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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation Document

The Social Services and Well-being (Wales) 2014

Consultation on the Regulations and Statutory Guidance regarding
area plans following the population assessment

Date of issue: 11 July 2016

Action required: Responses by 3 October 2016

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

Overview This consultation seeks your views on statutory guidance and regulations on the proposed area plans required as a result of section 14A of the Social Services and Well-being (Wales) 2014 (“the Act”).

How to respond You can respond to this consultation by completing, by midnight on the closing date, the consultation response form on our website (<http://gov.wales/consultations/?lang=en>) and returning it to us by email to: sswbimplementation@wales.gsi.gov.uk

Alternatively the consultation response form at the back of this document can be completed and returned to us by post to:

Partnership and Integration Branch
Social Services and Integration Directorate
Welsh Government
Crown Buildings
Cathays Park
Cardiff
CF10 3NQ

Further information and related documents **Large print, Braille and alternative language versions of this document are available on request.**

The Social Services and Well-being (Wales) Act 2014:
<http://www.legislation.gov.uk/anaw/2014/4/contents>
<http://gov.wales/topics/health/socialcare/act/?lang=en>

Contact details For further information:

Partnership and Integration Branch
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Crown Buildings
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CF10 3NQ

email: sswbimplementation@wales.gsi.gov.uk
telephone: 02920 826880

Data protection How the views and information you give us will be used

Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about. It may also be seen by other Welsh Government staff to help them plan future consultations.

The Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. This helps to show that the consultation was carried out properly. If you do not want your name or address published, please tell us this in writing when you send your response. We will then blank them out.

Names or addresses we blank out might still get published later, though we do not think this would happen very often. The Freedom of Information Act 2000 and the Environmental Information Regulations 2004 allow the public to ask to see information held by many public bodies, including the Welsh Government. This includes information which has not been published. However, the law also allows us to withhold information in some circumstances. If anyone asks to see information we have withheld, we will have to decide whether to release it or not. If someone has asked for their name and address not to be published, that is an important fact we would take into account. However, there might sometimes be important reasons why we would have to reveal someone's name and address, even though they have asked for them not to be published. We would get in touch with the person and ask their views before we finally decided to reveal the information.

What are the main issues?

This consultation seeks your views on the draft regulations and statutory guidance on the area plans required as a result of section 14A of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”). These area plans are required following the carrying out of a population assessment under section 14 of the 2014 Act.

The Care and Support (Area Planning) (Wales) Regulations 2016 (“the area planning regulations”) and The Partnership Arrangements (Amendment) (Wales) Regulations 2016 (“The 2016 partnership regulations”) will be issued under Part 2, section 14A(7)(a)-(d) and Part 9, section 166 of the 2014 Act. The statutory guidance will be issued under Part 9, section 169 of the 2014 Act.

Where are we now?

The 2014 Act received Royal Assent on 1 May 2014 and came into force on 6 April 2016.

Population assessments

Part 2, section 14 of the 2014 Act requires local authorities and Local Health Boards (LHBs) to jointly undertake an assessment of the care and support needs of people, the support needs of carers and preventative services. Supporting regulations and a Code of Practice require that all local authorities in a LHB area form a partnership arrangement with that Health Board. This will provide for a combined population assessment report.

Well-being of Future Generations (Wales) Act 2015

The Well-being of Future Generations (Wales) Act 2015 (“The WFG Act”) inserts section 14A into the 2014 Act. It received Royal Assent on 19 April 2015 and came into force on 1 April 2016.

Section 14A requires local authorities and LHBs to prepare and publish an area plan setting out the range and level of services they propose to provide, or arrange to be provided, in response to the joint population assessment.

Regional Partnership Boards

Part 9 of the 2014 Act gives Welsh Ministers powers to ensure the appropriate structures (partnership arrangements and partnership boards) and resources (including pooled funds) are in place to enable the provision of integrated services. Supporting regulations provide for seven Regional Partnership Boards on the LHB footprint whose purpose is to improve the well-being outcomes of people and improve the efficiency of service delivery. These regulations set out that the objectives of these Regional Partnership Boards including ensuring that partnership bodies work effectively together to:

- Respond to the population assessment report; and
- Implement the area plans or joint area plans in response to the population assessment as required under section 14A of the 2014 Act.

Evidence for change

The WFG Act repealed a number of separate planning duties in favour of a rationalised, integrated planning approach. However, there is still a need for local authorities and LHBs, as the two key public services, to plan specifically in relation to meeting people's care and support needs, including the support needs of carers. This is the purpose of the area plan described in the draft statutory guidance and draft area planning regulations.

The proposals

The Partnership Arrangements (Amendment) (Wales) Regulations 2016 ("the 2016 partnership regulations")

These regulations add the new section 14A area planning functions to the list of LHB functions required to be carried out by the Regional Partnership Boards as part of the partnership arrangements. The new section 14A planning functions are already included as part of the local authority functions required to be carried out by the Regional Partnership Boards.

These regulations stand in addition to the earlier Partnership Arrangements (Wales) Regulations 2015 ("The 2015 partnership regulations"), issued in December 2015.

The Care and Support (Area Planning) (Wales) Regulations 2016 ("the area planning regulations")

These regulations set out a series of requirements for the area plans relating to the following:

- (a) publication;
- (b) review;
- (c) consultation; and
- (d) monitoring and evaluation.

Statutory Guidance in support of the 2016 partnership regulations and the area planning regulations

This guidance aims to clarify:

- the requirements in the 2016 partnership regulations and the 2015 partnership regulations for local authorities and LHBs to work together to prepare and publish an area plan;
- additional details relating to the area or a joint area plans including engagement with stakeholders and timescales;
- timescales for production of the first area or joint area plans;
- how the area or joint area plans link with other planning frameworks;
- the content and structure of a plan.