

Statutory Guidance to support the implementation of the Partnership Arrangements (Amendment) (Wales) Regulations 2016 and the Care and Support (Area Planning) (Wales) Regulations 2016

Preface

1. This statutory guidance is issued under section 169 of the Social Services and Well-being (Wales) Act 2014 (“The 2014 Act”). The 2014 Act came into effect on 6 April 2016.
2. Section 166 of the 2014 Act provides for formal partnership arrangements to be established between local authorities and Local Health Boards (LHBs). The purpose of the provisions on partnership arrangements is to improve the outcomes and well-being of people, as well as improve the effectiveness of service delivery.
3. This statutory guidance should be read alongside the Part 9 statutory guidance on partnership arrangements, issued in December 2015 and available at:

<http://gov.wales/docs/dhss/publications/151218part9en.pdf>
4. Also of relevance is the Part 2 Code of Practice (General Functions), specifically Chapters 2 A and B which cover the population assessment and the formation of a partnership arrangement for the purposes of undertaking a population assessment, issued in December 2015 and available at:

<http://gov.wales/docs/dhss/publications/151218part2en.pdf>
5. Throughout this guidance, reference is made to “area plans”. These plans should be prepared within Regional Partnership Boards jointly by the LHB and the local authorities within that LHB area. Doing this will ensure consistency from the preparation of the combined population assessment to the requirement to plan set out in Section 14A of the 2014 Act.

Legislative background

6. The purpose of this statutory guidance is to support the implementation of:
 - the requirements of the Care and Support (Area Planning) (Wales) Regulations 2016 (“The area planning regulations”) which set out specific details relating to the implementation of the area plans required by section 14A of the 2014 Act
 - the Partnership Arrangements (Amendment) (Wales) Regulations 2016 (“the 2016 regulations”) which add the new section 14A planning functions to the list of LHB functions required to be carried out by the partnership arrangements under the direction of Regional Partnership Boards.
7. The Well-being of Future Generations (Wales) Act 2015 (“The 2015 Act”) inserts section 14A into the 2014 Act. This requires each local authority and LHB to prepare and publish a plan setting out the range and level of services they propose to provide, or arrange to be provided, in response to the population assessment required by section 14 of the 2014 Act (the area plan).
8. The 2016 regulations stand in addition to the earlier Care and Support (Partnership Arrangements for Population Assessments) (Wales) Regulations 2015, issued in July 2015 and the Partnership Arrangements (Wales) Regulations 2015 (“the 2015 partnership

regulations”) issued in December 2015. They add the new section 14A area planning functions to the list of LHB functions required to be carried out by the partnership arrangements under the direction of the Regional Partnership Boards. This extends the duties already in place for local authorities and LHBs to work together in relation to, for example, Integrated Family Support Teams and care home accommodation functions. The new section 14A area planning functions are already included as part of the local authority functions required to be carried out by the Regional Partnership Boards as a result of the 2015 partnership regulations, as they fall within the definition of “social services functions” for the purposes of those regulations.

9. The Part 9 statutory guidance on Partnership Arrangements remains in place. This document serves as an addendum to that guidance.

Introduction

10. Chapter 2b of the Part 2 Code of Practice sets out the requirement for local authorities in an LHB area to form partnership arrangements with the Health Board for that area in order to undertake the population assessments. This will allow for the production of a combined population assessment report. The first population assessments must be produced by April 2017.
11. In response to the population assessment, local authorities and LHBs must produce area plans. The purpose of these area plans is to provide a description of the range and level services proposed to be provided, or arranged, to respond to the care and support needs, and the support needs of carers, identified in the combined population assessment reports.
12. Area plans must include the specific services planned in response to each core theme identified in the population assessment. As part of this, area plans must include:
 - the actions partners will take in relation to the priority areas of integration for Regional Partnership Boards;
 - the instances and details of pooled funds to be established in response to the population assessment;
 - how services will be procured or arranged to be delivered, including by alternative delivery models;
 - details of the preventative services that will be provided or arranged;
 - actions being taken in relation to the provision of information, advice and assistance services; and
 - actions required to deliver services through the medium of Welsh.
13. The first area plans must be published by 1 April 2018.

Regional Partnership Boards

14. The Regional Partnership Boards, which are established in the 2015 partnership regulations, must ensure that the local authority and LHB partners work together effectively to respond to the population assessment and implement the area plans.
15. Chapter 2b of the Part 2 Code of Practice encourages the production of combined population assessment reports in relation to the following Regional Partnership Board areas:
 - **Gwent** - partnership arrangement between Aneurin Bevan University Health Board and Monmouthshire, Newport, Torfaen, Blaenau Gwent and Caerphilly local authorities;
 - **North Wales** - partnership arrangement between Betsi Cadwaladr University Health Board and Flintshire County Council, Wrexham County Borough Council, Isle of

- Anglesey County Council, Gwynedd County Council, Denbighshire County Council and Conwy County Borough Council
- **Cardiff and Vale** – partnership arrangement between Cardiff and Vale University Health Board and Cardiff City and Council and the Vale of Glamorgan Council
 - **Western Bay** – partnership arrangement between Abertawe Bro Morgannwg University Health Board, Swansea City and County Council, Neath Port Talbot County Borough Council and Bridgend County Borough Council
 - **Cwm Taf** – partnership arrangement between Cwm Taf University Health Board and Rhondda Cynon Taf County Borough Council and Merthyr Tydfil County Borough Council.
 - **West Wales Regional Partnership Board** – partnership arrangement between Hywel Dda University Health Board and Pembrokeshire County Council, Carmarthenshire County Council and Ceredigion County Council
 - **Powys** – partnership arrangement between Powys Teaching Health Board and Powys County Council

16. The Regional Partnership Boards should ensure all partners work together effectively to ensure all partners work effectively together to improve outcomes for people in their region. To achieve this they will need to ensure that services and resources are used in the most effective and efficient way.

Delivery of area plans

17. The 2015 partnership arrangement regulations require local authorities and LHBs to form partnerships in order to carry out the population assessments required by section 14(1) of the 2014 Act. The area plans required to be prepared by local authorities and LHBs under section 14A should also be prepared on a joint basis. Developing an area plan jointly will create consistency with the combined population assessment process and contribute significantly to the objective of integrated and sustainable care and support services. It will also enable partners to discharge the section 14A(2)(f) duty in the 2014 Act to set out the details of anything they propose to do jointly in response to the population assessment. Reference to “area plans” in this guidance includes a reference to a joint area plan.

18. The area planning regulations also set out a series of requirements relating to:

- (a) specifying when a plan is to be published;
- (b) reviewing a plan;
- (c) consulting persons when preparing a plan; and
- (d) the monitoring and evaluation of services and other action set out in a plan.

19. As with the population assessments, the area plans should be drafted using accessible language so that they can be considered by members of the public. This will ensure that people can identify what services are going to be provided by local authorities and LHBs in relation to their care and support needs.

Citizen engagement

20. In keeping with the process for population assessments, in preparing the area plans, local authorities and LHBs must ensure that reasonable steps are taken and a procedure established to engage with:

- (a) people in the area who have or may have needs for care and support;
- (b) people in the area with parental responsibility for children who have or may have needs for care and support; and
- (c) carers who have or may have needs for support.

Further information about the principles and methods of involving people, including the principles of co-production can be found in the Part 2 Code of Practice, particularly Chapter 4 - Promoting Social Enterprises, Co-operatives, User Led Services and the Third Sector.

21. When preparing an area plan, local authorities and LHBs must engage with any private or third sector organisation which it believes is concerned with, or has an interest in the provision of care and support or preventative services to the population of the area covered by the area plan.

National Outcomes Framework

22. The national outcomes framework includes the well-being statement, which articulates the national well-being outcomes that people who need care and support and carers who need support should expect in order to lead fulfilled lives. It also includes national outcome indicators to measure whether well-being is being achieved. In planning the range and level of services necessary to meet need, local authorities and LHBs should ensure the area plans describe a range and level of services which support the achievement of well-being. More information on the national outcomes framework is available at: <http://gov.wales/topics/health/socialcare/well-being/?lang=en>

Content and presentation of area plans

23. Each population assessment report must include specific core themes dealing with:
 - children and young people;
 - older people;
 - health/physical disabilities;
 - learning disability/autism;
 - mental health;
 - sensory impairment;
 - carers who need support; and
 - violence against women, domestic abuse and sexual violence.
24. The area plans should set out the specific services planned in response to each core theme identified in the population assessment report. This will ensure the services planned in the area plan can be easily compared with the care and support needs identified under each core theme in the combined population assessment report.
25. Regional Partnership Boards must prioritise the integration of services in relation to:
 - Older people with complex need and long term conditions, including dementia
 - People with learning disabilities;
 - Carer, including young carers
 - Integrated Family Support Services: and
 - Children with complex needs due to disability or illness.

Area plans must set out what actions partners will take to prioritise integration of services in these areas.

26. The area plan should set out the specific care and support services proposed to be provided or arranged in relation to each core theme:
 - jointly by partners;
 - by each individual local authority; and
 - by the Local Health Board.

Pooled funds

27. The 2015 partnership regulations require partnership bodies within each Regional Partnership Board to establish and maintain pooled funds in relation to:
- the exercise of their care home accommodation functions;
 - the exercise of their family support functions;
 - the specified functions they will exercise jointly as a result of the combined population assessment report and area plan
28. The area plans should set out the instances and details of any pooled funds local authorities and LHBs intend to establish as a result of the care and support needs identified in the population assessment report.

Services to be arranged or procured

29. Area plans should include details of how local authorities promote the development in their area of social enterprises, co-operatives, user led services and the third sector. Section 16 of the 2014 Act places a duty on local authorities to promote these activities. Further information on this requirement can be found in Chapter 4 of the Part 2 Code of Practice.
30. The area plans should also set out details of:
- services that will need to be procured from private sector providers
 - services that will be delivered by third sector providers
 - services that will be delivered by alternative delivery models
31. A significant feature of the area plans should be a description of the services that local authorities and LHBs intend to procure as a result of the needs identified in the population assessments. This should include explicit consideration of alternative delivery models, such as social enterprises. Specifically, area plans should make reference to how alternative delivery models will be promoted as part of the wider procurement process.

Preventative Services

32. When identifying the specific services proposed to be provided, or arranged, in response to the population assessment within the area plans, local authorities and LHBs must always have regard to the need to provide or arrange preventative services, as required by section 15 of the 2014 Act.
33. Each area plan must set out the preventative services proposed to be provided or arranged in response to the population assessment. Further guidance on the provision of a preventative approach is contained in chapter 3 of the Part 2 Code of Practice (General Functions). This should be read in conjunction with this guidance.

Carers

34. The extent to which there are carers in the local authority's area who need support must be assessed as part of the population assessment. Regulation 5(c) of the area planning regulations also requires local authorities and LHBs to take reasonable steps to engage with carers in the area who have or may have needs for support when developing their area plans. The partnership bodies should ensure this engagement takes place.

Information Advice and Assistance (IAA)

35. The area plans should also set out the specific actions being taken by the local authorities and other bodies in relation to IAA, as required by Section 17 of the 2014 Act. This states local authorities must secure the provision of a service for providing people with information and advice relating to care and support, and assistance in accessing care and support. Further guidance on the IAA is available in the Part 2 Code of Practice (General Functions).

<http://gov.wales/docs/dhss/publications/160331ss-outcomesen.pdf>

Welsh language

36. The population assessment reports must identify the actions required to deliver the range and level of services identified as necessary through the medium of Welsh. In the same way, the area plans should set out how the range and level of services identified as necessary through the medium of Welsh in the population assessment reports will be specifically delivered.

Other actions and resources

37. The area plans must set out any other actions the members of Regional Partnership Board intend to take.
38. The area plan must also make clear what resources will be deployed in doing the things set out in the plan.

Monitoring, evaluation and review arrangements

39. Partnership bodies must take appropriate steps to monitor and evaluate the services and other action set out in the area plans. Regional Partnership Boards should ensure that an evaluation of the actions set out in the area plan takes place at least once during a local government electoral cycle. A report of this review should be included as a Chapter in the Board's annual report.
40. If an amendment to a population assessment report is issued, the local authority and LHB must consider whether the most recent area plan should be revised and, if so, prepare and publish a revised area plan as soon as possible.

Timescales and publication arrangements

41. As set out in the Part 9 statutory guidance on Partnership Arrangements, Regional Partnership Boards must prepare a report on the extent to which the Board's objectives (which include implementing the area plans) are being met. The first report must be prepared and submitted by 1 April 2017. Subsequent reports must be prepared, submitted and published annually.
42. The first area plan must be produced by 1 April 2018. Once complete, the area plan must be submitted to Welsh Ministers. Subsequent area plans must be published within one year after the date the most recent combined population assessment report is required to be published.

Links to other planning frameworks

Well-being of Future Generations (Wales) Act 2015 (“The WFG Act”)

43. Section 37 of the WFG Act requires a public services board to prepare and publish an assessment of the state of economic, social, environmental and cultural well-being in its area (“the assessment of local well-being”). The population assessment is one of a number of statutory reviews and assessments which the public services board must take into account when preparing this assessment.
44. Linked to this, a public services board must prepare and publish a plan setting out its local objectives and the steps it proposes to take to meet them (a “local well-being plan”). The area plan should inform, and be informed by this local well-being plan.

Integrated Medium Term Plans (“IMTPs”)

45. The NHS Finance (Wales) Act 2014 requires IMTPs to be produced by LHBs over a rolling three year period. These plans require each health board to set out a strategy for complying with the three year financial duty while improving the health of the people for whom it is responsible; and the provision of healthcare to such people. These plans set out how resources will be used to address areas of population health need and improve health outcomes; improve the quality of care; and, ensure best value from resources. Population assessments and area plans should inform and be informed by the IMTPs.