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## Consultation – Summary Report

# Regulations and code of practice in relation to Part 2 of the Social Services and Well-being (Wales) Act 2014

Date of issue: June 2015

# **Regulations and code of practice in relation to Part 2 of the Social Services and Well-being (Wales) Act 2014 - Consultation Summary**

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## Section 1

### Introduction

The Social Services and Well-being (Wales) Act 2014 (“the Act”) received Royal Assent on 1 May 2014. The Act forms the basis of the new statutory framework for social care in Wales.

A consultation was held on the proposals for regulations and codes of practice in relation to Part 2 of the Act, on general functions including well-being, population assessment, prevention, promotion of social enterprises, co-operatives, user led services and the third sector, and provision of information, advice and assistance. The consultation period ran from 6 November 2014 to 2 February 2015.

From the outset the Welsh Government made a commitment to working with people to help shape the secondary legislation and the implementation and to deliver the practice and culture change being driven forward. People worked in Technical Groups to help develop the policy instructions, regulations and codes of practice for Part 2 of the Social Services and Well-being (Wales) Act 2014. Technical Groups were cross sector and broader – for example, local authorities, health, voluntary and independent sectors, user led organisations, a bank and youth justice. These groups have looked at the Act’s provisions, and the policy underpinning these, in detail, and provided advice to officials on how the regulations and codes of practice should be framed in order to achieve the aims of the Act and, through this, the requirements of *Sustainable Social Services: A Framework for Action*. This process secured a range of valuable input which the Welsh Government’s officials have drawn upon to develop the draft regulations and code of practice which were consulted upon.

It was important to secure wider engagement, and supported by our partners, we were able to work with a broad range of organisations to bring together people who use services and carers to get their views first hand about what

mattered to them and what needed to change, as part of the consultation process.

Disability Wales worked with partners to produce a guiding document to inform the work of all of the Technical Groups, *Transforming Social Services: Towards an Enabling Wales* and this has been taken forward as we have developed regulations and the codes of practice.

The Welsh Government's National Social Services Citizen Panel considered some key aspects of the consultation and they produced reports to inform the consultation on integration and paying for care in tranche 2, and safeguarding and direct payments in this tranche.

Wales Council for Voluntary Action, Children in Wales, Community Voluntary Councils, Voices from Care, Carers Wales, Cymorth Cymru and Community Lives supported the consultation in a range of ways; for example hosting focus groups, meetings, presentations and question and answer sessions where people were directly involved in debating and discussing the consultation.

In addition to this engaged approach, a total of 83 written responses to part 2 were received. A list of recipients is attached at Annex A. A summary of consultation responses together with the Welsh Government's analysis can be found in Section 2.

The consultation was available publicly and was also distributed to key stakeholder groups including:-

- Welsh Local Government Association (WLGA)
- The Children's Commissioner
- Local Health Boards
- The Older People's Commissioner
- Association of Directors of Social Services Cymru
- Wales Council for Voluntary Action

- Children in Wales
- Care Council for Wales
- Care Forum Wales
- Local Government representatives

## **Consultation Events**

Two formal consultation events were held as part of the consultation process.

The purpose of these was to:

- Promote engagement with the consultation
- Provide a base level of understanding to key stakeholder groups of the areas we were consulting on.

Attendees were asked to participate in discussions on the implementation of the regulations, and also to share information from the events with their wider networks to provoke deeper engagement with the proposals and a wider span of consultation responses.

The events were split to capture a wide range of stakeholders from across the country. The first event was held on 26 November in the Liberty Stadium, Swansea. The second was held on 9 December in Venue Cymru, Llandudno.

Overall the uptake of spaces for the events was positive with capacity reached at both. There were approximately 170 attendees at the event in South Wales and 90 attendees in the North Wales. The range of stakeholders included representation from:

- |                                   |                                      |
|-----------------------------------|--------------------------------------|
| • Age Alliance Wales              | • Children in Wales                  |
| • British Deaf Association        | • College of Occupational Therapists |
| • Cardiff Metropolitan University | • CSSIW                              |
| • Care Council for Wales          | • Disability Wales                   |
| • Carers Trust Wales              | • Estyn Llaw                         |
| • Cartrefi Cymru                  |                                      |

- G4S Custodial & Detention Service
- Hafal
- Headway
- HMP Swansea
- Learning Disability Wales
- Local Authorities
- Local Health Boards
- Ministry of Justice
- National Probation Service – Wales
- NOMS in Wales
- North Wales Police
- North Wales Social Services Improvement Collaborative
- Office of the Older People’s Commissioner
- Public Health Wales
- The Rowan Organisation
- RNIB Cymru
- Safeguarding Advisory Board
- Shine Cymru
- South Wales Police
- UK Home Care Association
- Wales Alliance for Citizen Directed Support
- Wales Community Rehabilitation Company
- Welsh Ambulance Service
- WLGA
- Youth Justice Board Cymru

Workshops were held at the events on each of the parts currently out to consultation. The content of these workshops was varied and tailored to suit the subject matter, but at the core of each was a presentation from officials and group discussions and activities.

## **Background**

The Welsh Ministers have made it clear that they wish the core elements of the new statutory framework to be in place for April 2016, when the Act will be implemented.

The statutory framework will consist of three main elements, the Act itself, regulations made under the Act, and codes of practice/statutory guidance. These three elements work together to form the framework within which social services will operate from April 2016.

The consultation on and laying of the regulations to be made under the Act is being conducted principally in two tranches. This consultation formed part of the first tranche. The intention is to lay these regulations before the Assembly from May 2015 to give the health and social care sector the maximum amount of time to adjust to the new requirements ahead of implementation in April 2016.

### **The evidence for change**

Social services are at the heart of Welsh public life. They support 150,000 people every year to achieve their potential and help make them safe. Many of these services are delivered in partnership with others, including housing, health and education services. Society is changing and social services must change in response. There have been, and will continue to be, shifts in the public's expectations of social services, as a result of demographic change and changes in our society. Social services need to alter and to respond to all of these.

Demand is rising across social services, yet the financial outlook for all public services is difficult. Whilst we have protected social services expenditure, we need to make a more fundamental change than just pursuing the obvious efficiency measures if we are to make social services sustainable.

There has been valuable ongoing discussion and engagement with stakeholders, and debates in the National Assembly for Wales and elsewhere since *Sustainable Social Services for Wales: A Framework for Action* was published. They sit alongside the evidence of the Independent Commission on Social Services in Wales, the Law Commission review of adult social care legislation<sup>a</sup>, and our Review of Safeguarding<sup>b</sup>. All this forms the backbone of our case for change.

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<sup>a</sup> <http://lawcommission.justice.gov.uk/areas/adult-social-care.htm>

<sup>b</sup> <http://wales.gov.uk/topics/health/publications/socialcare/reports/advisory/?lang=en>

This evidence, and the process of considering it through the Assembly scrutiny process, has informed and shaped the contents of the Act. The development of the regulations and codes of practice or statutory guidance has been informed by key strategic inputs such as *More than just words*, our Strategic Framework for Welsh Language Services in Health, Social Services and Social Care<sup>c</sup>, the *Enabling Wales* project which directly supports the delivery and implementation of the Welsh Government's *Framework for Action on Independent Living* and by evidence sourced through Technical Groups.

## The proposals

Social services must be based on the **well-being** of people who need care and support, and carers who need support. Well-being is everyone's right and everyone's responsibility. People must be supported to do what matters to them and have greater voice and control over care and support: this will set the foundations for improvement across the sector. Chapter 1 of the code of practice ("the code") sets out the duty on local authorities to promote well-being and other overarching duties when exercising social services functions under the Act.

The purpose of the **population assessment** is to ensure that local authorities and Local Health Boards jointly produce a clear and specific evidence base in relation to care and support needs and carers' needs to inform various planning and operational decisions. Regulations and Chapter 2 of the code set out the requirements for undertaking this population assessment.

**Prevention** is at the heart of the Welsh Government's programme to transform, and make sustainable, social services in Wales. Chapter 3 of the code sets out the requirements on social services to provide or arrange a range of preventative services. The population assessment must identify the range and level of services required to deliver the preventative services required.

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<sup>c</sup> <http://wales.gov.uk/topics/health/publications/health/guidance/words/?lang=en>

Under section 16 of the Act a new general duty is placed on local authorities requiring them to promote models of service which are **social enterprises, co-operatives, other models which involve people who need care and support and carers who need support in the design and operation of their services, and the third sector**. This underpins the overall aim of the Act of putting people at the centre and provides a legal framework where local authorities will actively look at values based organisations in identifying the most suitable business model to deliver services – ensuring that they consider the use of social enterprises and co-operatives in their various forms as ways of delivering services. Regulations and Chapter 4 of the code support local authorities in discharging this duty.

The **Information Advice and Assistance Service** is the service that must help *all* people to access relevant, accurate, and timely information, advice and assistance about their local preventative well-being services which would be accessible and proportionate to their needs. The Service must be accessible to all and offer a consistent standard of service across Wales; requirements for this service are covered in chapter 5 of the code.

## **Section 2 - Response to the Consultation Questions**

### **Overall Response**

The range and depth of the engagement and the formal responses has informed the regulations and the codes of practice, and also identified tools and approaches that will further support implementation. It is important to say here that there has been broad and positive support for the draft regulations and codes of practice. This is in no small part down to the significant contribution made by partners and stakeholders during the development process. The engagement and contributions of a broad range of individuals and organisations during the consultation itself has enhanced the code and regulations significantly.

Respondents welcomed the whole direction of the regulations and code of practice, notably the strong focus on well-being outcomes, prevention and a strong voice and control for people. Positive comments on the value of the new approach where people are partners with practitioners were received across the responses to a broad range of questions.

There are several themes that impact upon the whole of part 2. These include the need to ensure that all people are enabled to engage with the various aspects of the whole system change, the significance of the culture change, the way resources will need to be used in future and the challenges inherent in that and the need for a training and awareness programme. These link to the requirement to have a workforce which is fit for the future, one which is supported to work within a change of culture and works with people as equal partners, understanding that people are assets. The Welsh Government has commissioned the Care Council for Wales to lead on the development and implementation of a learning and development strategy. This strategy is critical to the implementation of the Act and will need sustained, deliberate and high-profile leadership, which can reach out across a wide range of organisations and partners beyond the boundaries of traditional social care and support. The Council has developed this work with key stakeholders to ensure that there is a strategy which covers all of those involved in

the provision of care and support, together with their key partners, and that it is delivered jointly and in collaboration with partners.

Strong leadership is essential to drive forward the implementation. That leadership must continue to be cross sector, cross party and have people at the centre. The Welsh Government will continue to work with and support the National Social Services Partnership Forum, Leadership Group and Citizen Panel in order to support this change, and ensure that people who use services remain at the heart of the programme for change.

Some fundamental changes have been made. For example, you will see that the UN Principles for disabled people will be included in the code of practice, which will place requirements on local authorities to have due regard to the UN Convention on the Rights of Persons with Disabilities. Several parts of the code have been strengthened in relation to children and young people, notably in relation to participation and engagement.

Respondents offered suggestions for further resources to support the implementation of the Act more broadly. In some cases, these have been referenced in the codes of practice, but crucially, they provide opportunities for further supporting work and these are flagged in specific responses. Some examples include the development of a range of tools to support local authorities in delivering the population assessment; further guidance on enabling all people to participate and engage in the new social services arrangements at all levels, and supporting the sector and opening it up to new business models from the third sector, user-led, co-operatives and social enterprises.

In reading the responses to the questions in part 2, there are quantitative and qualitative analyses under each question. Where there was an opportunity for a broad range of answers a breakdown has been included. Where questions were either more targeted or required a narrative, there is no quantitative information.

In addition to identifying the key themes from the consultation, the Welsh Government's response sets out what action has and will be taken to address the specific points. Where regulations and codes have been revised and where additional action which addresses the issues raised, has been or will be taken, this is identified. For example, in undertaking further work or in commissioning support in 2015-16.

### Question 1:

	<b>1. To what extent do you agree that this chapter will support local authorities to promote well-being in undertaking their social services functions?</b>				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
<b>Total -</b>	17	25	14	0	27

#### Summary

75 per cent of responses agreed or tended to agree that the chapter will support local authorities to promote well-being in undertaking their social services functions.

The majority of responses welcomed the focus on well-being and the emphasis on rights and entitlements, prevention and early intervention in the chapter, with some commending the clarity of the chapter. Supporting people to have greater involvement through working in partnership with professionals to co-produce solutions was also welcomed.

Some responses noted that well-being is the responsibility of all local authority services as well as their partners and communities, with several referencing health boards in particular. Many asked for the chapter to contain stronger requirements on local authorities and their partners to work together, with specific reference to the relationship between local authorities and local health boards in relation to delivering well-being.

The Association of Directors of Social Services Cymru (ADSSC) and the Welsh Local Government Association (WLGA) welcomed the UN Principles and Conventions. The Older People's Commissioner and the Children's Commissioner welcomed the inclusion of the UN Principles for Older Persons and the UN Convention on the Rights of the Child. Responses welcomed the duties placed on people providing care and support to have regard to an individual's views, wishes and feelings and the importance of promoting and respecting the dignity of an individual. However, there were calls for the duties to 'have regard' to be strengthened and for further clarity. The Children's

Commissioner considered that further clarity was needed and the code should be elaborated. The Older People’s Commissioner has suggested what ‘due regard’ should look like using the Brown principles.

The responses also called for the duties to have ‘due regard’ to the United Nations Convention on the Rights of Children and United Nations Principles for Older Persons to be strengthened.

Fifteen third sector organisations including Disability Wales and the Wales Alliance for Citizen Directed Support stated that duties to have due regard to the United Nations Convention on the Rights of Persons with Disabilities should be included.

Responses highlighted the need for increased staff training in order to deliver the required cultural shift. This would support local authorities in meeting the requirement to ensure that the services people receive are individual, to support them to achieve their personal well-being outcomes.

**Welsh Government response**

Further guidance will be provided in the code of practice to support local authorities and their partners in their duties to ‘have regard’ and have ‘due regard’ in line with the statutory requirements and the Brown principles.

The UN principles for disabled people will be included in the code of practice, which will place requirements on local authorities to have due regard to the UN Convention on the Rights of Persons with Disabilities.

**Question 2:**

	<b>2. To what extent do you agree that this chapter will support local authorities to deliver better well-being outcomes for people who need care and support and carers who need support?</b>				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
<b>Total -</b>	12	30	11	1	29

**Summary**

The majority of responses agreed or tended to agree that the chapter will support local authorities to deliver better well-being outcomes for people who need care and support and carers who need support (78 per cent).

Some respondents commented on the ambition of the chapter and the usefulness of the outcome statements in identifying and measuring achievement of delivery of outcomes. The emphasis and guidance detailing the duties on local authorities to work with people to identify well-being

outcomes was also welcomed.

Respondents also highlighted the challenge of measuring outcomes, with some noting the importance of ensuring the right outcomes are being identified for people. There was also a call for guidance and training to support local authorities to measure outcomes at a personal and national level.

Respondents noted the role that advocacy services play in supporting people to have their voice heard when discussing what matters to them; and concern that without such services groups of people, including children, would not have their voice heard. The responses noted that guidance in relation to expectations of provision of an advocacy service should be more explicit.

Others stated again that the requirement for local authorities and local health boards to work together to improve well-being outcomes for people should be strengthened.

### **Welsh Government response**

A pilot study to develop and test feasibility of recording and reporting on personal outcomes nationally is currently being undertaken by the Social Services Improvement Agency (SSIA). The code of practice on measuring the performance of social services contains guidance in relation to measuring individual outcomes and is being developed further following formal consultation.

A code of practice on advocacy will be issued for consultation under the second tranche of the implementation programme for the Act.

### **Question 3**

	<b>3. To what extent do you agree that this chapter supports local authorities to empower people to have an equal relationship with social services?</b>				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
<b>Total -</b>	4	31	13	6	29

#### **Summary**

The majority of responses agreed or tended to agree that the chapter supports local authorities to empower people to have an equal relationship with social services.

Several responses recognised and welcomed the approach to empower people through a stronger voice and more control over the care and support

they receive. However, some highlighted that an equal relationship could be difficult to achieve where there is a requirement to intervene in order to protect or safeguard.

There were calls for more specific guidance on co-production, how people will be encouraged to make decisions about their lives and how to support an equal relationship with social services in practice. The need was raised for tools to support practitioners to have a different conversation with people and training to support the required change in behaviour and culture, and the importance of accessible information in order to support people to make informed decisions was also mentioned.

Many respondents thought that the approach to co-production could be further strengthened, with some making links to co-operatives, user-led organisations and community groups and the role they could play in supporting local authorities. Wales Council for Voluntary Action commented on the language being limiting and that it reads as social services ‘doing to’ rather than ‘with’ people. Also raised was the omission of reference to involving people in wider service design and delivery as well as in their own assessment.

**Welsh Government response**

Reference to co-production will be strengthened within the code of practice in relation to the design and operation of services at all levels. The language of the code of practice will also be amended to more strongly reflect the approach of partnership working between practitioners and people.

**Question 4:**

	<b>4. To what extent do you agree that the proposed structure of the population assessment report is clear and appropriate?</b>				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
<b>Total -</b>	5	29	19	4	26

**Summary**

There was significant support for the way the draft code of practice and regulations describe the proposed structure of the population assessment report. In response to this question, a number of respondents also provided helpful comments in relation to the way the code of practice prescribes how a population assessment report be carried out.

Whilst the code sets out the structure and content of the population

assessment report, many respondents, including Conwy County Borough Council, suggested a specific template for reports to enable easier comparisons to be made of care and support needs across Wales.

Sense Cymru called for the needs of those who are deafblind to be better reflected in the code. Guide Dogs Cymru & Blind Children UK (Cymru), together with Sense Cymru suggested the addition of “sensory loss” as a core theme required with population assessment reports.

Several respondents, including the Older People’s Commissioner, agreed with the need for local authorities and Local Health Boards to be innovative in identifying local data sources but also suggested a minimum data set be identified to inform the population assessment.

Ceredigion County Council, along with a number of other respondents identified a need for clearer links with other planning requirements, particularly those contained within the Well-being of Future Generations (Wales) Act 2015.

Barnardo’s Cymru felt there should be greater direction provided in relation to methods used to engage with children, for example, through established user groups for children and young people.

### **Welsh Government response**

A range of tools to support local authorities and Local Health Boards in undertaking population assessments will be produced. This will include considering identifying a minimum data set and a toolkit to assist in the process. Work will take place with stakeholders to review the range of data available to inform population assessments and consider whether the information can be centralised for ease of access. The toolkit could act as a reference point, signposting a range of documents and websites that may be useful in the development of population assessments and include some form of template.

The needs of people with sensory impairment and their specific requirements are recognised, as is the request to amend the list of core themes to reflect this. Strengthening of the code to more generally reflect the needs of people with a sensory impairment will be considered.

As suggested by Gofal, a leading Welsh mental health charity, the wording of the core theme relating to domestic violence will be amended so that it reads “*violence against women, domestic abuse and sexual violence*” in line with the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

We acknowledge the suggestion that special arrangements may be required for local authorities and Local Health Boards to successfully engage with children, and the code will be amended accordingly. The code will similarly be amended to set out the need to engage with minority groups, such as homeless people and travellers, in order to inform the population assessment.

There is a range of guidance currently available and we will review this and develop more specific guidance in relation to citizen engagement as part of the wider toolkit previously referred to, including use of Participation Cymru's 'National Principles for Public Engagement in Wales' and the Older People's Commissioner's 'Best Practice Guidance for Engagement and Consultation with Older People on Changes to Community Services in Wales'.

The Well-being of Future Generations (Wales) Act 2015 provides a statutory link between the population assessment and the new Local Well-being Plans. However, the provision providing for Local Well-being Plans will not be commenced before the first version of this code of practice is issued by Welsh Ministers. It would therefore be inappropriate to make reference to this planning requirement at this stage, however this reference may be updated in subsequent editions of the code of practice. Other non-statutory tools to support the population assessment will be designed to reflect the wider planning arrangements contained in the Well-being of Future Generations (Wales) Act 2015.

The code will be strengthened to reflect the view of a number of respondents, including Wales Community Rehabilitation Centre, that greater emphasis needs to be placed on the links between the population assessment and other local authority and Health Board planning and budgetary documents.

### Question 5:

	<b>5. To what extent do you agree that this chapter provides for an effective assessment of the support needs of carers?</b>				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
<b>Total -</b>	6	22	14	5	36

### Summary

Many respondents confirmed they were satisfied with the extent to which the code provides for an effective assessment of the support needs of carers. Others felt this was an area that could be strengthened.

Carers Wales were concerned that the duty on Local Health Boards in relation to preventative services was not strong enough and, unlike local authorities, there was no statutory requirement to provide preventative services for both users and their carers. Others, including the Older People's Commissioner, Association of Directors of Social Services Cymru/ Welsh Local Government Association and Age Cymru, expressed concern at possible consequences resulting from the repeal of the Carers Strategies (Wales) Measure 2010.

Age Alliance Wales suggested a need to develop strategies for assessing the needs of those people not currently accessing services, and cautioned

against relying on statistical data alone. Meeting the needs of carers who may have unmet care and support needs themselves was also an area of concern.

### **Welsh Government response**

The vital role of carers in the provision of preventative services together with the fact that carers themselves may require a level of personal support is acknowledged. The code will be amended to reflect this more robustly and to emphasise local authorities' need to support carers to live their own lives as independently as possible. This will include being aware of carers' own health and well-being needs and outcomes in order to support and maintain the carers preventative role in respect of care and support of others.

The Well-being of Future Generations (Wales) Act 2015 amends the Social Services and Well-being (Wales) Act 2014 so that local authorities and Local Health Boards must set out specifically how they plan to respond to the population assessment, including in relation to the support needs of carers. This amendment encompasses key aspects reflected in the Carers' Strategy (Wales) Measure 2010 as local authorities and Local Health Boards are required to submit any element of a plan that relates to carers to Welsh Ministers. The Welsh Government will engage with stakeholders in relation to the detail of this new planning provision following commencement of the relevant provisions in the Well-being of Future Generations (Wales) Act next year.

The code will clarify that the Social Services and Well-being (Wales) Act 2014 sets out the need for Local Health Boards to have regard to the importance of meeting the purposes of section 15. The code will also highlight that prevention is integral to the Welsh Government's Prudent Health Care initiative and supports the principal of integration and multi agency approach to meeting people's care and support needs.

A key theme of the Act is the principle of "voice and control" and the code stresses the need to involve citizens in the process of undertaking the population assessment. Local authorities and Local Health Boards are required to put in place a process to identify people's perceived care and support needs (including the support needs of carers). The process will also identify the range of services required to meet those needs.

The code will highlight the role of third sector organisations in identifying people who might not be known to local authorities or Local Health Boards. This will include carers, who themselves may have unmet care and support needs.

### **Question 6:**

**What arrangements should be put in place to further support those undertaking population assessments?**

## **Summary**

Staff training requirements and the potential financial implications associated with undertaking population assessments were issues identified by several respondents, including Gwynedd Council and Vale of Glamorgan Council. A number of respondents called for additional resources to be made available to local authorities to facilitate the process of undertaking population assessments.

A number of respondents including the British Red Cross suggested the population assessment should map existing service provision, ensuring a practical understanding of what currently exists and the relative outcomes associated with existing provisions.

The Children's Commissioner identified the need for local authorities to undertake a Children's Rights Impact Assessment as part of their Equality Impact Assessment process, to inform the development of the population assessment.

## **Welsh Government response**

The need for local authorities to provide additional training and support to bring about the necessary changes required under the Act is acknowledged, including the requirement to produce a population assessment. A range of tools to support practitioners in the production of a population assessment, will be developed, ensuring key issues, for example asset mapping provision of existing services, are addressed in the toolkit.

A requirement for local authorities and Local Health Boards to undertake equality impact assessments to ensure they are compliant with the principle of sections 6 and 7 of the Act, including in relation to the UN Convention on the Rights of the Child will be included in the code.

The Welsh Government's Delivering Transformation Grant has been available to the six regional partnerships and selected national partners since 2013 -14 to enable local government and its partners to put in place the requirements of the Act. This grant, which was increased to £3m in 2015-16, will assist local authorities in meeting any additional costs that may be incurred in the development of the population assessment. Funding will continue to be made available in 2016-17 to support on going implementation, subject to final budgetary decisions.

## **Question 7:**

	<b>7. To what extent do you agree that it is appropriate that population assessment reports are approved within local authorities by the full council on submission by the council's executive or board?</b>				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
<b>Total -</b>	39	9	1	0	34

### **Summary**

The vast majority of respondents agreed with the requirement for local authorities to acquire full council approval of the population assessment report. A number of respondents suggested other stakeholder and partners should also have a role to play in approving the final report. The Children's Commissioner suggested the population assessment should be scrutinised by local youth forums.

The potential difficulty in obtaining the combined agreement of all local authorities in the production of a population assessment report was highlighted, along with uncertainty as to how such issues might be resolved. The Association of Directors of Social Services Cymru, the Welsh Local Government Association and others suggested sanctions for non-compliance by any partner should be considered.

### **Welsh Government response**

The code requires local authorities and the Local Health Board to engage with a wide range of stakeholders and partners in developing the population assessment. It is recognised that the third sector, private sector, practitioners, members of staff and citizens of all ages are all important sources of information in undertaking the assessment. Their contribution is integral to the production of a population assessment that is meaningful and well informed. However, the statutory requirement to produce a population assessment rests with the local authority and Local Health Board. For this reason it would be inappropriate to extend the criteria for "sign off" and final approval to others.

While acknowledging some of the challenges associated with producing a combined population assessment report, all local authorities in a Local Health Board area are required to form an effective partnership arrangement with that Health Board for the purposes of undertaking a population assessment report. The code of practice will be amended to make clear that it is the responsibility of the lead coordinating body to resolve any issues that may hinder the production of a combined population report to ensure the requirements of section 14 of the Act are met. In addition, reference to the use of partnership boards, provided for under section 168, in potentially resolving any conflict within a partnership arrangement will be added to the code.

### **Question 8:**

	<b>8. To what extent do you agree that the role of the lead co-ordinating body is sufficiently clear?</b>				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
<b>Total -</b>	9	20	15	5	34

### **Summary**

Whilst the majority of respondents supported the requirement for a lead co-ordinating body, many, including NSPCC Wales and Wales Social Co-operative Development Forum, requested greater clarity as to how this arrangement would work in practice.

There was a good level of support for the formation of a partnership arrangement for the purposes of undertaking a population assessment. However some respondents, including Age Cymru and the College of Occupational Therapists, were unclear about how population assessment reports would be combined.

Concern was also expressed by some respondents regarding the impact of future local government reorganisation.

### **Welsh Government response**

The code will be amended to reflect the fact that in determining who will act as the lead body, the bodies within the partnership arrangements should take account of existing expertise, knowledge and resources. The code will also be rewritten to confirm that the nominated lead body can be reviewed when the partnership sees fit. This will provide an opportunity for other organisations within the agreed partnership to take on the role of lead body if considered appropriate.

The expectation about how population assessment reports will be combined under a partnership arrangement will be set out more clearly.

Welsh Government recognises that future public sector reform could alter the nature of the partnership arrangements. A joint assessment will provide local authorities and Local Health Boards an opportunity to determine how to meet identified need collaboratively, thus leading to improved sustainability. This approach is in keeping with the general direction of Welsh Government's commitment to public service reform.

### **Question 9:**

	<b>9. To what extent do you agree that the requirements placed on local authorities to provide preventative services are clear?</b>				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
<b>Total -</b>	9	30	12	2	30

### **Summary**

Respondents overwhelmingly supported the requirement to provide preventative services and a majority agreed the code is clear in setting out the requirements placed on local authorities. However there was a suggestion that a clearer definition of 'preventative services' would be helpful.

A number of respondents, including the Royal National Institute for the Blind, expressed concern that in times of austerity local authorities may find it difficult to allocate the required level of funding to preventative services.

The WCVA suggested the code be strengthened to include the significant role the third sector can play in the provision of preventative services.

Some respondents including Guide Dogs Cymru & Blind Children UK (Cymru) said there was a lack of focus on children within the preventative services sections of the code, especially in relation to reablement.

### **Welsh Government response**

The code will be strengthened to stress that by identifying the necessary range and level of preventative services as part of the population assessment, local authorities will be able to effectively allocate budgets and resources to invest in tackling issues preventatively. The code will also be updated to set out the circumstances in which a local authority can charge for preventative services, as part of the overarching charging regime.

The need for local authorities to work collaboratively with a variety of partners and stakeholders to develop and deliver the required range and level of preventative services will be clarified. The additional benefits of exploring opportunities to work outside of existing arrangements and partnerships, including working with the third sector, co-operatives, user led services and social enterprises, to deliver services will be emphasised. This in turn will provide opportunities to make best use of available resources and maximise economies of scale.

The code currently sets out the range of purposes for which preventative services can be used to support and deliver expected outcomes. However, we will amend the code to ensure the intention is clear.

The code will be strengthened to recognise the importance of providing preventative services to both adults and children, including looked after

children.

Funding to support provision of preventative services is also addressed in response to Q.10 below.

### Question 10:

	<b>10. To what extent do you agree that this chapter makes clear the requirement for preventative services to meet the needs identified in the population assessment undertaken as a result of section 14 of the Act?</b>				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
<b>Total -</b>	18	23	9	1	32

#### Summary

Most respondents linked their comments to this question to their response to question 9. The majority of respondents agreed that this chapter makes the requirements in respect of preventative services clear. Some respondents, including the Older People's Commissioner and the NSPCC reflected on a need to be more specific in relation to evaluation of the effectiveness of preventative services. The need for all relevant partners to comply with requests for co-operation in relation to the delivery of preventative services was an additional area of concern.

The Older People's Commissioner also suggested greater focus on the specific challenges related to delivering preventive services for those living in rural areas of Wales.

Some respondents, including Western Bay Health and Social Care Collaborative, suggested that in planning the range and level of services required in response to the population assessment, the wide range of services delivered by local authorities should be considered and not restricted to those falling clearly within social services.

Age Cymru and others identified advocacy as an area that requires strengthening. Denbighshire County Council requested the code make a clearer reference to the impact of poverty and should reference the Communities First initiative.

#### Welsh Government response

The financial pressures on local authorities are recognised, however, placing the emphasis on prevention and tackling issues early is key to making services sustainable. The population assessment allows for local authorities to set out how they plan to address identified care and support needs preventatively. Local authorities will need to be innovative in their approach to preventative services, making best use of resources, achieving value for

money and proactively engaging with the third sector and other providers to meet identified needs.

There are a range of funding streams available from Welsh Government to support preventative services, including the Intermediate Care Fund and the Sustainable Social Services Third Sector Grant. In addition, regulations in relation to charging for care, including preventative services, under section 69 of the Social Services and Well-being Act 2014 will be issued for consultation in May 2015. Policy on charging in relation to preventative services will be reflected in the code.

The code will be strengthened in relation to clearly expressing that advocacy is a preventative service, and should be considered as part of the range and level of services necessary to meet identified need, to ensure everyone has an opportunity for their voice to be heard - including those requiring family, friends or others to advocate on their behalf.

The code will also be strengthened to reflect Welsh Government's Prudent Health Care agenda. Delivering the principle of integration across public services and a multi-agency approach will benefit and support all citizens, including those living in rural areas. We will also ensure there is a more focused reference to the impact of poverty when providing preventative services.

The need to evaluate the effectiveness of preventative services is recognised. The code will be amended to make reference to the need for local authorities to have regard to the effectiveness of preventative services arranged or provided, specifically in relation to the national outcomes framework. The code will also make reference to CSSIW considering the effectiveness of the provision of preventative services as part of future inspections.

The first population assessment reports must be published by April 2017, however local authorities are required to provide or arrange a range of preventative services from April 2016. The code will be amended to provide additional guidance for this transitional period.

### Question 11:

	<b>11. To what extent do you agree that this chapter will support local authorities in their duty to promote social enterprises, co-operatives, user led services and the third sector?</b>				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
<b>Total -</b>	5	34	11	1	32

## Summary

Most people who responded to this question commented on the code of practice with 76 per cent of those responding to the question either agreeing or tending to agree. Respondents stated that the guidance was clear and positive, and welcomed the strong focus on co-production principles, which they said should be applied consistently throughout the other chapters. Carers' Wales welcomed the duty to promote and felt there could be a strategic role for the third sector. The co-production principles were seen as helpful in emphasising the need for the local authority as a whole to promote user led services.

The inclusion of The *Disability Wales Transforming Social Services: Towards an Enabling Wales* toolkit - which sets out the barriers to involvement and how these barriers can be overcome - was welcomed.

Some respondents identified areas where further support would be needed to make the system and culture change required. Within the more detailed comments there were specific proposals for further practice guidance, tools, information and training to help make the duty a success. Emphasis was also placed on the need for investment to enable the promotion and delivery of alternative models.

In general, respondents agreed that structuring the code of practice around five key elements was clear. The importance of commissioning, tendering and procurement in fulfilling this duty was highlighted by eight respondents including local authorities, the Older People's Commissioner for Wales and other partners. Respondents highlighted the need to ensure both commissioners and procurers identify added value and better outcomes for people, and do not commission based on cost alone. Some felt that, as written, the code focused too much on the tendering and procurement aspect and it needed to consider commissioning further.

Respondents said they would like more emphasis placed on well-being outcomes to reinforce the fact that the duty is an opportunity to positively shape the system and not as a way of reducing costs. Local authorities should also work closely with communities to inform, enable and empower them to create their own solutions to achieving well-being. A greater emphasis should be placed on how individuals can be supported and empowered to take ownership of their own well-being.

Respondents, including the Welsh Local Government Association (WLGA), the Association of Directors of Social Services Cymru (ADSSC), the North Wales Improvement Collaborative, several local authorities and the Alzheimer's Society expressed a desire for Local Health Boards to be engaged with the section 16 duty statutorily.

Many respondents, including Gwynedd Council, the Alzheimer's Society and Powys Association of Voluntary Organisations, said that any new models of care would need to be appropriately regulated and quality-assured; they asked what arrangements would be put in place to secure standards.

Some respondents, including the Children’s Commissioner and the NSPCC, asked for clarity about how the duty will apply to children and young people, particularly in relation to how children and young people should be involved in the design and delivery of services.

Comments on the regulations came from the Wales Council for Voluntary Action (WCVA), Care Forum Wales, the Wales Social Co-op Development Forum, Learning Disability Advisory Group, Swansea Council, Diverse Cymru, Co-operatives & Mutuals Wales and Wales Progressive Co-operators. These respondents stated that any definitions of co-operatives, social enterprises and the third sector must be inclusive to organisations which uphold the principles that the Act seeks to promote. Specifically, respondents identified that the regulations must be compatible with the International Co-operative Alliance’s seven principles of co-operative identity, and that appropriate legislation should be referenced within the regulations. The regulations should also reflect the partnership approach the Act is promoting, notably in respect of who makes the decision about what is or isn’t to be treated as an activity or an organisation within the parameters of the legislation.

### **Welsh Government Response**

The overall support for this chapter from respondents demonstrates the benefit of working closely with stakeholders in the development of the proposals within the consultation. The comments are particularly helpful, identifying where further clarity is needed in some areas.

There is a commitment to providing additional support in 2015-16 to developing the sector and supporting local authorities. Work will continue with key stakeholders in the statutory, voluntary and independent sectors and secure support from the Wales Co-operative Centre, Social Firms Wales and other leaders in this field to help build the capacity and capability to deliver new models of service. This will include the establishment of an expert steering group to advise on and support the delivery of additional tools and guidance to help local authorities deliver on this duty.

The code of practice will be amended to clarify and strengthen it in light of the comments on commissioning, tendering and procurement. This section has been renamed “Planning, Promoting and Delivering”. It has been redrafted to ensure a broader focus, highlighting the required shift in culture, systems and practice, and strengthening the link to the Population Assessment chapter. It now includes reference to further guidance currently available.

The code of practice has been strengthened to make further links to the definition and promotion of well-being, ensuring that people’s personal well-being outcomes are met, and that wellbeing is the holistic framework within which local authorities must discharge their duties. The over-arching duties and United Nations conventions which apply are set out in chapter 1 on well-being, but have also been referenced in this chapter.

The code now includes a reference to the regulations made under section 166

on partnership arrangements relating to population assessments and the establishment of regional collaborative boards; it states that where local authorities and Local Health Boards have a mutual interest in commissioning services, they should work together to consider whether alternative, not-for-profit business models will best meet the well-being needs of their local population. The code of practice on Part 9 of the Act includes further advice on partnership arrangements.

The *Transforming Social Services: Towards an Enabling Wales* toolkit, will be referenced in other codes of practice.

Further references to how success will be measured and the role of inspection and regulation are included. Appropriate safeguards must be in place for all people using a regulated service. We are engaging with the work of the Regulation and Inspection of Social Care (Wales) Bill and working with the Care and Social Services Inspectorate Wales (CSSIW) in determining how these new models of service delivery fit into the regulatory system as appropriate, and how to measure the success of this duty.

The Welsh Government has commissioned the Care Council for Wales to lead on the development of a national learning and development strategy. The development of an information and resource hub to support the workforce in implementing the Act will be an important milestone. We will work with the Care Council to ensure this hub is a repository for key resources to support the duty under section 16 as well as supporting wider implementation of the Act.

The regulations have been redrafted to address the concerns raised. Within the code we have included additional references to the International Co-operative Alliance's co-operative principles, Social Firms Wales' principles of social enterprise, to the Welsh Government Third Sector Scheme and to the WCVA.

## Question 12:

	<b>12. To what extent do you agree that progress on promoting the duty in Section 16 should be reported as part of the overall requirement to report on the population assessment?</b>				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
<b>Total -</b>	19	11	15	1	37
<b>Summary</b>					
There was general consensus that the population assessment should capture progress made on the section 16 general duty, with 65 per cent of those who responded to this question either agreeing or tending to agree. The comments demonstrated some diverging views. Some said that since part of the					

population assessment will be a review of the range and level of services, it is appropriate that progress on promoting not-for-profit business models is reported via the population assessment. However, others felt that reporting on the section 16 general duty should be independent of the population assessment.

There were specific comments about the need for further clarity on how success would be measured and how the population assessment report would be used to monitor progress.

Hywel Dda University Health Board noted that the success of the section 16 general duty will take a while to become apparent at the population level. To ensure accurate reporting, the population assessment will need to properly capture the extent of third sector services in the local authority area and knowledge of these types of services is currently limited, something that WLGA and ADSSC highlighted.

### **Welsh Government Response**

The national outcomes framework for people who need care and support, and carers who need support, as well as the population assessment, will be key to understanding progress on delivering the section 16 general duty. The national outcomes framework will provide greater transparency on whether care and support services are improving well-being outcomes for people in Wales. The performance measurement framework will underpin the national outcomes framework and provide evidence as to how services are supporting people's well-being. The population assessment will identify the needs for care and support in an area, the range and level of services required to meet those needs and the extent to which those needs are, or are not, being met.

The code has been amended to make clearer the links between the section 14 duty on population assessments and the section 16 general duty.

Additional ways to measure the success of the section 16 general duty are being explored. This includes the use of the national outcomes framework and the role of CSSIW. This will be taken forward within a work programme in 2015-16.

The Welsh Government has commissioned the Wales Co-operative Centre to conduct a mapping exercise to help establish the number and range of social enterprises in Wales. This exercise will provide a rich resource which, in addition to further actions identified for 2015-16, will provide a benchmark from which to measure the growth of social enterprises, co-operatives, user led services and third sector organisations providing social care and support in Wales.

### Question 13:

	13. To what extent do you agree that this chapter will support an environment where people can be supported to be involved in the design and delivery of services?				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
<b>Total -</b>	11	31	5	3	32

#### Summary

There were a lot of positive comments about how this chapter will support an environment where people can be involved in the design and delivery of services, with 84 per cent of those who responded to this question either agreeing or tending to agree. The co-production principles within the code were received positively, with requests for these principles to be strengthened throughout the other chapters in the code. Some respondents highlighted that, in practice, genuine co-production will be a challenge and that there was sometimes a lack of confidence in this approach.

Time 2 Meet said that local authorities can find out what matters to people by asking them, and that local authorities should be honest, listen and make sure that they make the environment right for people to work with them. Resources would need to be invested in organisations that support people to help themselves, in helping people to take responsibility.

Some respondents sought clarity about involving harder to reach groups in designing and operating services. There was a desire for additional practice guidance generally about how to involve people. It was highlighted that some people will need additional support to be able to fully participate and this would not be cost-neutral. A couple of respondents said that the involvement of people should extend to assessing of the performance of a service.

There was support from respondents for the guidance and tools which were referenced in the draft code of practice. Some respondents identified additional resources which would be useful to include in the code.

The importance of strong leadership at the local and national level in getting people involved was emphasised by Swansea Council and the Isle of Anglesey County Council. The idea of creating citizen-led forums in all areas was also welcomed.

The Children's Commissioner said that planning and delivering preventative services in a way that is informed by what children and young people want is positive and should be encouraged. He said that the prospects for social enterprises and co-operatives to be led by children and young people themselves, however, are extremely limited. The NSPCC had concerns about how the guidance will support local authorities to truly work with children and young people to support them to be involved in the design and operation of services. Securing participation from certain groups of children and young

people, including those who are hard to reach, would be challenging.

### Welsh Government Response

Putting people at the centre, securing an approach clearly based on a relationship of equals, is the driver for this approach. There are challenges and the specific concerns raised by respondents helpfully highlight them.

There is a commitment to providing additional support in 2015-16 to developing the sector and supporting local authorities.

The Welsh Government has established national leadership arrangements which secure cross party and cross sector leadership for the implementation of the Act. Regional leadership arrangements on the Local Health Board footprint are now in progress, with regional citizen panels to be established in 2015-16. This will strengthen the involvement of citizens and support the commitment to involving people in the implementation of the Act and in the design and operation of services. Welsh Government is working with Children in Wales and Voices from Care to develop a national approach to strengthening the voice of children and young people in the implementation process.

Considerable valuable work in involving people; children, young people and adults - is ongoing and this will be linked to the population assessment programme where appropriate to ensure resources are clearly signposted and further practice guidance and tools developed. The code flags work done with Disability Wales about removing barriers to involvement and we will want to ensure that this continues to be promoted. The code has been strengthened to refer to the involvement of children and young people. A link to additional resources to help local authorities involve children and young people has been included.

### Question 14:

	<b>14. To what extent do you agree that the national standards for information, advice and assistance in this chapter will support local authorities to deliver a high quality Information, Advice and Assistance Service to all people?</b>				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
<b>Total -</b>	5	39	8	0	31
<b>Summary</b>					
There was significant support for the development and application of National Service Delivery Standards with 63% of responders agreeing or tending to agree that they would assist local authorities to delivery a high quality Information, Advice and Assistance Service. Care and Social Services Inspectorate Wales (CSSIW), supported the view that the Standards offered a					

proportionate framework for the expectation of the Information, Advice and Assistance Service, although whether this equated to a high quality service was, they felt, dependent on the delivery and experiences of people using the services.

The main responders on this topic were: the Association of Directors of Social Services (ADSS) Cymru, the Welsh Local Government Association (WLGA), British Association of Social Workers (BASW), Sense Cymru, Care Council for Wales, Royal National Institute for the Blind (RNIB) Cymru, Hafal, Children's Commissioner, Older People's Commissioner and CSSIW.

Most responders, including Care Council for Wales, Sense Cymru and BASW felt that further clarity on these national standards, and how these would work, was required.

The ADSS and the WLGA were supportive of introducing standards stating that they felt standards would help in planning the service. However, they were not clear what sanctions would be applied if local authorities failed to adhere to them. ADSS and WLGA were also concerned about what the impact would be, and what sanctions could be imposed, if partner organisations did not integrate with local authorities to deliver this Service.

Some responses, particularly Barnardos Cymru and the Children's Commissioner, requested that the national standards developed were linked to the national standards and quality assurance frameworks for specific information services such as those developed for young people <http://www.promo-cymru.org/resources-2/national-standards-quality-assurance-framework>

Some responders felt that the Code of Practice should clearly specify which elements of the Information Advice and Assistance Service should be available on a 24/7 basis. Welsh Therapies Committee, NSPCC and Mind Cymru were concerned that this would be confused with an emergency service and that greater clarity was required in the Code. Mencap Cymru and Parkinson UK were concerned that there needed to be a balance and that there was a process in place to route those genuine emergencies that occurred out of hours. Carers Trust Wales stated that impartiality should be the cornerstone of the Service and RNIB stressed the need for all information and advice to be accessible including to those with sensory difficulties.

The Older People's Commissioner stated that advocacy needed to feature more strongly and that it was vital to the success of the new system. The Commissioner stated that it was important that older people were not discriminated against, and that they received the same level of service as everyone else. The need to strengthen and clarify the position on access to advocacy within the Service was raised amongst others including All Wales People First, Diverse Cymru, Alzheimer's Society and Citizen Advice Bureau.

**Welsh Government Response:**

The Welsh Government accepted the majority of the comments made in respect of the national standards for the Information, Advice and Assistance Service.

Work commissioned by the Communities Directorate under the National Advice Services Review, is already underway to consider options for how national standards for advice services might be developed for Wales. The intention is to draw on this work and look to create either a set of National Standards or a framework within which to work. The All-Wales Advice Services Network will be considering the report over summer 2015 and will advise on the approach to take.

The Care and Social Services Inspectorate Wales is considering how to factor the duties are factored into their Inspection Framework.

The Code of Practice will be strengthened to ensure that a new section on advocacy is included in line with the code on Part 10 of the Act.

The code will also be clarified to state that the Information, Advice and Assistance Service is not an emergency service and therefore there is no expectation that it would require a staffed resource 24/7. The existence of an easily accessible website or mobile app should mean that people are able to source information and advice themselves out of hours and should expect to receive a response to their queries within a set time period.

Overall, the code of practice will be strengthened to ensure that the expectation of the Information, Advice and Assistance Service from the user's perspective is clearer, and that local authorities are well informed about how they should change the face of social services, through the Information, Advice and Assistance Service to ensure that it is more open, responsive and focused on early intervention.

## **Question 15:**

**What more is needed in this chapter to ensure an Information, Advice and Assistance Service that is accessible and responsive to all people?**

### **Summary**

The accessibility of the Information, Advice and Assistance Service was a strong theme throughout the responses. The responses highlighted the need to ensure that people can access the service easily in a format that suits them, whatever their circumstance. This was a point made forcefully by the Royal National Institute for the Blind (RNIB) Cymru, Sense Cymru and Carers Trust Wales.

The Association of Directors of Social Services (ADSS) Cymru and the Welsh Local Government Association (WLGA) felt that there needed to be a stronger link to the complaints procedure within the code so that people

can see that there is a clear route for them to pursue if things go wrong. A link to advocacy (Part 10) would ensure that individuals are able to fully engage and participate in the process. This was also raised by the Citizen Advice Bureau and Care and Social Services Inspectorate Wales (CSSIW).

Equal access for those that were not IT literate or did not have internet access was also felt to be an important aspect.

Action on Hearing, Mind Cymru, Neath Port Talbot Community Voluntary Services and Chartered Society of Physiotherapy all recognised the need for the Service not to become a standalone entity.

Many responders highlighted the need for the 'Directory of Services', that underpins the Service, to be a collaborative venture but most felt the code of practice lacked clarity about what the Directory would contain, which partners would contribute to it and how it would be maintained. The third sector recommended good signposting to specialist websites, particularly those which are publicly funded and the extent of information sharing between partner organisations.

CSSIW called for the Information, Advice and Assistance Service to build on the integration between health and social care. The response stated that the code needed to make clear the connection and integration of its advice and support with health developments (such as the 111 helpline planned for Wales), and that service standards between the two services should be complementary. The need for the code to be strengthened in relation to integration was also raised, amongst others including Care and Repair Cymru, the Welsh Therapies Committee, Carers Wales, Gofal, British Association of Social Workers and Barnardos Cymru.

Care Forum Wales (CFW) recognised the need to link the population needs assessments with the Information, Advice and Assistance Service so that the assessments would highlight what information would be needed in future.

The Older People's Commissioner called for the code to be more explicit about the provision of advocacy to ensure that the service is accessible for older people and that it should focus on helping individuals. The need to strengthen and clarify the position on access to advocacy within the Service was raised by All Wales People First, Diverse Cymru, Alzheimer's Society and Citizen Advice Bureau amongst others.

The Children's Commissioner stated that the code needed to differentiate the needs of children and young people to those of adults. There was a suggestion that there would be real benefits if local authorities involved children and young people in the design and dissemination of the service in their area. Young people representing Voices from Care felt that local authorities needed to think about a wider range of media to reach service users such as Facebook, Twitter, apps for mobile phones and the provision of an online 'live chat' if someone had quick queries.

Many third sector groups and local authorities including Carers Wales, Hafal, Citizen Advice Bureau, Voices from Care and individuals responders saw the need for better communication on the changes that will be implemented to both public and professionals alike.

**Welsh Government Response:**

The Welsh Government is committed to ensuring that support is provided to local authorities, and their regional partners, to implement the new duties under the Act. This includes supporting local authorities to promote and publicise the new Information, Advice and Assistance Service as they approach April 2016.

The section on accessibility, within the code, will be strengthened. Specific reference will be included on the need to provide deafblind children and adults with information, advice and assistance in formats and mediums that are accessible to them and to ensure that they have access to specifically trained one to one support workers, if this is required.

The Social Services Improvement Agency (SSIA) is continuing to develop a national portal to make it easier for people to access information and advice online through a single website which will include a Directory of Services. This work is ongoing and the Welsh Government is also working to ensure there are clear links between health and social care IT developments to avoid duplication and ensure economies of scale.

The section on complaints, within the code, has been revised to state clearly that local authorities must put in place arrangements for making information about their complaints process available to the public, including via the Information, Advice and Assistance Service.

The need to integrate services, and the way in which these are presented and made available to the public, is recognised. A new section on integration has been created in the code which reinforces that local authorities must make links with other information and advice services at a local, regional and national level, particularly those that are publicly funded. Reference to the Service is also included in the Statutory Guidance on Part 9 of the Act relating to co-operation and partnership.

The code will clearly state that local authorities must use information gathered through the population needs assessment to design, develop and continually improve the Information, Advice and Assistance Service.

The need to make the Service accessible to all people is an underlying theme repeated throughout the code. Further emphasis has been given in the code to encourage local authorities to involve people in the design and implementation of the Information, Advice and Assistance Service in their local area, thereby developing local ownership.

The Care Council for Wales, as the lead body for workforce development, is leading on the development and implementation of a national learning and development plan to ensure a skilled workforce is in place by April 2016 and beyond. The Care Council for Wales is working with key stakeholders to ensure that the plan covers all those involved in the provision of social care, and that training is also available to those working for partner organisations.

## Question 16:

**Are there elements of the Information, Advice and Assistance Service that could be better delivered through national collaboration between local authorities?**

### Summary

There was a mixed response to this question, with opinion split between what would be the best delivery model. Most responders felt that different elements of the service would benefit from being delivered at different levels i.e. at national; regional or local levels. Many of the responders supported strong integration and partnership working between local authorities, health, housing and third sector organisations.

Care Council for Wales (CCW) stressed that regional health and local authority partnerships should consider a national approach to all aspects of care and support not only the Information, Advice and Assistance Service. Care Forum Wales (CFW) stated that there needs to be continuity across Wales and that delivering the Service in different ways in different authorities was neither sensible nor practical. Likewise the Children's Commissioner saw value in a national approach to ensure that the development of the Service in order to align with other developments, such as MEIC.

The Association of Directors of Social Services (ADSS) Cymru and the Welsh Local Government Association (WLGA) supported a consistent approach to developing and implementing the Information, Advice and Assistance Service whilst recognising the need to balance the continuity brought by a national approach with local access arrangements and the need for local key contacts.

The majority of responders acknowledged that staff working within the Information, Advice and Assistance Service must be appropriately trained and skilled. Staff must have specific knowledge of particular challenges facing individuals to support them to access the Service in a way that best suits them and for staff to understand the importance of different communication needs. These issues were raised by many third sector organisations including Hafal, Guide Dogs for the Blind, Blind Children UK Cymru, Mencap Cymru, Leonard Cheshire Disability, Powys Children and Young People Partnership and Carers Wales. Gofal stressed the need for skills to include the values and attitudes of staff to reflect the importance of treating people with dignity and

respect.

Age Cymru and Barnardos Cymru, North Wales Socail Services Improvement Collaboration, Mid and West Wales Health and Social Care Collaborative and Wales Community Rehabilitation Company amongst others also wanted further clarity on how the Service would be funded, maintained and developed over time.

**Welsh Government Response:**

Welsh Government is mindful of the need to balance the arguments for the dimensions of the Service which are more appropriately delivered at the national, regional and local levels. There is a need to balance the requirement between retaining a local feel to the Service and personalised response whilst ensuring a consistent Service level across Wales.

The code has been strengthened to ensure that the flexibility of the delivery model is retained but there is oversight at the regional level to ensure integration with the Local Health Boards. The responsibilities on Local Health Boards and NHS Trusts, working through the Regional Partnership Boards, have been strengthened not only within Chapter 5, Part 2 but also within Part 9 whereby the partnership and co-operation duties are set out.

The code will be clear that local authorities should build on existing resources and infrastructure to minimise duplication, including the expertise and knowledge of national advice providers. The national minimum standards for delivery will also support a consistency of the delivery of the Service.

At the national level the Social Services Improvement Agency (SSIA) has been working to develop a national website to support the Information, Advice and Assistance Service and the ADSS and WLGA supported the continuation of this work.

In addition, the Care Council for Wales is developing a national learning and development plan meet the needs of the workforce. The plan will be focused on different levels of information and knowledge that staff will need including those relating to the Information, Advice and Assistance Service.

**Question 17:**

**Do you think that the proposals in this consultation will have any positive impacts on groups with protected characteristics? If so, which and why/why not?**

**Summary**

Several responses commented that the proposals will have positive impacts on groups with protected characteristics as the code is for all people. The delivery of more person centred

	<p>services, people having a stronger voice and more control, meaningful engagement and recognising people’s strengths will have a positive impact for these groups of people.</p> <p>Some respondents noted that achieving positive impacts is dependent upon the proper implementation of the Act and its related regulations and codes of practice by local authorities in providing people with greater choice and control over their care and support.</p> <p>ADSSC and WLGA commented: “A great deal will depend on the quality of engagement with groups with protected characteristics – an understanding of the cultural differences is required and consideration given as to how to identify and include some of the smaller groups with protected characteristics, as they may not be easily featured in elements like the population assessment. However if that contact and engagement is serious, in listening to what people have to say about what interferes with them gaining access to services and being taken seriously and subsequently acting on their response, this part of the Act will have a positive impact on the groups of people set out above.”</p> <p>Many of the responders made a clear request that the Information, Advice, and Assistance Service should provide targeted and tailored support for people from protected characteristic groups.</p> <p><b>Welsh Government Response:</b></p> <p>The code of practice for Information, Advice and Assistance Service will be strengthened to ensure that those with protected characteristics (Deafblind/ Learning Disabilities) will be able to access skilled staff with knowledge of their disability and communication needs when accessing the Service.</p>
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**Question 18:**

<p><b>Do you think that the proposals in this consultation will have any negative impacts on groups with protected characteristics? If so, which and why/why not?</b></p>	
<b>Summary</b>	<p>Some respondents commented on the need for responses to be considered and acted upon so that proposals do not have any negative impacts on groups with protected characteristics.</p> <p>A few respondents expressed concern that services may be</p>

	<p>reduced if resources are shifted towards preventative services; and this may result in less choice and a reduction in the availability of intensive services needed by people with protected characteristics.</p> <p>The importance of advocacy to ensure people have a voice given that services will be delivered differently was highlighted, as was the need for information to be available in a range of languages and formats to be strengthened.</p> <p>Some responses highlighted a need for people not to be classified and expected to have certain needs, this is seen by some as a risk to the person-centred approach taken in the Act. Mind commented: “There is a risk that individuals will be defined by their roles, for example as a carer, rather than a multi-faceted person, for example a carer with mental health problems. Care will need to be exercised to prevent this happening.”</p> <p>Some respondents felt that the proposals would negatively impact on people with disabilities and there is a call to refer to the United Nations Convention on the Rights of Persons with Disabilities in the code.</p> <p><b>Welsh Government Response</b></p> <p>A code of practice on advocacy will be issued for consultation under the second tranche of our implementation programme for the Act</p> <p>The code of practice in relation to Part 2 will include requirements on local authorities to have due regard to the UN Convention on the Rights of Persons with Disabilities.</p>
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**Question 19:**

<p><b>Re-balancing the care and support system to deliver the new legal framework will require reprioritisation of resources. What are the key actions that need to be taken to achieve this?</b></p>	
<p><b>Summary</b></p>	<p>The joint response from the Association of Directors of Social Services Cymru and WLGA identified training and staff development as an imperative if the changes required are to become a common feature in the everyday practice of front-line staff of all agencies and all service areas of local authorities. Encouragement by demonstrating understanding</p>

	<p>of the changes and the challenges from operational and strategic managers, elected members of councils and non-exec members of Local Health Boards is needed.</p> <p>New technology was identified as an opportunity. This may require some additional resources to develop the technology and encourage its use.</p> <p><b>Welsh Government Response</b></p> <p>Welsh Government recognises the importance of leadership at national, regional and local level. National leadership will be supported and promoted by the National Social Services Partnership Forum, Leadership Group and Citizen Panel. Regional leadership arrangements are now in place on the basis of the Public Sector footprint and additional funding has been provided to support these arrangements.</p> <p>Training and awareness is fundamental to the success of the implementation and Welsh Government has commissioned the Care Council for Wales to lead on the development and implementation of a learning and development strategy. This strategy is critical to the implementation of the Act and will need sustained, deliberate and high-profile leadership, which can reach out across a wide range of organisations and partners beyond the boundaries of traditional social care and support. The Council has developed this work with key stakeholders to ensure that there is a strategy which covers all of those involved in the provision of care and support, together with their key partners, and that it is delivered jointly and in collaboration with partners.</p>
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**Question 20:**

<p><b>We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to tell us about them.</b></p>	
<p><b>Summary</b></p>	<p>There was a strong opinion that advocacy and independent advocacy is missing from the Act, particularly at the point of entry, through the Information, Advice and Assistance Service. It was requested that a previous Ministerial commitment is honoured, with regard to a clear reference to the “Policy Guidance for Care and Support for Deafblind Children and Adults”.</p> <p><b>Welsh Government Response:</b></p>

	<p>The guidance on social care for deafblind children and adults was issued in 2001 under section 7 of the Local Authority Social Services Act 1970 (LASSA 1970). As this section of LASSA 1970 is being repealed the guidance is being integrated into the codes of practice to be issued under the Social Services and Well-being (Wales) Act 2014. This is being undertaken by officials in close consultation with Sense Cymru and will provide a level of statutory force equivalent to the guidance as it currently stands. Provision for advocacy is principally being addressed through a code of practice on part 10, which is currently out to consultation as part of tranche 2, supported by appropriate cross-references in the codes and statutory guidance for other parts. For more detail on how these issues have been acknowledged and addressed in relation to part 2, please see the response to questions 14 and 15 above.</p>
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## Annex A - List of respondents

No	Confidential		Name	Organisation/On behalf of
	Y	N		
1.		✓	Wayne Crocker	Mencap Cymru
2.		✓	Keith Matthews	SOS group, save our services
3.		✓	Peter Martin	Hafal
4.		✓	Ruth Northway	Learning Disability Advisory Group (LDAG)
5.		✓	Beth Evans	Carers Wales
6.		✓	Richard Williams	Action on Hearing Loss Cymru
7.	✓			
8.	✓			
9.		✓	Lynne Doyle	Neath Port Talbot CBC
10.		✓	Mike Mainwaring	Neath Port Talbot CVS
11.		✓	Catrin Mair Edwards	Sense Cymru
12.		✓	Eve Parkinson	Welsh Therapies Advisory Committee
13.		✓	Colin Hopwood	Individual
14.		✓	Adrian Roper	Wales Social Cooperative Development Forum
15.		✓	Peter Jones	Guide Dogs Cymru and Blind Children UK Cymru
16.		✓	Rosemary Burslem	Individual
17.		✓	Constance Adams and Bryan Collis	WCVA
18.	✓			
19.		✓	Rosanne Palmer	Age Cymru
20.		✓	Natasha Wynne	Marie Curie Hospice, Cardiff and the Vale
21.		✓	Nigel Champ	Welsh Government
22.		✓	Morwena Edwards	Gwynedd Council
23.		✓	Rachel Lewis	Age Alliance Wales
24.		✓	Joe Powell	All Wales People First
25.	✓			
26.		✓	Parry Davies	Ceredigion County Council
27.		✓	Cecile Gwilym	NSPCC Cymru/Wales
28.		✓	Meleri Thomas	National Autistic Society Cymru [NAS Cymru]
29.		✓	Laurence Thraves	Alzheimer's Society
30.		✓	Tess Saunders	RNIB Cymru
31.		✓	Dr Edwin Jones (Chair) and Professor Kathy Lowe	LDAG Subgroup - Transforming Care in Wales, for people with learning disabilities and, challenging behaviour
32.		✓	Kathryn Davies	Hywel Dda University Health Board
33.		✓	James Crowe	Learning Disability Wales
34.		✓	Deborah Driffield	City & County of Swansea Social Services
35.		✓	Lynne Hughes	MS Society Cymru
36.		✓	Gareth Llwyd	Cyngor Sir Ynys Môn

37.		✓	Jacqueline Davies	Powys - Children and Young People Partnership (CYPP)
38.		✓	Ruth Crowder	College of Occupational Therapists
39.		✓	Kieron Rees	Carers Trust Wales
40.		✓	Ruth Crowder	Welsh Reablement Alliance
41.		✓	Ian Thomas	Care Council for Wales
42.		✓	Robin Moulster	BASW Cymru
43.		✓	Ruth Coombs	Mind Cymru
44.	✓			
45.		✓	Dr Sam Clutton	Barnardo's Cymru
46.		✓	Keith Towler	Children's Commissioner for Wales
47.		✓	Rachel Williams	Parkinson's UK Cymru
48.		✓	Neil Ayling	Flintshire County Council
49.		✓	Judith Brooks	Bridgend County Borough Council, Adult Social Care
50.		✓	Cathrin Manning	British Red Cross
51.		✓	Philippa Ford	Chartered Society of Physiotherapy
52.		✓	Nicola Evans	Older People's Commissioner for Wales
53.		✓	Bethan M Jones Edwards	North Wales Social Services Improvement Collaborative
54.		✓	Yvonne Owen-Newns	Powys Association of Voluntary Organisations
55.		✓	Dusty Kennedy	Youth Justice Board
56.		✓	Suzanne Griffiths	National Adoption Service
57.		✓	Rhea Stevens	Action for Children
58.		✓	Ian Thomas	Citizens Advice Cymru
59.		✓	Phil Evans	Vale of Glamorgan Council
60.		✓	Jenny Williams	Conwy County Borough Council
61.		✓	Giovanni Isingrini and Steve Thomas	Joint ADSS Cymru and WLGA response
62.		✓	Paul Apreda	FNF Both Parents Matter
63.		✓	Peter Max	Individual
64.		✓	Rhian Stangroom-Teel	Leonard Cheshire Disability
65.		✓	Dominic Carter	United Kingdom Homecare Association
66.		✓	Sian Walker and Tony Young	City of Cardiff Council
67.	✓			
68.		✓	Ele Hicks	Diverse Cymru
69.		✓	Martyn Palfreman	MID AND WEST WALES HEALTH AND SOCIAL CARE COLLABORATIVE
70.		✓	Mair Kromei	Hywel Dda University Health Board
71.		✓	Rachel Gingell	Care & Repair Cymru
72.		✓	Alex Bird	Co-operatives Wales
73.		✓	David Smith	Wales Progressive Co-operators
74.		✓	Owen Williams	Wales Council of the Blind
75.		✓	Judith Hall	CSSIW - National Advisory Board

76.	✓	Sara Harvey	Western Bay Programme
77.	✓		Voices from Care
78.	✓	Roger Bishop	All Wales Children and Young Peoples Advocacy Providers Group
79.	✓	Katie Dalton	Gofal
80.	✓	Marshall Phillips	Wales Sub -Committee of Association of HM District Judges
81.	✓	Bobby Bolt	Aneurin Bevan University Health Board
82.	✓		Time2Meet
83.	✓		Carers Wales
84.	✓	Paul Swann / Rick Wilson	Disability Wales / Wales Alliance for Citizen Directed Support Provider Network