

Number: **WG26884**



Llywodraeth Cymru
Welsh Government

www.gov.wales

Welsh Government

Consultation – summary of responses

Code of Practice on the Role of the Director of Social Services
under Part 8 (Social Services Functions) of the Social Services and
Well-being (Wales) Act 2014

Date of issue: **February 2016**

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

Code of Practice on the Role of the Director of Social Services under Part 8 (social services functions) of the Social Services and Well-being (Wales) Act 2014 - Consultation Summary

<u>Contents</u>	Page
 <u>Section 1</u>	
Introduction	2
Background	2
Reference Groups	2
Consultation	3
The Proposal	4
 <u>Section 2</u>	
Overall response	5
 Annex A - List of respondents	

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 and is due to come into force in April 2016.

Section 144 of the Act requires a local authority to appoint a director of social services for the purposes of its social services functions. A local authority may not appoint a person to be its director unless it is satisfied that person has demonstrated competencies specified by the Welsh Ministers in code of practice or regulations.

Section 145 of the Act allows the Welsh Government to issue codes of practice to local authorities on the exercise of its social services functions. This includes a code specifying the competencies required by Section 144.

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 code of practice on the role of the director of social services will be laid before the National Assembly for Wales on 2 February 2016 and, if no objections are received, will be published by April 2016.

Given a director of social services will provide strategic leadership in relation to the delivery of many functions in the Act, it was identified that this code must be informed by the codes of practice in relation to other parts of the Act. Consequently, rather than being included earlier amongst the other codes of practice developed to support the Act, the code of practice on the role of the director of social services represents a 'completion piece' so is the last code developed.

Reference Groups

From the outset the Welsh Government made a commitment to working with people to help shape the implementation of Act, including codes of practice. The aim of this commitment was to deliver on the practice and culture change being driven forward by the Act.

To secure the delivery of the code, the Welsh Government established a reference group in the summer of 2015. This group comprised key senior stakeholders with the relevant expertise, technical knowledge and practical experience to work with officials to identify the competencies for directors of social services. In addition to identifying these competencies, the group informed how a code should set out the requirements necessary to fulfil the director of social services role more generally.

This group met on three occasions during the summer of 2015 and their conclusions significantly informed the development of the draft code of practice on the role of the director of social services.

Consultation

The draft code was subject to a six week formal consultation between 23 October and 4 December 2015. This included a presentation to the Association of Directors of Social Services Cymru (ADSS). There were 17 substantive written responses received to the consultation from a wide range of statutory organisations, third sector groups and professional bodies. This included fourteen local authorities, the Society of Local Authority Chief Executives (SOLACE) and the ADSS / Welsh Local Government Association (WLGA) who produced a joint response.

Responses to the consultation were broadly supportive with suggestions focussing on matters of detail, small additions and amendments to the text. The majority of these suggestions were accepted as they were judged to be in line with the broad policy position.

This consultation summary report, which sets out the detail of the responses to each of the questions and how the Welsh Government has responded to them, is published at this location:

<http://gov.wales/consultations/healthsocialcare/code-of-practice/?status=closed&lang=en>

A full 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 evidence for change

The current guidance for the director of social services, "*Statutory Guidance on the Role and Accountabilities of the Director of Social Services*" was issued in 2009 under the Local Authority Social Services Act 1970. This guidance was considered by the reference group during the development of this code.

This code of practice is required in order to reflect the new legislative and policy landscape created by the Act.

The proposal

The role of the director of social services code of practice is split into chapters which reflect the key issues a director will need to consider. Following a preamble and introductory chapters, these deal with:

- Governance and accountability of a director of social services
- Specific functions in the Social Services and Well-being (Wales) Act 2014
- Workforce development
- Annual Report

The final chapter lists the competencies required for the role of the director of social services.

The local authority social services functions under the Act are listed at Annex 1. Quality standards in relation to measuring social services functions are listed at Annex 2.

This code should be read in conjunction with all codes of practice issued under the Act.

Section 2 - Response to the Consultation Questions

Overall Response

Overall, responses to the consultation were broadly supportive of the proposals put forward in the draft code. Generally, suggestions made by respondents focussed on matters of detail, small additions and amendments to the text.

Solace (Wales) welcomed the opportunity to comment and thanked the Welsh Government for the manner in which the senior reference group established to develop the code was convened and managed.

Question 1:

	1. To what extent do you agree that the competencies identified at paragraph 82 are the right ones to ensure a director of social services can effectively deliver a local authority's social services functions?				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
Total -	7	7	0	0	3

Summary

There was significant support for the competencies identified within chapter 7 of the draft code with many respondents, including the Care Council for Wales, feeling that the competencies were both appropriate and broadly relevant. Many respondents also supported the approach taken to ensure the competencies were consistent with the Welsh Public Service Leadership Behaviours Model.

A number of respondents also provided helpful comments in relation to how the competencies could be further refined and added to.

Many respondents, including Hywel Dda University Health Board were supportive of the competency requiring a director of social services to proactively promote and facilitate the integration of health and social services. However, a number of respondents, including ADSS Cymru and WLGA, suggested adding to this competency to require a director to promote and facilitate collaboration, as well as integration, between health and social services. Respondents suggested this addition would better cover the skills required by a director in developing the atmosphere and climate to enable people to work together more effectively.

Emotional intelligence was also suggested by several respondents as being an important attribute which could be included within the competencies in order to build on the core qualities already identified in the code.

Wrexham County Borough Council expressed concern that the requirement to have ‘substantial experience in the management and delivery of effective social care services’ could rule out individuals who may have not previously managed or delivered social care services specifically but possess appropriate transferrable leadership skills to fulfil the director’s role.

Welsh Government response

In response to the suggestion from ADSS Cymru, WLGA and others, the integration of health and social services competency has been expanded in the code to require a director to promote and facilitate collaboration between health and social services. The learning and self-awareness competency has also been added to and now requires the director to demonstrate emotional intelligence.

In response to the views of several respondents, including the College of Occupational Therapists, who felt that there should be a more overt focus in the code on the importance of services being co-produced, co-production has been added to the director’s competencies. Specifically, a requirement for the director to contribute lead on the development of co-produced solutions has now been included.

The competency in the draft code requiring a director to have substantial experience in the management and delivery of effective social care services has been broadened in light of Wrexham County Borough Council’s concerns to say that the director must have substantial experience in the management and delivery of effective *care and support* services.

Question 2:

	2. To what extent do you agree that the role of the director of social services is clear?				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
Total -	7	6	0	0	4

Summary

Many respondents, including the Association of Directors of Social Services Cymru, felt the draft code sets out the role of a director in a clear and concise way. There was support for the requirement in the draft code for a director to have direct access, and report to, the head of paid services and councillors and to be part of the corporate management team within the local authority.

Some respondents felt that it may be helpful to expand this section of the code to set out the accountabilities of the director in reference to specific council Members. Flintshire County Council also suggested the director’s role

should be clarified in terms of its relationship to the national outcomes framework.

Welsh Government response

The requirement in the code setting out the requirement for the director to raise awareness of their role with councillors has been expanded in response to suggestions to set out that this includes how relevant lead members can both support the role and hold post holders to account.

In response to the suggestion from Flintshire County Council to align the code more closely to the national outcomes framework, the code has been updated to describe the six quality standards described in the code of practice in relation to measuring social services performance, issued under the Act. The code has also been updated to make clear that these quality standards describe the activities of local authorities that contribute to the achievement of well-being outcomes as stated in the well-being statement.

Question 3 (i)

	3. (i) To what extent do you agree that the accountability of the director of social services is adequately defined?				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
Total -	6	6	0	1	4

Summary

There were many positive responses to this question, including Denbighshire County Council who stated that the accountabilities of the director in relation to social services functions are clearly expressed in the code. ADSS, WLGA and the directors of social services for Mid and West Wales all said that they felt the director's accountabilities were well-defined and would be supported by the relationship between the director and the Head of Paid Service as prescribed within the code.

The College of Occupational Therapists suggested that it may be useful for the code to be updated to require local authorities to consider more explicitly what happens in well-integrated services, such as where functions are delegated to staff employed by others. They also suggested that the code could be more explicit about the accountability of a director in relation to new regional partnership boards.

Bridgend County Borough Council stated in their response that they didn't feel enough focus had been given to the importance of ensuring that effective performance management processes are in place within a local authority.

Welsh Government response

Under the 'accountabilities of the director' subsection of the code, a paragraph has now been added to state that where services are integrated, accountability for social services functions still rests with the director of social services. Under this section, a new paragraph has also been added to clarify that Chapter 4 of the code sets out the director of social services' role in relation to new partnership working arrangements via the regional partnership boards and Safeguarding Boards.

In response to the concerns expressed by Bridgend County Borough Council, the code has now been updated to state that a director must ensure effective performance management processes are in place.

Question 3 (ii)

	3. (ii) To what extent do you agree that the director of social services' corporate role within the local authority is adequately defined?				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
Total -	6	7	0	0	4

Summary

Responses were generally positive in respect of this question with several respondents, including ADSS Cymru saying specifying in the code that the director of social services must be part of the corporate management team is a helpful way of ensuring the director is able to contribute to the vision and direction of the council.

Some respondents highlighted that many directors of social services increasingly have a national role in terms of leading on current priorities or new legislation. ADSS Cymru suggested this should be recognised within the code. Linked to this, Conwy County Borough Council suggested including specific reference the role of ADSS Cymru and its value in supporting the role of the director.

In relation to the code specifying that the director must identify and advise councillors on priorities, challenges and risks across all aspects of social services, Hywel Dda University Health Board said that this could be strengthened by including a responsibility within the code to highlight areas of co-dependency between agencies.

Welsh Government response

In response to some respondents highlighting the national role played by directors, while the arguments could be made for including this issue in the code, the conclusion reached was that it would not be appropriate to as it

would likely fetter the discretion of the heads of paid service as to how they deployed their staff.

The code has also been strengthened in respect of co-dependencies. In the 'accountabilities' subsection of the code, additional text has been added to state that a director must identify and advise councillors on priorities, challenges and risks across all aspects of social services, including in areas of co-dependency between agencies.

Question 4:

	4. To what extent do you agree that the role and responsibilities of the director of social services in promoting co-operation to improve the well-being of people with care and support needs is clearly set out?				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
Total -	7	6	0	0	4

Summary

Several responses received were positive about the requirements for a director of social services to promote co-operation within a local authority area. In particular, Flintshire County Council said that the director's role and responsibility with regard to promoting co-operation to improve the well-being of people with care and support needs is clearly set out within the code.

The City and County of Swansea said that it is important for the code to recognise that the role of the director in promoting well-being also extends to having due regard to UN principles for Older People, the rights of the child and disabled people.

Directors in Mid and West Wales local authorities highlighted that there was complexity in their specific region in terms of having differing footprints in relation to regional partnership boards and Safeguarding Boards.

Wrexham County Borough Council raised concerns that the promotion of well-being is a broader agenda than the director can be held solely responsible for.

Welsh Government response

The code has been amended to make it clear that Section 7 of the Act requires that all persons exercising functions must have due regard to the UN Principles for Older Persons and the UN Convention on the Rights of the Child. This would also apply to promoting well-being.

Safeguarding Boards and the new regional partnership boards have different statutory roles and memberships. Safeguarding Boards enable and support multi-agency working to prevent the abuse or neglect of children and adults. The new regional partnership boards support operational delivery of integrated

care and support services. Work is well advanced to reconfigure existing Safeguarding Children Boards on the public service delivery footprint.

To recognise the broad nature of the responsibility to promote well-being of people with care and support needs, the code has also been amended to state that, while the director is responsible for the development of effective arrangements for co-operation to improve the well-being of this group, this does not abdicate the responsibilities and duties of other partners.

Question 5:

	5. To what extent do you agree that the role and responsibilities of the director of social services in relation to workforce planning across the sector is adequately defined?				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
Total -	7	6	1	0	3

Summary

There was general support from respondents on the content of the code in relation to workforce planning. Directors in Mid and West Wales local authorities said that they particularly welcome the recognition within the code that effective workforce planning and development requires a partnership approach. Additionally, the College of Occupational Therapists welcomed the expectation within the code that ensuring that positive leadership qualities are developed is a crucial role of the director.

Some respondents expressed concern about the wording of the code in regards to the director having a strategic role to ensure high standards across the whole social care workforce. Denbighshire County Council queried whether this would imply that a director would be responsible when a provider has poor practice.

Welsh Government response

The code has been reworded to state that the director has a strategic leadership role to promote high standards across the care and support, workforce. These amendments serve to clarify the director's role in relation to the wider sector.

This section of the code has also been amended to set out the requirement for a director to ensure social services functions can be delivered through the medium of Welsh.

Question 6:

	6. To what extent do you agree that the requirements in relation to the production of an annual report are sufficient to ensure effective scrutiny and accountability of the director of social services?				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
Total -	4	9	0	0	4
Total -					

Summary

There was general agreement from respondents in respect of the annual reporting requirements stated in the draft code. In particular, the requirement for the report to be in an accessible format was welcomed by the Older People's Commissioner. Several respondents suggested that it may be useful for the code to go further in this regard and offer more guidance on conveying the experiences of service users.

Several respondents queried the relationship between the code and the provisions in the Regulation and Inspection of Social Care (Wales) Act relating to annual reports.

The City and County of Swansea Council felt that the annual report could be more clearly defined in the code as being a mechanism for accountability to citizens, rather than just a mechanism for scrutiny and inspection. Additionally, some respondents felt that the annual report chapter could be amended to make clear that the promotion of well-being by a local authority will, in some cases be delivered as part of regional partnership arrangements.

One respondent highlighted that it is 'important that the annual report required by the code, identifies the right issues to report on and that any reports are also qualified by the Regulator as to their accuracy'.

Welsh Government response

The requirements for an annual report contained in the code of practice are consistent with the new statutory requirement contained with the Regulation and Inspection of Social Care (Wales) Act.

As a result of the suggestion by the City and Council of Swansea the code has been updated to make clear that annual reports are a key way for local authorities to demonstrate accountability to citizens.

In response to the suggestion that the 'right issues' are reported on, this chapter of the code has been amended to clearly state that an annual report

may, if appropriate set out the experiences of service providers and services users. It was felt that seeking and including the views of service users and carers would be an effective way of identifying the 'right issues'.

Question 7:

7. 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 report them.

Summary

Respondents made a range of general points in this section around both the general director of social services role and review arrangements for the wider policy. The Older People's Commissioner welcomed the statement within the code that safeguarding children and adults at risk of abuse or neglect is everyone's responsibility and added that it is essential that directors in Wales help raise the profile of abuse of older people in Wales. More generally, respondents highlighted the importance of the director role in embedding the driving principles behind the Act.

Some respondents, including ADSS and WLGA highlighted the importance on ensuring that the director's code is reviewed as the wider Act is implemented. This will ensure that the Welsh Government is able to learn from practice and reflect this learning in future codes of practice and legislation. Future changes brought about by the Regulation and Inspection of Social Care (Wales) Act and the draft Local Government (Wales) Bill were highlighted as being areas the Welsh Government needs to be aware of in order to monitor any potential impacts of these pieces of legislation on the director of social services code.

Related to future legislation, some respondents highlighted that the draft Local Government (Wales) Bill currently requires local authorities to have a 'chief executive' rather than a Head of Paid Service.

Welsh Government response

Following publication of the final code and coming into force of the wider Act, both planned for April 2016, Welsh Government will continue to monitor the impact of other key areas of legislation on the secondary legislation, guidance and codes developed under the Act.

Although the requirement in the Local Government (Wales) Bill requires county councils to have a 'chief executive' rather than a Head of Paid Service, the code of practice on the role of the director of social services can only reference the current statute.

Annex A - List of respondents

No	Confidential Y / N		Name	Organisation/On behalf of
1.		✓	Dr Catrin Edwards	Sense Cymru
2.		✓	Gerry Evans	Care Council for Wales
3.		✓	Annie Muyang	Royal College of Nursing Wales
4.		✓	David Howes	City and County of Swansea
5.		✓	Jeremy Patterson	Solace (Wales)
6.		✓	Ruth Crowder	College of Occupational Therapists
7.		✓	Natasha Hughes	Denbighshire County Council
8.		✓	Karen Williams	Association of Directors of Social Services Cymru and Welsh Local Government Association
9.		✓	Susan Cooper	Bridgend County Council
10.		✓	David Williams	Gwent/Torfaen
11.		✓	Martyn Palfreman	Directors of Social Services, Mid and West Wales
12.		✓	Nicola Evans	Older Peoples Commissioner for Wales
13.		✓	Hannah Hope	Powys County Council
14.		✓	Christy J Jones	Flintshire County Council
15.		✓	Andrew Figiel	Wrexham County Borough Council
16.		✓	Mair Kromeri	Hywel Dda University Health Board
17.		✓	Jenny Williams	Conwy County Borough Council