 3. Duties – looked after child
 4. Regulations – looked after child
 5. Contact and visits
 6. Review of cases

Facilitator Notes

Part 6 of the Act (Sections 74-125) largely re-enacts the provisions in Part 3 of the Children Act 1989 relating to looked after and accommodated children – including independent reviewing officers, the Children Leaving Care provisions, secure accommodation, etc.

Part 5 of the Children Act 1989 on the protection of children has not been repealed and is still in force.

For more information, see:

Part 6 Code of Practice (Looked After and Accommodated Children)



SLIDE 18: Part 6 – Looked After and Accommodated Children

- 7. Leaving care, accommodation and fostering
- 8. Secure accommodation
- 9. Children accommodated in certain establishments
- 10. Moving looked after children to live outside jurisdiction
- 11. Death of a looked after child

Facilitator Notes

A duty on local authorities to meet the care and support needs of “looked after” children and care leavers.

The re-enactment of the duties owed to these children in relation to local authorities’ duties and functions for their placement; accommodation (including ensuring there is sufficient accommodation in their area); education; health; contact with family; independent visits; maintenance and regulations about the approval of foster carers, etc.

For more information, see:

Part 6 Code of Practice (Looked After and Accommodated Children)

SLIDE 19: Part 7 – Safeguarding

- Safeguarding children, a duty to report is introduced for relevant partners
- Safeguarding adults, a duty on relevant partners to report if a person may be at risk
- Adult Protection and Support Order – gives power of entry
- New structures for Safeguarding Boards

Facilitator Notes

Safeguarding is a theme that runs throughout the Act.

A new statutory framework to protect adults at risk. Including for authorised officers of a local authority to apply to the court for an **Adult Protection and Support Order**. Such an order will confer a power of entry to facilitate practitioners in speaking to an adult suspected of being at risk. A power to go in and speak with an adult at risk privately but not to remove.

Duties on relevant partners to report to the local authority when it suspects a person may be an adult at risk.

New definition – ‘Vulnerable adults’ is now **adult at risk**.

Duty to report an adult at risk and a duty to report a child at risk.

A new National Independent Safeguarding Board to provide national leadership to the safeguarding agenda and to advise Ministers on the adequacy and effectiveness of safeguarding arrangements.

New Safeguarding Children Boards and new Safeguarding Adults Boards. Board areas and lead partners of the Boards are prescribed through regulations.

For more information, see:

Statutory Guidance in relation to Part 7 of the Act

Working Together to Safeguard People: Volume I – Introduction and Overview

SLIDE 20: Part 8 – Social Services Functions

- Specifies the social services functions of local authorities
- Welsh Ministers have issued codes of practice on the exercise of social services functions
- Provides grounds for intervention by Welsh Ministers in the exercise of social services functions where a local authority is failing

Facilitator Notes

A local authority must appoint an officer, to be known as the director of social services, for the purpose of social services functions. This person must demonstrate competencies specified by Welsh Ministers.

Grounds for intervention:

- **Ground 1** – The local authority has failed, or is likely to fail, to comply with a duty that is a social services function
- **Ground 2** – The local authority has acted, or is proposing to act, unreasonably in the exercise of a social services function
- **Ground 3** – The local authority is failing, or is likely to fail, to perform a social services function to an adequate standard

For more information, see:

Part 8 Code of Practice on the Role of the Director of Social Services (Social Services Functions)

SLIDE 21: Part 9 – Co-operation and Partnership

Co-operation

- Requires the local authority to promote co-operation with relevant partners and others
- Imposes a duty on relevant partners to co-operate with and provide information to local authorities on their social services function
- Promotes integration of care and support with health services

Facilitator Notes

A duty on local authorities to make arrangements to promote co-operation with partner bodies to improve the well-being of adults with needs for care and support, and carers with needs for support.

Requirements on local authorities to promote the integration of care and support with health and health-related provision, with a view to improving well-being, prevention and raising quality.

Partnership arrangements to be prescribed through regulations both between local authorities and between local authorities and local health boards.

Powers for Welsh Ministers to direct local authorities to enter into joint arrangements in relation to their functions for the maintenance and operation of adoption services, thereby enabling Welsh Ministers to deliver their policy ambitions in relation to a National Adoption Service.

For more information, see:

Part 9 Statutory Guidance (Partnership Arrangements)



SLIDE 22: Part 9 – Co-operation and Partnership

Partnership arrangements

- Partnership arrangements to be prescribed through regulations both between local authorities, and between local authorities and local health boards

Adoption

- Empowers Welsh Ministers to direct local authorities to enter into joint arrangements for the provision of an adoption service

Facilitator Notes

A duty on local authorities to make arrangements to promote co-operation with partner bodies to improve the well-being of adults with needs for care and support, and carers with needs for support.

Requirements on local authorities to promote the integration of care and support with health and health-related provision, with a view to improving well-being, prevention and raising quality.

Powers for Welsh Ministers to direct local authorities to enter into joint arrangements in relation to their functions for the maintenance and operation of adoption services, thereby enabling Welsh Ministers to deliver their policy ambitions in relation to a National Adoption Service.

SLIDE 23: Part 10 – Complaints, Representations and Advocacy Services

- Part 10 of the Act has three chapters:

Chapter 1 – Complaints and representations

Chapter 2 – Complaints about private social care and palliative care

Chapter 3 – Advocacy services

Facilitator Notes

New rights to complain about private social services and palliative care. People in Wales who fund their own social care or receive palliative care are able to make complaints about those services to the Public Services Ombudsman for Wales as from 1 November 2014.

The Act provides regulations requiring the local authority to arrange for advocacy services for people with care and support needs (whether or not those needs are being met by a local authority).

For more information, see:

Part 10 Code of Practice (Advocacy)

SLIDE 24: Part 11 - Miscellaneous and General

- Miscellaneous
 - Research and provision of information
 - Individuals in prison, youth detention or bail accommodation
 - Provider failure
- Supplementary
 - Recovery of costs between local authorities
 - Ordinary residence

Facilitator Notes

Ordinary residence is one of the key tests which must be met to establish whether a local authority is required to meet a person's eligible needs. It is therefore crucial that local authorities establish, at the appropriate time, whether a person is ordinarily resident in their area, and whether such duties arise.

The Act places new duties on local authorities to meet the care and support needs of adults in prison, youth detention or bail accommodation in Wales; and the care and support needs of children and young people in prison, youth detention or bail accommodation in England and Wales.

The local authority in which the prison is based is responsible for meeting adult prisoner care and support needs.

For more information, see:

Part 11 Code of Practice (Miscellaneous and General)

SLIDE 25: Part 11 – Miscellaneous and General

- General
 - Orders and regulations
 - General interpretation
- Schedule 1 – Contributions towards maintenance of looked after children
- Schedule 2 – Social services functions
- Schedule 3 – Investigation of complaints about privately arranged or funded social care and palliative care



SLIDE 26: Impact on partner organisations

- Health
- Independent sector
- Voluntary sector
- Others e.g. community services, support groups, housing, benefits, leisure

Facilitator Notes

Requirements on local authorities to promote the integration of care and support with health and health-related provision, with a view to improving well-being, prevention and raising quality.

Partnership arrangements are prescribed through regulations both between local authorities, and between local authorities and local health boards.



SLIDE 27: Impact on day-to-day work

- The cultural shift towards minimum appropriate intervention
- Less emphasis on prescribed ways of doing things
- Intervening earlier in the lives of people and promoting preventative strategies
- Helping people achieve desired outcomes, rather than assessing suitability for services



SLIDE 28: Impact on day-to-day work

- The person exercising function under this Act must:
 - In so far as reasonably practicable, ascertain and have regard to the individual's views, wishes and feelings
 - Have regard to the importance of promoting and respecting the dignity of the individual
 - Have regard to the characteristics, culture and beliefs of the individual (including language)

Facilitator Notes

Social Services and Well-being (Wales) Act Part 2 (6).

SLIDE 29: Impact on day-to-day work

- The person exercising function under this Act must:
 - Have regard to the importance of providing appropriate support to enable the individual to participate in decisions that affect him or her to the extent that is appropriate in the circumstances particularly where the individual's ability to communicate is limited for any reason



SLIDE 30: Impact for individuals

- Professionals will ask 'what sort of life I would like and what needs to change to make this happen?'
- Preventative services are available to help me avoid managed services
- I will be able to watch over my own decisions, I will take responsibility and share the risk
- Success would be the achievement of what matters most to me and is measured over time

Facilitator Notes

Bring the presentation to a conclusion reminding participants about the aims of the legislation for individuals and the cultural shift to a new way of working. Reinforce the “doing things differently” message, changing the care and support system, and early intervention and prevention.



SECTION 04

IDEAS FOR GROUP WORK

Handout 1

Activity – For discussion

What impact will the definition of well-being have upon practice?

Well-being, in relation to a person, means well-being in relation to any of the following:

- (a) physical and mental health, and emotional well-being
- (b) protection from abuse and neglect
- (c) education, training and recreation
- (d) domestic, family and personal relationships
- (e) contributions made to society
- (f) securing rights and entitlements
- (g) social and economic well-being
- (h) suitability of living accommodation

In relation to a child, **well-being** also includes:

- (a) physical, intellectual, emotional, social and behavioural development
- (b) “welfare” as that word is interpreted for the purposes of the Children Act 1989

In relation to an adult, **well-being** also includes:

- (a) control over day-to-day life
- (b) participation to work



Handout 2

Activity – For discussion

Implications for practice

What changes need to be made to practice? What is already in place?

What are our training needs?

What ideas do we have for detailed training? What other groups need information or training? How can the information be disseminated to others?



Discussion ideas

Discussion 1 – Definition of a carer – Part 1 (3)

Jim's father is coming out of hospital after having a hip operation due to a fall. Jim is unsure of what support he will have to give but thinks it will include help with shopping and travelling to appointments, etc. Jim is not sure how long his father will need this extra support.

Under the Act would you consider Jim to be a carer and why? At what point would Jim be considered a carer and needing support?

What does the Act say...

3 Meaning of "carer"

- (1) This section applies for the purposes of this Act.
- 4) "Carer" means a person who provides or intends to provide care for an adult or disabled child; but see subsections (7) and (8) and Section 187(1).
- (7) A person is not a carer for the purposes of this Act if the person provides or intends to provide care:
 - (a) under or by virtue of a contract, or
 - (b) as voluntary work
- (8) But a local authority may treat a person as a carer for the purposes of any of its functions under this Act if the authority considers the relationship between the person providing or intending to provide care and the person for whom that care is, or is to be, provided is such that it would be appropriate for the former to be treated as a carer for the purposes of that function or those functions.

Discussion 2 – Definition of well-being – Part 1 (2)

Rhys is 91 years old and due to recent ill health has needed more support in maintaining his routine. Rhys is a very busy person and keeping in contact with the outside world is important to him. What would you consider in relation to his well-being?

What does the Act say...

2 Meaning of “well-being”

- (1) This section applies for the purpose of this Act.
- (2) **Well-being**, in relation to a person, means well-being in relation to any of the following:
 - (a) physical and mental health, and emotional well-being
 - (b) protection from abuse and neglect
 - (c) education, training and recreation
 - (d) domestic, family and personal relationships
 - (e) contribution made to society
 - (f) securing rights and entitlements
 - (g) social and economic well-being
 - (h) suitability of living accommodation
- (3) In relation to a child, **well-being** also includes:
 - (a) physical, intellectual, emotional, social and behavioural development
 - (b) “welfare” as that word is interpreted for the purposes of the Children Act 1989
- (4) In relation to an adult, **well-being** also includes:
 - (a) control over day-to-day life
 - (b) participation in work



Discussion 3 – General duties – Part 2 (6)

Claire is a volunteer supporting families in parenting skills. What would be Claire's overarching duties when interacting with all family members under Part 2 – general duties?

What does the Act say...

6 Other overarching duties: general

- (2) The person must:
 - (a) in so far as is reasonably practicable, ascertain and have regard to the individual's views, wishes and feelings
 - (b) have regard to the importance of promoting and respecting the dignity of the individual
 - (c) have regard to the characteristics, culture and beliefs of the individual (including, for example, language)
 - (d) have regard to the importance of providing appropriate support to enable the individual to participate in decisions that affect him or her to the extent that is appropriate in the circumstances, particularly where the individual's ability to communicate is limited for any reason
- (3) A person exercising functions under this Act in relation to an adult falling within subsection (1)(a), (b) or (c) must, in addition, have regard to:
 - (a) the importance of beginning with the presumption that the adult is best placed to judge the adult's well-being, and
 - (b) the importance of promoting the adult's independence where possible
- (4) A person exercising functions under this Act in relation to a child falling within subsection (1)(a), (b) or (c), in addition:
 - (a) must have regard to the importance of promoting the upbringing of the child by the child's family, in so far as doing so is consistent with promoting the well-being of the child, and
 - (b) where the child is under the age of 16, must ascertain and have regard to the views, wishes and feelings of the persons with parental responsibility for the child, in so far as doing so is:
 - (i) consistent with promoting the well-being of the child, and
 - (ii) reasonably practicable

Discussion 4 – Finding the right solution – Part 3 (19)

Flora has recently taken early retirement after having a stroke. Flora has made a good recovery but has been feeling low due to isolation and loss of confidence. Prior to the stroke Flora enjoyed many outdoor activities. When carrying out an assessment of need under the Act, what would you need to consider?

What does the Act say...

19 Duty to assess the needs of an adult for care and support

- (4) In carrying out a needs assessment under this section, the local authority must:
- (a) seek to identify the outcomes that the adult wishes to achieve in day-to-day life
 - (b) assess whether, and if so, to what extent, the provision of:
 - (i) information, advice or assistance
 - (ii) preventative services, or
 - (iii) care and support, could contribute to the achievement of those outcomes or otherwise meet needs identified by the assessment

Also to note:

The individual has an eligible need for care and support if an assessment establishes that overcoming barriers to achieving their personal well-being outcomes requires the local authority to prepare and ensure the delivery of a care and support plan (or support plan for carers).

Discussion 5 – Finding the right solution – Part 3 (21)

Josh is 16 years old, his mum died six months ago. Josh is feeling isolated and is struggling with his feelings of loss. When carrying out an assessment of need under the Act what would you need to consider?

What does the Act say...

21 Duty to assess the needs of a child for care and support

(4) In carrying out a needs assessment under this section, the local authority must:

- (a) assess the developmental needs of the child
- (b) seek to identify the outcomes that:
 - (i) the child wishes to achieve, to the extent it considers appropriate having regard to the child's age and understanding
 - (ii) the persons with parental responsibility for the child wish to achieve in relation to the child, to the extent it considers appropriate having regard to the need to promote the child's well-being, and
 - (iii) persons specified in regulations (if any) wish to achieve in relation to the child
- (c) assess whether, and if so, to what extent, the provision of:
 - (i) care and support
 - (ii) preventative services, or
 - (iii) information, advice or assistance, could contribute to the achievement of those outcomes or otherwise meet needs identified by the assessment

Also to note:

The individual has an eligible need for care and support if an assessment establishes that overcoming barriers to achieving their personal well-being outcomes requires the local authority to prepare and ensure the delivery of a care and support plan.

Discussion 6 – Direct payments – Part 4 (50)

Rhian has been assessed as needing care and support. How could she be supported to consider direct payments as a way of achieving her outcomes?

What does the Act say...

Key changes

The Act sees a continuation of direct payments as a means of achieving people's well-being outcomes but in a manner that enhances their ability to determine the care and support they consider is right for them. Also, the Act secures the extension of the availability of direct payments for other forms of care and support (for example, for long-term residential care) and to individuals previously excluded from receiving direct payments (for example, those with drug or alcohol problems).

Aims

Under the Act there is a drive to provide voice and control to people over the manner in which their care and support needs are met to deliver their well-being outcomes. This builds on their existing support mechanisms of family, friends, etc. Direct payments are seen as an enabler for achieving this objective where individuals want a greater say and control over how their care and support needs are met.

Under the Act we are seeking:

- To maintain the ability of local authorities to provide direct payments to meet an adult's or child's care and support needs; and the support needs of a carer
- To do this in a way which enhances their ability to determine the care and support they consider is right for them to deliver their personal outcomes
- To maintain the ability of a person to receive a direct payment with assistance where they are unable, or unwilling, to manage it
- To encourage flexibility and innovation in methods of providing care and support, for example through co-operatives, and
- To encourage a view of direct payments as one of a range of ways in which needs can be met. The conversation with someone about whether a direct payment is right for them should be right up front during the assessment process when options are explored rather than as a secondary consideration

Discussion 7 – Duty to report children – Part 7 (30)

Sarah, a voluntary sector worker supporting children with a learning disability to access leisure services, has noticed that a child she supports to go swimming has physical injuries not consistent with the explanations given. Taking in consideration of the Act, is there a duty to respond and why?

What does the Act say...

Safeguarding children

In relation to children, a duty to report is introduced for relevant partners (local authority, police, providers of probation services, local health boards and NHS trusts), and extends to youth offending teams for specifically reporting children at risk. There will be clear points of contact between the relevant partners within the Safeguarding Board area and between relevant partners and local authorities in other Safeguarding Board areas.

130 Duty to report children at risk

- (1) If a relevant partner of a local authority has reasonable cause to suspect that a child is a child at risk and appears to be within the authority's area, it must inform the local authority of that fact.
- (2) If the child that the relevant partner has reasonable cause to suspect is a child at risk appears to be within the area of a local authority other than one of which it is a relevant partner, it must inform that other local authority.



Discussion 8 – Duty to report adults – Part 7 (128)

Sian is a volunteer ward assistant working at a hospital. Mrs How confides that a homecare worker has been borrowing money from her and has not been able to pay it back. Under the Act, what is the volunteer's duty to report?

What does the Act say...

Safeguarding adults – duty to report

In relation to adults, a duty is introduced where a relevant partner must report to a local authority if it has reasonable cause to suspect that an adult is an adult at risk. These proposals mirror those for children in that there will be clear communication between relevant partners both in the Safeguarding Board area and in other local authority areas outside the Safeguarding Board area.

128 Duty to report adults at risk

- (1) If a relevant partner of a local authority has reasonable cause to suspect that a person is an adult at risk and appears to be within the authority's area, it must inform the local authority of that fact.
- (2) If the person that the relevant partner has reasonable cause to suspect is an adult at risk appears to be within the area of a local authority other than one of which it is a relevant partner, it must inform that other local authority.
- (3) If a local authority has reasonable cause to suspect that a person within its area at any time is an adult at risk and is living or proposing to live in the area of another local authority (or a local authority in England), it must inform that other authority.
- (4) For the purpose of this section a relevant partner of a local authority is a person who is a relevant partner of the authority for the purposes of Section 162.

SECTION 05

IDEAS FOR PARTICIPANTS' PACK

Ideas for participants' pack

It is recommended that a pack of the materials is provided for each participant to take away:

- Aims of the training and learning outcomes
- Workshop programme
- PowerPoint handout with space for own notes
- Handout 1 – definition of well-being
- Handout 2 – implications for practice
- Any other group work or activity used
- Relevant information sheets:
 - Information, advice and assistance
 - Assessing and meeting needs
 - Assessment and support for carers
 - Care and support plans
 - Social enterprises, co-operatives, user-led services and the third sector
 - Core processes for social workers
 - Implication of the Act for the NHS in Wales
- Local / regional information
- Useful links
- Evaluation form and action plan

The facilitator may wish to select relevant material from the Information and Learning Hub: **www.ccwales.org.uk/getting-in-on-the-act-hub/**

SECTION 06

EVALUATION AND PERSONAL ACTION PLAN

Evaluation and personal action plan

What are the three most important things you have learned today?

1.

2.

3.

How are you going to put this learning into action?

What further help will you need?

Name: Workplace:

Job title: Email:

Plan to start tomorrow by sharing and agreeing this plan with your manager or supervisor.

SECTION 07

ADDITIONAL MATERIALS

Useful links

Information and Learning Hub

www.ccwales.org.uk/getting-in-on-the-act-hub/

The Act

www.ccwales.org.uk/the-act/

Codes of practice and statutory guidance

www.ccwales.org.uk/codes-of-practice-and-statutory-guidance/

Regulations

www.ccwales.org.uk/regulations-and-codes/

FAQs

www.ccwales.org.uk/faqs/

Learning resources

www.ccwales.org.uk/learning-resources-1/

News

www.ccwales.org.uk/news-2/

Information for staff

Background

The Social Services and Well-Being (Wales) Act 2014 took effect from April 2016. It is a new framework bringing together and modernising social services law.

Previously, social services have been provided under various scattered pieces of legislation, e.g.:

- Section 47 National Health Service and Community Care Act 1990
- Section 17 Children Act 1989
- Section 2 Chronically Sick and Disabled Persons Act 1970
- Section 21 National Assistance Act 1948

Now, the Social Services and Well-being (Wales) Act 2014 brings all these together in one place.

Basic principles

- **People:** Putting individuals and their needs at the centre of their care by giving them a stronger voice
- **Well-being:** Supporting people to achieve their own well-being outcomes and measuring how successful this is
- **Earlier intervention:** Preventative services within the community to minimise escalation of need
- **Collaboration:** Stronger partnership working between agencies and organisations, especially social services and health

How it works

The new legal framework has three parts:

- 1 **The Social Services and Well-being (Wales) Act 2014:** One law setting out powers and duties for local authorities and other bodies
- 2 **Regulations:** This is secondary legislation, where the Act needs more detail
- 3 **Codes of practice:** This is guidance with the force of law, clarifying how people and organisations must work within the new framework

What the Act consists of

The Social Services and Well-being (Wales) Act 2014 is made up of 11 parts:

- 1 Introduction
- 2 General Functions
- 3 Assessing the Needs of Individuals
- 4 Meeting Needs
- 5 Charging and Financial Assessment
- 6 Looked After and Accommodated Children
- 7 Safeguarding
- 8 Social Services Functions
- 9 Co-operation and Partnership
- 10 Complaints, Representations and Advocacy Services
- 11 Miscellaneous and General

The following is a brief outline of what is in each of the 11 parts.

PART 1: INTRODUCTION

This part provides key definitions.

Some definitions are similar to what we had previously e.g.:

- Adult: anyone aged 18 or over
- Child: a person under 18
- Carer: someone who provides, or intends to provide, care for an adult or disabled child
- Disabled: as defined under the Equality Act 2010 (regulations to provide detail)

Some definitions are largely new, e.g. “well-being”:

- Physical and mental health, and emotional well-being
- Protection from abuse and neglect
- Education, training and recreation
- Domestic, family and personal relationships
- Contribution made to society
- Securing rights and entitlements
- Social and economic well-being
- Suitability of living accommodation

PART 2: GENERAL FUNCTIONS

This part sets out broadly what the Act is trying to do. It groups these under three labels:

Overarching duties

This covers three areas:

- Well-being duty. Anyone working under the Act must promote the well-being of people who need care and support, and carers who need support.
- Other overarching duties (general). Anyone working under the Act must seek out the person’s wishes and feelings; respect their dignity; take into account their culture, beliefs and other characteristics; help them make their own decisions; promote their independence; and, when working with children, promote their upbringing by their own family, where safe to do so
- Other overarching duties (UN Principles and Convention). Anyone working under the Act must follow the UN Principles for Older Persons, and the UN Convention on the Rights of the Child

Well-being outcomes

This says the Welsh Government has three years to define exactly what it means by “achieving well-being outcomes” and how it is going to check it is happening.

Local arrangements

This says that local authorities and local health boards must work together to map needs within their areas and to assess what services are required to meet them. It says local authorities have a duty to ensure there are effective preventative services; promote voluntary and independent sectors; and provide information and advice. They must also maintain registers of people who are disabled or have a sensory impairment.

PART 3: ASSESSING THE NEEDS OF INDIVIDUALS

This part sets out when the local authority must offer an assessment of need, and what happens if the person refuses to have an assessment. It groups these under four labels:

Assessing adults

The focus is the need for care, support, preventative services or information.

Assessing children

It distinguishes assessments for children under and over 16 years old.

Assessing carers

It includes what needs the carer may have in the future.

Supplementary

This is largely about how different kinds of assessments can be combined.

PART 4: MEETING NEEDS

This part is grouped under eight labels:

Deciding what to do following a needs assessment

This very broadly discusses eligibility criteria and what must be provided.

Meeting the care and support needs of adults

This sets three conditions, based on where they live; if they are eligible; whether they may be charged for services.

Meeting the care and support needs of a child

This sets two conditions: where they live; and if they meet eligibility criteria (or are in need of protection).

Meeting the support needs of a carer

As well as setting conditions, this goes in more depth into financial circumstances (for an adult carer); and into when a child carer must be supported.

Meeting needs: exceptions and restrictions

This outlines some special circumstances such as immigration control, health responsibilities, housing needs and when local authorities cannot make payments.

Direct payments

This sets out very broadly how payments can be made to a person for them to purchase their own services, and when this can be used to pay for services for a child or for a carer.

Plans

This says that whenever a person receives services, they must have a support plan. Regulations will be published detailing what will have to be in these plans.

Supplementary

This describes how a person's care plans follow them if they move to another authority; what to do if they want a particular kind of accommodation; and how to protect their property if they are cared for away from home.

PART 5: CHARGING AND FINANCIAL ASSESSMENT

This part is grouped under four labels:

Charging for meeting needs

This sets out circumstances and regulations regarding the local authority's power to charge for services.

Charging for preventative services and assistance

Some preventative services can be charged for. Others (e.g. charges to children) may not.

Enforcement of debts

This describes how the local authority can recover debts and charges.

Reviews

There must be a review process for regulations regarding charges, and individual cases.

PART 6: LOOKED AFTER AND ACCOMMODATED CHILDREN

This part describes the broad duties of a local authority towards children in its care, and paves the way for a new set of regulations covering its responsibilities.

PART 7: SAFEGUARDING

This part is grouped under five labels:

Adults at risk

This is a new term which replaces vulnerable adult. This brings in the power to use new adult protection and support orders.

Children at risk

This imposes a requirement to report children at risk and refers to the existing section of the Children Act 1989, which has not been repealed.

Guidance

New guidance on safeguarding has been published and must be followed.

National Independent Safeguarding Board

Regulations have been published specifying how the new national board will be set up.

Safeguarding Children Boards and Safeguarding Adults Boards

New regulations clarify how these are to operate from now on.

PART 8: SOCIAL SERVICES FUNCTIONS

This part is grouped under three labels:

Local authorities

This refers to a separate schedule (Schedule 2) which shows how existing laws still tell local authorities what they must do.

Codes

This announces that Welsh Government issues various codes of practice for social services.

Intervention by Welsh Government

This warns that Welsh Government may step in if a local authority is seen as failing.

PART 9: CO-OPERATION AND PARTNERSHIP

This part is grouped under three labels:

Co-operation

This requires local authorities to “promote” co-operative arrangements with specified bodies (e.g. police, other local authorities, probation services, health) for supporting eligible adults and children.

Partnership arrangements

This states that regulations clarify what partnership arrangements will be needed.

Adoption

This inserts a new “joint arrangements” section into the Adoption and Children Act 2002.

PART 10: COMPLAINTS, REPRESENTATIONS AND ADVOCACY SERVICES

This uses a slightly different style and is arranged in three “chapters”:

Chapter 1

States that regulations will be made regarding complaints about social services.

Chapter 2

Amends existing legislation regarding complaints about private social care and palliative care.

Chapter 3

States there will be regulations about when the authority must provide advocacy services, when they must not, and how they must publicise them.

PART 11: MISCELLANEOUS AND GENERAL

This part adds to and clarifies various sections elsewhere in the Act.

SCHEDULES

There are three “schedules”, which are appendices referred to earlier in the Act with more details about specific issues.

Core processes for social workers

What will the Act do?

The Act provides a legal framework for the policy aims of Welsh Government in relation to social services. They include:

- **Maintaining integrated social services:** To improve the well-being of people who need care and support within a framework that includes both adults and children, and their carers
- **Increasing consistency of services:** To improve access to and provision of social services across Wales
- **Consolidating Welsh social care legislation:** To simplify and clarify duties in relation to children, adults and carers to aid the efficient delivery of social services, and reduce the time and resources required to navigate the current legal framework
- **Empowering service users:** To give them a stronger voice and greater control over services.
- **Strengthening the safeguarding and protection of adults and children:** To integrate safeguarding as a theme throughout the Act, as well as introducing new duties and national leadership structures
- **Promoting partnership working in social care:** To extend co-operation between local authorities and between local authorities and other bodies, including NHS providers. Joint working provisions in the Act will also facilitate the reform of adoption services
- **Enhancing the preventative role of local authority and health services, and setting out overarching well-being duties for them and their partners:** To avert or delay the need for care and support, and to promote the well-being of people who need care and support, and carers who need support

What will the Act mean for social work?

As a result of the Act, social work in Wales will:

- Involve close working between social workers and those needing care and support to jointly identify ways by which individuals can be supported at differing stages of need
- Reduce reliance on formalised prescriptive approaches and further emphasise professional judgement
- Involve closer collaboration with a wide range of formal and informal organisations and individuals to identify and access responses to need
- Have a continuing focus on safeguarding both children and vulnerable adults

What skills and knowledge will be required?

The skills and the knowledge currently central to social work practice and defined by the National Occupational Standards for Social Work remain relevant and indeed may acquire greater relevance in the context of the Act, which stresses the importance of the professional judgement of the social worker. Further emphasis will be placed on:

- Ability to work jointly with individuals and their families, enabling them to identify solutions to their problems
- Ability to understand and develop community responses to the needs of individuals, rather than assessment for services
- Knowledge of research evidence on effective interventions in social care
- Ability to collaborate effectively with other professionals and organisations
- Ability to identify desired outcomes for individuals and assess the extent to which they are being achieved

What changes in the work context will the Act bring?

The Act should change working as a social worker in the following ways:

- Greater delegation of tasks and supporting non-social work staff
- Less emphasis on prescribed ways of doing things
- Greater accountability for the decisions made and the process of decision making
- Intervening earlier in the lives of people who require support
- Working for a wider range of employers in a wider range of settings
- Helping people to achieve their desired outcomes rather than assessing suitability for services

What does the Act mean for the education and training of social workers?

While the majority of social work training will remain relevant the following changes are likely:

- Greater emphasis on on-going learning throughout a career
- Further emphasis on generic social work – team around the family
- Greater specialisation and depth of knowledge
- A focus on self-directed learning and supporting the learning of peers





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Information, Advice and Assistance

What are the new Information, Advice and Assistance services (IAA)?

Under the Act each local authority – with the assistance of their local health board (LHB) partners – must secure the provision of a service for providing people with information and advice relating to care and support in their area (including support for carers), and (where appropriate) assistance in accessing these.

Getting the right information and advice is the first step for people seeking some level of care and support to help them maximise their well-being. The quality of this service and the ease of use is fundamental.

The IAA service must enable citizens (adults, children and carers) to make plans for meeting their care and support needs now, and in the future.

What will the service offer?

Whilst each local authority (with support from its LHB and local third sector organisations) will develop its own IAA provision to serve its area, there will be several common elements:

- It will serve as the **first point of entry** and be sufficiently flexible and responsive to deal with enquiries directly from the citizen and queries / referrals from professionals.
- It will provide **information** to help people understand how the care and support system operates within their area; the types of support / services available; how they can access these; and how to raise concerns about the well-being of people who appear to have needs for care and support.
- This service will be **available to all citizens** whether they are likely to self-fund or to be reliant on some level of local authority funding for their care and support.
- It will allow citizens to begin the **discussion of their care and support needs** and to identify what they want to achieve (in terms of their well-being). It will offer first line assessment and a response that is proportionate to citizens' needs.

- It will **present options and signpost citizens** towards appropriate care and support, including advice on the range of preventative services available in the community.
- Where appropriate, the IAA will also **actively assist** people in accessing services e.g. booking appointments or commissioning services on their behalf. This may also extend to providing some level of care package management.
- It will be provided in a manner which is accessible / understandable to individuals i.e. large print, audio, easy read etc.

How will this service be delivered?

IAA provision will need to be sufficiently flexible and comprehensible to provide integrated information and advice to a wide range of client groups, of all ages and abilities.

In practice this will mean that IAA is accessible through a number of mediums, which may include:

- a face to face consultation
- a telephone conversation
- a dedicated online service

and by a range of people including:

- Children / their families
- Adults
- Carers; or
- an appropriate professional, acting on their client's behalf



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Assessing and Meeting Needs

What does the Act do?

It creates a right to an assessment for people – adults, children (and their families) and carers – where it appears to the local authority that the individual may have needs for care and support (or support needs in the case of a carer). This right exists regardless of the level of need and of the person's financial resources.

Under the Act, an assessment must seek to identify the outcomes that the person wishes to achieve and assess whether – and if so, to what extent – the provision of care and support (or support in the case of carers); preventative services; information, assistance or advice; or other matters may contribute to the achievement of those outcomes.

Where the person is a child, the assessment must also include a consideration of their developmental needs; the outcomes their parents wish to be achieved; and any other circumstances affecting their well-being.

(Note: This does not apply to a child who is looked after by the local authority – separate duties apply to these children: as contained within Part 6 of the Act),

Where the person is a carer, the local authority is under a duty to assess their needs for support if they are providing or intend to provide care for an adult or disabled child in their area.

In the case of a carer's assessment, the local authority must also:

- assess the extent to which the carer is willing and able, and will continue to be willing and able, to care for the person.

Furthermore, the local authority must also have regard to whether the carer works (or wishes to do so) and to any training, education or leisure activities in which they participate or wish to participate. In the case of a young carer, the local authority must also consider the outcomes their parents' wish to achieve for them, their development needs and whether it is appropriate for them to provide care in light of these.

All assessments must be undertaken in a manner that the local authority considers proportionate in the circumstances. Assessments must involve the person themselves (and any person with parental

responsibility for them) and where feasible, their carer; or in the case of an assessment of a carer, the person for whom they provide or intend to provide care.

The Act also makes provision for combining assessments; for people and their carers (where appropriate); and for people who require multiple assessments (e.g. mental health, substance misuse, special education needs).

Can a person refuse an assessment?

Adults, children (and their parents) and carers (regardless of their age) can refuse a needs assessment if this is their wish. However, the Act also makes clear the circumstances in which the local authority must assess someone's needs regardless of whether the person wishes to refuse that assessment.

However if the person who refused the assessment changes their mind or their needs or circumstances change, the local authority's duty to assess their needs is triggered once again.

What happens after assessment?

After conducting an assessment, if a person has needs for care and support, the local authority will be required to consider what could be done to meet them.

The Act provides for regulations that will set national criteria for the circumstances in which a person will be regarded as having needs which are eligible for support from the local authority. Here, the local authorities will have a duty to provide people with support to access the services that are right for them.

Also a person's needs could be met by the provision of a service to their carer.

The local authority is not under a duty to meet those care and support needs which are being met by a carer, or in the case of a child, by the child's family. If the carer stops meeting those needs, the local authority must review the person's needs which may mean that a requirement to meet those needs falls on the local authority.

What about those who do not have 'eligible needs'?

Irrespective of whether a person's needs meet the eligibility criteria, there will be a duty for local authorities to provide care and support where:

- it is necessary in order to protect an adult from abuse or neglect; and / or the risk of abuse and neglect or
- it is necessary in order to protect the child from abuse, neglect or harm; and / or the risk of abuse, neglect or harm.

The local authority also has powers to meet care and support needs where they are not under a duty to do so, whether or not it has undertaken a needs assessment.



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Assessment and Support for Carers

The Act brings together local authorities' duties and functions in relation to improving the well-being of people who need care and support, and carers who need support. It simplifies and consolidates the law relating to carers and for the first time, gives them equivalent rights to those that they care for.

The Act also makes a distinction between adult and child carers to take account of particular issues faced by children who are carers.

Information, Advice and Assistance (IAA)

The Act is designed to ensure that carers can access a wider range of appropriate services in a more flexible way; including access to comprehensive information relating to all types of support and respite services.

IAA services will play an important role in signposting carers and others to preventative care and support services in their community without the need for formalised assessments.

Proportionate Assessment

The Act creates a duty for local authorities to undertake a carer's assessment where it appears that the carer has needs for support. The carer no longer needs to be providing 'a substantial amount of care on a regular basis', as previous legislation required. Furthermore the Act requires assessments to be proportionate to ensure that more energy is focused on delivering support.

This means that straightforward situations such as providing short term help after someone has been discharged from hospital, meals on wheels, home help, supported shopping, gardening, transport, access to leisure services etc. can be arranged as a result of a proportionate assessment. For people with more complex needs, where assistance is required from a wide range of services, a more comprehensive assessment will be required.

Community Based Preventative services

The new arrangements for support will mean that the majority of carers will receive support through the provision of IAA services and / or be supported through community based preventative services without the need for a comprehensive assessment. The Act also seeks to encourage the growth and range of these services both by the statutory and third sector.

After assessment

A national 'eligibility framework' will be developed and the detail of how this will operate will be set out in Regulations. Just as those with care and support needs will be assessed to determine if they have 'eligible needs', so carers will be assessed as having 'eligible needs' for support against the eligibility criteria for carers within the national framework.

Support Plans

If a carer is assessed and confirmed as having 'an eligible need' for support the local authority will put in place a support plan for the carer. This will be centred around the individual and help carers achieve the outcomes they themselves have identified. It will identify the support that will help them achieve these outcomes and provide support or arrange for access to this support.

Support plans will be subject to regular review, and the local authority will also have a duty to carry out further assessments and revise the plan if there has been a change in the carer's circumstances.

What happens if the carer and the person cared for move from one authority area in Wales to a different one?

The duty on a local authority to undertake an assessment of a carer's needs is triggered when the person they care for moves into that local authority's area and becomes ordinarily resident there. Other duties will also require local authorities to share information relating to a person's carer when that person moves across local authority areas.

Local authorities are also required to ensure that where a carer (and those that they care for), make a temporary move to that area, the carer's needs for support are assessed along with the care and support needs of the cared for person.

Direct Payments

Carers who are assessed by their local authority as having an eligible need for support will be entitled, as now, to receive direct payments (subject to a financial assessment) so that they can arrange their own support. New regulations and a code of practice will promote direct payments and make them easier for carers to access and use.



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Care and Support Plans

When does someone need a care and support plan?

If someone is assessed as having 'eligible needs' the local authority must prepare a care and support plan setting out:-

- the ways in which that person can be supported to achieve the outcomes they want to achieve,
- the types of care and support that might be best suited and available to them,
- and how these can be accessed.

What is a care and support plan?

Care and support planning is the process by which a local authority helps a person (and any carer they may have) to decide which services or wider support will best meet their assessed needs.

It records a person's assessed and 'eligible needs' and describes how a local authority plans to meet, or make arrangements to meet, those needs. Plans are reviewed on a regular basis to ensure that they remain effective and current.

What does the Act provide for?

Everyone with eligible needs will have a care and support plan.

When preparing, reviewing or revising a care and support plan the local authority must involve the person the plan is for, and where feasible, any carer that person has. Where the person is a child the local authority must involve the child and any person with parental responsibility for the child.

If the local authority believes that the circumstances of a person with an 'eligible need' have changed, it must conduct a new proportionate assessment and revise the plan accordingly.

Regulations may provide further detail on:

- Preparation and content of plans
- Any prescribed format of the plans
- Review or revision arrangements and circumstances
- People to be involved / consulted in developing / reviewing plans and those who may prepare the plans
- People with whom the plans may be shared;
- Combining the preparation and review of

plans with other statutory plans e.g. those under Mental Health (Wales) Measure 2010.

Looked after and other accommodated children are also required to have a care and support plan and a pathway plan must be prepared for young adults leaving care.

Portability of care and support

The Act introduces the portability of care and support plans for adults and children with 'eligible needs' across Welsh local authority boundaries.

- When an individual with care and support needs has informed a local authority that they will be moving to a new area that authority will be required to notify the authority to which the person is moving and to share with them a copy of the person's care and support plan.
- Where a local authority is satisfied that someone with care and support needs is moving to their area from elsewhere in Wales that authority must put in place arrangements for care and support to continue until it carries out a review / re-assessment of the person's needs.

This means that if adults or children with 'eligible needs' relocate within Wales, possibly to move closer to their families, the 'new' authority has a duty to maintain the care and support set out in their plan at least until it has had the opportunity to review their needs. If this review is conducted before the person becomes resident in the area, as soon as they have moved, they will be supported under the new plan. It is important to recognise that meeting the person's needs may not mean replicating exactly the same services as the person received prior to the move.

These portability arrangements do not apply in relation to support plans for carers. Therefore in such cases there will be no duty on the new authority to put transitional arrangements in place.

However, as the Bill creates a duty on local authorities to undertake an assessment of carers' needs in their own right, this will now be triggered, so carers living within the new local authority's area can exercise this right.



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Social Enterprises, Co-operatives, User-Led Services and the Third Sector

What are the changes?

The Act is changing the way Social Services works. People will be able to get advice and assistance about different kinds of care and support early on, so they can carry on leading their lives. We want to promote new types of services, and get people involved in designing and delivering them.

What does Section 16 of the Act do?

It requires local authorities to promote:

- social enterprises
- co-operatives
- the third sector

And involve people more in the design and operation of services.

Why is this important?

We want more people to lead the lives they want for longer, helping them do the things that matter to them.

We know that a little help with day-to-day things can make a big difference. Without that help, people can get into real difficulties and end up needing a lot of care and support. That means new and different sorts of services will be needed.

What does “promote” mean?

It can mean lots of things, but the important thing is that local authorities must make sure there are enough services of the right kind to provide the extra help people need so they can do the things that are important to them.

What are social enterprises and co-operatives?

Social enterprises are businesses with mainly social aims, with profits re-invested back into their services or the community. They generate the majority of income through the trading of goods or services, rather than through donations or grants.

A co-operative is a business owned and run by its members, who act together to meet common needs and aspirations. Co-operatives share their profits amongst the members.

What is the third sector?

The third sector is made up of many sorts of organisations. They are always independent, non-governmental bodies, established voluntarily by people motivated by the desire to achieve social goals. Any profit that is made is re-invested for social or community benefits, rather than given to shareholders.

Co-operatives and social enterprises are part of the third sector, along with charities, mutuals, associations, community and self-help groups.

What is a user-led service?

User-led means what it says – services, policies and methods that are designed and controlled by those who would use these themselves.

What is the role of local authorities?

Across the whole of Wales, local authorities will be putting in place new arrangements to make sure people have a say in what kind of services are needed.

They will listen to what people have to say and look at what kind of services will really work to provide that extra care and support.

They will have a service that gives people the information they need, in one place, that is easy to get hold of and easy to understand.

What will the difference be for people?

There will be more services which are designed around what matters to people and which people have had a real say in designing and delivering.

What will “involve people” mean in practice?

Involving people means asking them what matters to them in respect of services, and demonstrating how their views have been used in the design and delivery of services.

Local Authorities should set out how they will involve people and what they mean by involvement. They should look at whether there are any barriers to involving people and how these can be overcome.

What rules are there?

There will be Regulations and a Code of Practice which should be read alongside the Social Services and Well-Being (Wales) Act.

Where can I get further information?

You can get further information from the Welsh Government website: **www.wales.gov.uk/topics/health/socialcare**

You can also email the consultation mailbox, if you have any specific queries:

sswbimplementation@Wales.GSI.Gov.UK

This information: it is not legislation and you will need to read the Act, Regulations and Code of Practice for the details of the law.



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IMPLICATIONS OF THE SOCIAL SERVICES AND WELL-BEING (WALES) ACT FOR THE NHS IN WALES

The key elements of the Social Services and Well-being (Wales) Act which relate to health or the provision of healthcare are set out in the following paragraphs.

Section 14: The assessment of needs for care and support, support for carers and preventative services

This requires respective local authorities and Local Health Boards to jointly assess the extent to which there are people who need care and support, or carers who need support. They should also assess the extent to which needs are not being met, and the range and level of services required to meet need.

This section also ensures that this population assessment is taken into account as part of broader integrated planning frameworks.

Section 15: Preventative services

This requires local authorities to provide services designed to prevent, delay or reduce needs for care and support. Local Health Boards are required to have regard to the importance of achieving these preventative purposes when exercising their functions.

Section 17: Provision of information, advice and assistance

A Local Health Board or an NHS trust is required to provide the local authority with information about the care and support it provides in the respective local authority area.

Section 29: Combining needs assessments and other assessments

A local authority may carry out a needs assessment for a person at the same time as it, or another body, carries out another assessment. The local authority may carry out the other assessment on behalf of, or jointly with, another body (for example

the Local Health Board or NHS trust).

Section 47: Exception for provision of health services

This section specifies that local authorities cannot provide or arrange services or facilities that would be required under the NHS (Wales) 2006 Act or the NHS Act 2006, unless doing so would be incidental or ancillary to other actions within the local authority's powers.

Section 128 and 130: Duty to report adults or children at risk

This section requires Local Health Boards and NHS trusts (as relevant partners) to inform local authorities if they have reasonable cause to suspect an adult or child is at risk.

Section 134: Safeguarding Children Boards and Safeguarding Adults Boards

This section relates to the establishment of Safeguarding Children Boards and Safeguarding Adults Boards. Regulations will set out those areas in Wales where there will be Safeguarding Boards and the respective Local Health Boards and NHS trusts will be partners and therefore will have representatives on the Boards.

Sections 162-169: Co-operation, integration of care and support and partnership arrangements

Part 9 of the Act relates to co-operation and partnership. Section 162 requires local authorities to make arrangements with their respective partners, which include Health Boards and NHS trusts, to promote co-operation. This co-operation is required in relation to adults with needs for care and support, and adults who are carers. This includes improving well-being, quality of care and support and protecting adults at risk of abuse or neglect.

Section 163 makes amendments to the Children Act 2004 and sets out arrangements for the local authority to promote co-operation with their relevant partners, including Health Boards and NHS trusts. This includes improving well-being, quality of care and support, and protecting children at risk of abuse, neglect or other kinds of harm.

Section 164 requires Health Boards and NHS trusts to cooperate with and provide information to local authorities, when requested, to enable them to exercise their social services functions.

Section 166 enables regulations to be developed to specify the partnership arrangements between local authorities and Health Boards. Regulations will make provision to specify which local authorities and Health Boards should have partnership arrangements, the form of the partnership arrangements and the operation and management of these arrangements, including information sharing.

Section 167 provides for regulation to enable local authorities and Health Boards to pay towards any expenditure incurred in relation to partnership arrangements under section 166. This could include making payments directly or by contributing to a pooled fund. A local authority and a Health Board may also provide staff, goods, services, accommodation or other resources in connection with partnership arrangements. Regulations can make provisions which require a pooled fund to be established, for determining the contributions to be made by partners to the pooled fund, for expenditure in relation to posts, services, administration or any other costs related to partnership arrangements.

Section 168 provides regulation making power to establish partnership boards, in relation to partnership arrangements. The regulations make provision to specify the membership of partnership boards (including Health Boards), the objectives, functions and procedures, the form of reports, their content, timing and publication.

Section 169 requires Welsh Ministers to issue and periodically revise guidance about partnership working in relation to section 166. This will apply to partners, which includes local authorities and Health Boards. The guidance will also apply to a team or person carrying out partnership arrangements and any partnership boards established under section 168.

Section 171: Complaints about social services

Section 171 allows for regulations to make provision for the consideration of complaints relating to services provided by local authorities. This includes services under section 33 of the National Health Services (Wales) Act 2006 or section 75 of the National Health Service Act 2006.

Section 180: Independent advocacy services for complaints about palliative care

Section 180 makes amendments to section 187 of the National Health Service (Wales) Act 2006 to include reference to independent advocacy services for palliative care.

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Getting in on the Act

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