**SOCIAL SERVICES AND WELL-BEING (WALES) ACT**

**SUMMARY – March 2017**

**Introduction and General Functions**

# Introduction

This is a summary of the Social Services and Well-being (Wales) Act 2014 and Part 2, the General Functions of the Act. This summary forms part of the suite of learning materials that have been developed to support the implementation of the Act. It is intended for anyone who would like to know more about the Act and Part 2.

# Context

The Act aims to reform and simplify the law: it repeals many previous laws and guidance relating to care and support and replaces them with this Act. It builds on the White Paper*, Sustainable Social Services for Wales: A Framework for Action,* which called for modernisation of the law for care and support in Wales. It brought in new duties for local authorities, local health boards and other public bodies, and covers adults, children and carers.

The Act provides a new statutory framework for social services in Wales. The framework consists of three main elements – the Act itself, regulations made under the Act, and supporting codes of practice and statutory guidance – which together form the framework within which social services operate.

Why did we need a new framework? Public services need to remain responsive to the changing needs of the citizens they serve and the make up of Wales is changing: people are living longer, numbers of looked after children have been increasing, and there are economic pressures on individual family, as well as organisational budgets. It was often said that we don’t help people early enough, or stop problems arising. This means that when people finally did get care it was more intensive and costly. Too much time, skills and resources have gone into over-elaborate assessment that does not help people with the things they are concerned about or achieve the outcomes they want for themselves. To try to overcome these issues, the Act is built on the following principles:

The Act aims to change the way people’scare and support needs are met – putting an individual, and their needs, at the centre of their care and support, giving them a voice in, and control over, reaching the personal outcome goals that matter to them.

Central to the Act is the concept of **well-being** – helping people to maximise their own well-being.

The Act attempts to rebalance the focus of care and support to **prevention** and earlier intervention – increasing preventative services within the community to minimise the escalation of needs to a critical level.

**Collaboration –** strong partnership working between organisations and
co-production with people needing care and / or support is a key focus of the Act.

## What is the Act trying to achieve?

The Act requires a culture change from the way in which services have often been provided to an approach based on collaboration, and an equal relationship between practitioners and people who need care and support. To give people a strong voice in, and real control over, their care and support you need to tap into the resources that people themselves, their families and the community, have. People – children, young people, adults and carers, their families and their communities – are rich assets and have skills, expertise and capabilities. Working with people is key to delivering well-being and unlocking the potential for creativity, which makes better and more effective use of all of the available resources. This requires better access to information and community resources and an increased level of preventative services.

For this to happen it also requires different types of interaction between practitioners and individuals needing care and support. For example, professionals need to help people to think about ‘what sort of life I would like and what needs to change to make this happen?’ This requires a shift from thinking ‘*we do to*’ the individual requiring care and support to ‘*we do with*’ the individual who may need care and support or the carer who may need support.

## Parts of the Act

The Act is made up of 11 parts as shown in the table below:

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| --- | --- | --- |
| **Part**  | **Name of the Part of the Act** | **Sections** |
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# Part 2 General Functions

## Well-being and other overarching duties

Central to the Act is the well-being duty. This duty applies to organisations and their practitioners when, for instance, carrying out assessment or providing an information and advice service.

A person exercising functions under this Act **must** seek to promote the well-being of people who need care and support and carers who need support

Promoting well-being includes focusing on preventing the need for care and support and stopping people’s needs from escalating, as well as providing people with the information, advice and assistance they need to take control over their day-to-day life.

Responsibility for well-being must be shared with people who need care and support and carers who need support. Practitioners must look at what people can contribute in achieving their well-being and empower them to contribute to achieving their own well-being with the appropriate level of support.

In the Act, well-being is defined with eight common aspects (e.g. suitability of living accommodation or domestic, family and personal relationships) and two more that are specific to either children or adults. While all aspects of well-being in the definition have equal importance, it is likely that some aspects will be more relevant to one person than another. Practitioners should adopt a flexible approach that allows for a focus on which aspects of well-being matter most to the individual, or family, concerned and co-produce solutions with people themselves.

There are other overarching duties that underpin the Act:

to take note of an individual’s views, wishes and feelings;

to promote and respect their dignity;

to enable them to fully participate; and

to have regard to their characteristics, culture and beliefs.

You must take steps to ensure that all care and support is delivered in a way which complies with these duties. The UN Principles for Older Persons, Convention on the Rights of the Child and Convention on the Rights of Disabled People also apply, as well as the European Convention on Human Rights.

## Population assessment

Local authorities and local health boards must jointly assess the extent to which there are people who need care and support, and carers, in the local area. They should identify the range and level of services required to meet those needs. Specifically, they should assess the current range and level of preventative services and whether these are sufficient and match the Welsh language community profile. They must publish a population assessment report, per local government electoral cycle, which is informed by engagement with a wide range of citizens, stakeholders and providers.

## Preventative services

Prevention is a key principle of the Act and there is a new duty for local authorities to ensure an appropriate range and level of preventative services which:

Help prevent, delay and reduce the need for care and support

Promote the upbringing of children by their family

Minimise the effect of people’s disabilities

Help prevent abuse or neglect

Enable people to live as independently as possible

Reduce the need for care or supervision orders, criminal proceedings against children, or taking children into local authority care or secure accommodation

Clearly this links to the duty to undertake a population assessment, which should help authorities to identify the range of preventative service available. Local authorities will also need to promote a culture of prevention, identify those who may benefit from preventative services, and promote re-ablement and habilitation.

## Greater diversity of delivery

There is a new duty for local authorities to promote greater diversity of not-for-private-profit business models. These include social enterprises, co-operatives, user-led services and the third sector. Local authorities must take a proactive approach to planning that will meet the well-being needs of local people, based on the population assessment. By doing so it is hoped to promote other environmental and social goals, and support innovation and creativity thereby increasing community resilience.

Local authorities must also promote the involvement of people for whom services are provided in the design and operation of that provision. For example, they must engage with people in the production of the population assessment and strengthen the involvement of people in the commissioning and procurement of services.

## Information, advice and assistance

There is a duty on local authorities, with support from their local health boards, to ensure the provision of an information and advice service for **all** people in their area, not just people who have an immediate need for care or support. This should include:

How the care and support system works

The types of care and support available

How to access that care and support

How to raise concerns about someone’s well-being

Accessible information and advice is central to the promotion of well-being and early intervention. Local authorities should ensure that information and advice is given at an early stage so that people can make the best informed decision for their particular circumstance. Local authorities are also required to provide assistance, if needed, to enable people to access care and support – such as helping someone to complete a form or checking that a ‘signposted’ service met their needs.