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Llywodraeth Cymru  
Welsh Government

Welsh Government  
Consultation – summary of responses

## The Social Services and Well-being (Wales) Act 2014

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

February 2017

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

# Regulations and Statutory Guidance regarding area plans following the population assessments under the Social Services and Well-being (Wales) Act 2014 - Consultation Summary

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## **Section 1**

### **Introduction**

This consultation report covers the draft statutory guidance and regulations relating to the area plans required under section 14A of the Social Services and Well-being (Wales) Act 2014 (“the 2014 Act”).

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

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 issued under Part 9 of the 2014 Act and a Code of Practice require that all local authorities in a LHB area form a partnership arrangement with that LHB. This will provide for a combined population assessment report.

Section 14A of the 2014 Act 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.

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 the objectives of regional partnership boards are to ensure partnership bodies work effectively together to respond to the population assessment reports and implement the area plans.

### **Background**

The arrangements in relation to area plans mirror the wider statutory framework of the 2014 Act. This consists 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 care and support services have been delivered since April 2016.

The statutory guidance in support of area plans will be issued on 10 February 2017, alongside the Care and Support (Area Planning) (Wales) Regulations (“the area planning regulations”). These area planning regulations will be subject to the negative procedure within the National Assembly for Wales.

Linked to those regulations, the Partnership Arrangements (Amendment) (Wales) Regulations (“the 2017 partnership regulations”) will be subject to the

affirmative procedure and will be debated in the National Assembly for Wales on 28 March 2017.

Both the statutory guidance and regulations are scheduled to come into force on 1 April 2017.

### **The proposal**

The purpose of 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.

Area plans must include the services planned in response to each core theme identified in the population assessment, focusing on integrated working. 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.

### **Consultation**

The draft statutory guidance and regulations was subject to a twelve week formal consultation between 3 July and 3 October 2016. There were 27 substantive written responses received to the consultation from a wide range of statutory organisations, third sector groups and professional bodies. This included regional partnership boards, individual health boards, the Children's and Older People's Commissioners and the **ADSS Cymru** / 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.

### **Engagement event**

The Welsh Government has committed to an approach of engaging with stakeholders in the process of developing regulations, codes of practice and guidance to support implementation of the 2014 Act. The aim was to deliver on the practice and culture change being driven forward by the Act.

Representatives from each regional partnership board in Wales were invited to an event in Cardiff on 9 September to discuss the contents of the area plan consultation in detail and highlight any issues requiring clarification before the consultation closed.

Comments from this event broadly reflected comments received in the consultation responses, and are reflected in the consultation analysis in Section 2.

## 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 statutory guidance and regulations. Generally, suggestions made by respondents focussed on matters of detail, small additions and amendments to the text within the statutory guidance.

### Question 1:

	1. Is the purpose of area plans clear?				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
<b>Total -</b>	7	12	1	1	6

#### Summary

Most respondents felt the purpose of area plans was clear with many, including the Older People's Commissioner for Wales, welcoming the general approach taken to move towards a more integrated approach to planning.

Many respondents, including Cardiff and Vale of Glamorgan Regional Partnership Board, ADSS Cymru and WLGA highlighted the link between the area plans and the Well-being of Future Generations (Wales) Act 2015 ("The WFG Act") and said the statutory guidance should set out in more detail the links between the planning requirements in the two Acts.

In addition, many respondents, including West Wales Care Partnership, made reference to the relationships between the area plans and other local authority and health plans and strategies. The links with Integrated Medium Term Plans (IMTPs) and strategies required under the Violence Against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015 were highlighted as areas requiring further clarification.

West Wales Care Partnership also identified potential ambiguity in the draft guidance around the area plan footprint and said the guidance should be more consistent in how this is set out.

ADSS Cymru and WLGA recommended an important element to be included within area plans should be existing and ongoing preventative services already in place.

Several respondents also highlighted the importance of using accessible language within the consultation documents.

#### Welsh Government response

The draft guidance has been expanded to clarify the links between the area

plans and the local well-being plans required under the WFG Act in more detail. Specifically, the draft guidance now sets out how local authorities and LHBs should ensure the range and level of services to be procured in response to the population assessment within area plans, complements objectives for improving the well-being of the area within local well-being plans.

The 'content and presentation of joint area plans' section of the draft guidance has also been updated to clarify that services planned in respect of the violence against women, domestic abuse and sexual violence core theme . will be included within the joint local strategies for tackling violence against women, domestic abuse and sexual violence. These *strategies can be referenced within the joint area plan*.

In response to feedback the draft guidance has also been clarified to say area plans must set out the preventative services proposed to be provided or arranged in response to the population assessment, including those existing services which will be maintained.

In the same way as the population assessment chapters within the Part 2 Code of Practice (General Functions), the draft statutory guidance will not specify a particular audience for the area plans. This is because the plans will be relevant to a variety of different audiences within both the public, third and independent sectors which could develop and change over time. Not setting a specific audience should enable the area plans to reach a wider range of relevant stakeholders.

Welsh Government will be mindful of the need to use accessible language in the final statutory guidance and any further documentation produced to support the production of area plans. However, it is important guidance is sufficiently detailed to enable it to be a useful planning tool for local authorities and LHBs when preparing their combined area plans.

## Question 2:

	<b>2. Is the required content of area plans clear?</b>				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
<b>Total -</b>	5	10	5	2	5
<b>Summary</b>					
The majority of respondents felt the required content of area plans was generally clear. Both the Children's Commissioner for Wales and Gwent Health and Social Care Transformation Team said the draft guidance is reflective of legislative requirements and allows scope for information from area plans to feed into other statutory plans, thereby avoiding duplication.					

Many respondents, including Betsi Cadwaladr University Health Board, raised the level of detail within area plans as an issue with PAVO suggesting the draft guidance should provide further clarification on what is required. Related to this, how area plans fit with commissioning strategies was also raised by North Wales Social Care and Well-being Services Improvement Collaborative and others, and was highlighted as another area requiring clarification.

Respondents also questioned the requirements in the draft statutory guidance concerning pooled funds. A number of respondents, including Western Bay Health and Social Care Collaborative requested this section of the draft guidance be further clarified. Specifically, respondents highlighted there will be instances whereby functions are exercised jointly as a result of the population assessment but a pooled fund is not appropriate or necessary. More generally, the complexity of establishing pooled funds was highlighted, alongside the difficulties in gaining agreement on what services to include within them.

Some respondents felt the focus of area plans was unclear. Powys Regional Partnership Board highlighted the requirements for area plans to set out both the specific services planned in response to each core theme and what actions partners will take to prioritise the integration of services in relation to the regional partnership boards as being too broad a focus.

While the inclusion in the draft guidance of a paragraph stating area plans should be drafted using accessible language was welcomed, PAVO suggested extending this to refer to any appropriate national standards or guidance Welsh Government would expect to see.

### **Welsh Government response**

In response to comments on the level of detail required for area plans and how they link with commissioning, the 'services to be arranged or procured' section of the draft guidance has been updated to say while not pre-empting the formal procurement process, area plans should also set out details of the types of services to be arranged or procured. This should allay concerns the area plans would have to determine the specific providers for services, something which would be decided later in the commissioning cycle. The guidance has also been updated to clarify that joint area plans should not exceed 130 pages, although separate supplementary annexes can be produced if necessary. This should further clarify the level of detail expected.

While the challenge of establishing pooled funds is acknowledged, this should form an integral part of the area plan development process. However, as a result of feedback from respondents, both the statutory guidance and the Part 9 partnership regulations have been amended to allow more flexibility in the requirement to establish pooled funds in response to the population assessments. While partnership bodies may still establish pooled funds in response to any function they decide to exercise jointly following the population assessment, this should only be done where it is deemed that forming a partnership arrangement would be appropriate.



It is important area plans bring together both the core themes and integration priorities across both the population assessment and the regional partnership boards in order to drive forward the integration agenda. As part of exploring the development of further tools/documentation to support the statutory guidance, Welsh Government will however investigate how these broad priorities can best be laid out in area plans. In addition, the guidance has also been amended to say area plans should focus on integrated working when setting out the services planned in response to each core theme identified in the population assessment.

In terms of focus, the draft guidance has been amended to set out that area plans should focus particularly on how partners will deliver integrated services in relation to the core themes of the population assessment. The guidance has also been amended to state the core theme of violence against women, domestic abuse and sexual violence should not be included within area plans as this will be covered in the joint local strategies required under the Violence against Women, Domestic Abuse and Sexual Violence (Wales) Act 2015.

In response to the suggestion to refer to national standards or guidance within the draft guidance, Welsh Government intends to explore the development of further tools/documentation to support the area plan statutory guidance. As part of considering this further support, the possibility of highlighting appropriate national standards within further tools/documentation will be explored.

### Question 3

	<b>3. Citizens must be engaged in the process of undertaking a population assessment. Do you think there is a need to again engage with citizens in producing an area plan?</b>				
	Agree	Tend to agree	Tend to disagree	Disagree	Not ticked
<b>Total -</b>	14	6	0	0	7

#### Summary

There was widespread agreement from respondents on the need to engage with citizens when producing area plans. Age Cymru suggested this was essential for meeting the co-production objectives within the Act. Many including Guide Dogs Cymru and the Royal College of GPs also suggested citizens should have the opportunity to comment on draft area plans before they are finalised.

Although the importance of engaging citizens was highlighted, many respondents felt there was not necessarily a need for any new large-scale citizen engagement at the area planning stage. PAVO and others said that, as extensive citizen engagement should already have been undertaken as

part of the population assessment process, data collected at that stage should be sufficiently robust to accurately inform preparation of area plans without the need for further engagement. Building on this point, some respondents also felt the draft guidance should further clarify what the Welsh Government considers to be 'reasonable engagement' with citizens.

On the 'Carers' section of the draft guidance, PAVO suggested strengthening the wording to require statutory agencies to work with third sector organisations and services who work with and support carers to engage with the local carer population. It was felt this would enhance the 'reach' of the required engagement activity with carers.

In terms of more general feedback, several respondents including ADSS Cymru and WLGA felt the method of citizen engagement should be left to the discretion of each region, given many will already have established methods of citizen engagement in their areas.

Feedback on the citizen engagement chapters was also received from the Children's Commissioner who felt there was a lack of sufficient emphasis on including views of children and young people within the guidance as currently drafted.

### **Welsh Government response**

In response to the points on carers raised by PAVO, the section on carers within the guidance has been strengthened to say carers organisations should also be engaged during the process of engaging with carers in the area who have or may have needs for support when developing area plans.

Citizen engagement is an important part of the area planning process and engagement with citizens should take place when developing both population assessments and area plans. However, in response to consultation feedback, the draft statutory guidance has been updated to clarify that given the extensive citizen engagement carried out as part of undertaking the population assessment, engagement with citizens when preparing an area plan does not need to be as far reaching.

To ensure there is a sufficient emphasis on engagement with children within the guidance, in response to various points made by the Children's Commissioner on engaging with children, the guidance has been amended to make clear that 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 people in the area, including children who have or may have needs for care and support.

In response to Age Cymru, the draft guidance has been updated to refer to Section 16 (1)(c) of the 2014 Act which states a local authority must promote the involvement of persons for whom care and support or preventative services are to be provided in the design and operation of that provision.

More generally, area plans will be implemented by regional partnership

boards, the membership of which is required to comprise citizen representatives. This should also ensure citizen engagement into draft area plans.

In response to National Parks Wales' suggestion of National Park Authorities feeding in to draft area plans, the 'citizen engagement' section of the draft guidance has been expanded to say, local authorities and LHBs must engage with public, private or third sector organisation when preparing an area plan. This should ensure local authorities and LHBs engage with a wider range of organisations when preparing area plans.

#### **Question 4:**

#### **4. What other arrangements do you think should be put in place to further support those undertaking area plans?**

##### **Summary**

Many respondents felt a template or toolkit to support the guidance would aid the development of area plans, including a suggestion from Cardiff Third Sector Council that a checklist of content to be covered in area plans would help reduce variation. Aneurin Bevan University Health Board further suggested a network to share learning and potential best practice as area plans are developed would be welcomed

As a general point, several respondees highlighted the importance of the Welsh Government clarifying levels of funding available over future years, such as the Intermediate Care Fund (ICF). Many respondents said clarifying levels of funding, and committing to multiyear financial settlements where possible was vital to aid local authority and LHB financial planning in response to population assessments and area plans.

ADSS Cymru and WLGA said given the processes around developing population assessments and regional working under the Act are new, the first area plans due in April 2018 will likely require further refinement after submission.

##### **Welsh Government response**

Following the development of final statutory guidance and regulations, Welsh Government intends to explore the development of additional tools to support area plans. This could potentially include development of an addition to the toolkit and checklist developed to support the development of population assessments.

The Programme For Government, *Taking Wales Forward* Included a commitment to retain the Intermediate Care Fund. The Welsh Government's Draft Budget for 2017-18 includes a further £50 million revenue funding for the ICF next year, in addition to £10million capital funding for each of the next four

years.

In response to ADSS Cymru and WLGA, the draft statutory guidance already sets out that regional partnership boards should ensure an evaluation of the actions set out in the area plan takes place at least once during a local government electoral cycle. Therefore an area plan can be amended at this evaluation stage if deemed necessary by the board.

## Question 5:

**5. 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

Age Cymru and Age Alliance Wales raised issues around engaging effectively with national-level third sector organisations. Both organisations highlighted the need for regional partnership boards to be aware of these national-level organisations and ensure they engage effectively with them when preparing area plans.

Powys Regional Partnership Board highlighted the need to produce overarching guidance for regional partnership boards, public services boards, IMTPs and Mental Health to ensure there is read across on all planning frameworks

North Wales Social Care and Well-being Services Improvement Collaborative highlighted the requirement for full council approval for population assessments can raise risks if substantial changes required from one council and asked this be considered when considering approval requirements for area plans.

The Older People's Commissioner said it is unclear where area plans will be published and how they will be promoted to the public. They also highlighted the importance of ensuring those unable to access online content can still access the plans.

Western Bay Health and Social Care Collaborative highlighted learning outcomes in their response and emphasised the need to draw out lessons learned from collaboration and engagement to help improve future area planning cycles.

### Welsh Government response

In response to the points raised around engaging with national-level third sector organisations, the statutory guidance has been amended to say that when engagement takes place with public, private and third sector, those organisations may be at a national or local level.

Welsh Government is committed to improving how the range of statutory guidance on plans and strategies link together. As previously outlined in

response to question 1, the guidance has been further clarified to better set out the links between the area plans and the strategies required under the Violence against Women Act. Links between area plans and other planning frameworks will continue to be considered as tools to support area plans are developed. Where necessary, additional supporting documentation will be developed for the local authorities and LHB colleagues developing area plans.

In terms of publication arrangements, the guidance has been clarified to state the first area must be published by 1 April 2018 and submitted to Welsh Ministers at the time of publication.

Related to the development of additional tools to support the guidance, an exercise to capture learning from the population assessment process will take place in 2017. This will aim to capture any lessons learned from development of the reports and should capture any issues which could be applied to the development of area plans. After the first area plans are submitted in April 2018, a similar learning exercise should take place.

Unlike the Part 2 Code of Practice chapter on population assessment, the draft guidance does not currently include any specific approval arrangements for area plans.

## Annex A - List of respondents

No	Confidential Y / N		Name	Organisation/On behalf of
1.		✓	Richard Ebley	N/A
2.	✓		Anonymous	N/A
3.		✓	Sara James	University of South Wales, student
4.		✓	Peter Lathbury	Powys Association of Voluntary Organisations (PAVO)
5.	✓		Anonymous	N/A
6.		✓	Rachel Jones	Cardiff and Vale of Glamorgan Regional Partnership Board
7.		✓	Hannah Buck	National Parks Wales
8.		✓	Dr Roseanne Palmer	Age Cymru
9.		✓	Amanda Lewis, Rhiannon Jones, Carl Cooper	Powys Regional Partnership Board
10.		✓	Peter Jones	Guide Dogs Cymru
11.		✓	Martyn Palfreman	West Wales Care Partnership
12.		✓	Jenny Williams/Bethan Jones-Edwards	North Wales Social Care and Well-being Services Improvement Collaborative
13.		✓	Sara Harvey	Western Bay Health and Social Care Collaborative
14.		✓	Dr Jane Fenton-May	Royal College of General Practitioners
15.		✓	Rachel Lewis	Age Alliance Wales
16.		✓	Professor Sally Holland	Children's Commissioner for Wales
17.		✓	Rhian Nowell-Phillips	RNIB Cymru
18.		✓	Jakob Stenkvist	National Community Hearing Association
19.		✓	Sarah Capstick	Cardiff Third Sector Council
20.		✓	Judith Paget	Aneurin Bevan University Health Board
21.		✓	Dr Rodney Berman	BMA Cymru Wales
22.		✓	Nicola Evans	Older People's Commissioner for Wales
23.		✓	Peter Meredith-Smith	Royal College of Nursing Wales
24.		✓	Neil Ayling and Steve Thomas	ADSS Cymru and WLGA
25.		✓	Sally Baxter	Betsi Cadwaladr University Health Board
26.		✓	Phil Diamond	Gwent Health & Social Care Transformation Team
27.		✓	Simon Boddis	National Offender Management Service Wales