



Bae Caerdydd / Cardiff Bay  
Caerdydd / Cardiff  
CF99 1NA

1 February 2013

Dear Sir/Madam

### **Consultation on the Social Services and Well-being (Wales) Bill**

As part of its Stage 1 consideration, the Health and Social Care Committee is calling for evidence on the general principles of the Social Services and Well-being (Wales) Bill. To assist with its consideration, the Committee would welcome your views on this subject.

#### **What is a Bill?**

A Bill is a draft law. Once a Bill has been considered and passed by the Assembly and given Royal Assent by the Queen, it becomes an 'Act of the Assembly'.

There is a four stage process for the consideration of a Bill. Stage 1 involves consideration of the general principles of the Bill by a committee (which includes the taking of written and oral evidence from interested parties and stakeholders), and the agreement of those general principles by the Assembly.

#### **What does this Bill seek to achieve?**

The Explanatory Memorandum that accompanies the Bill states:

"The Social Services and Well-being (Wales) Bill provides for a single act for Wales that brings together local authorities' duties and functions in relation to improving the well-being of people who need care and support and carers who need support. The Bill provides the statutory framework to deliver the Welsh Governments commitment to integrate social services to support people of all ages, and support people as part of families and communities.

It will transform the way social services are delivered, primarily through promoting people's independence to give them stronger voice and control. Integration and simplification of the law for people will also provide greater consistency and clarity to people who use social services, their carers, local authority staff and their partner organisations, the courts and the judiciary. The Bill will promote equality, improve the quality of services and the provision of information people receive, as well as ensuring the right incentives for commissioners to achieve a shared focus on prevention and early intervention<sup>1</sup>.

### **What is the committee's role?**

The role of the committee is to consider and report on the general principles of the Bill and the need for legislation.

The Bill aims to make provision for:

- Welsh legislation that simplifies and clarifies duties to aid the efficient delivery of social services and reduce the time and resources required to navigate the current legal framework;
- New legislation that would improve the well-being of people who need care and support and carers who need support and restate the Welsh Government's commitment to integrated social services for both adults and children, and their carers, with a Director of Social Services responsible for both.
- Promoting partnership and closer, more integrated working between local authorities and between local authorities and other bodies, including NHS providers.
- Joint working provisions to facilitate the reform of adoption services.
- The updating and clarification of obligations and duties of local authorities (and LHBs) in relation to looked after children, care leavers and accommodated children.
- Strengthening national direction and consistency of access to social services across Wales whilst maintaining local accountability for delivery.
- Developing an enhanced well-being and preventative role for local authorities and their partners to help avert or delay the need for care and support.
- Promoting the empowerment of service users by giving them a stronger voice and greater control over services.

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<sup>1</sup> <http://www.assemblywales.org/bus-home/bus-business-fourth-assembly-laid-docs/pri-ld9181-em-e.pdf?langoption=3&ttl=PRI-LD9181-EM%20-%20Social%20Services%20and%20Well-being%20%28Wales%29%20Bill%20-%20Explanatory%20Memorandum>

- Strengthening the safeguarding and protection of adults and children.

In considering the general principles of the Bill the Committee has agreed to take account of the following:

- i. whether the Bill achieves its stated purposes;
- ii. the key provisions set out in the Bill and whether they are appropriate to deliver its stated purposes;
- iii. potential barriers to the implementation of the key provisions and whether the Bill takes account of them;
- iv. whether there are any unintended consequences arising from the Bill;
- v. the views of stakeholders who will have to work with the new arrangements;
- vi. whether the Bill contains a reasonable balance between the powers on the face of the Bill and the powers conferred by Regulations.

### **Invitation to contribute to the inquiry**

The Committee would like to invite you to submit written evidence to assist in its scrutiny of the Bill. In particular, we would welcome your views on the questions listed in Annex 1.

Further details of the Bill and the accompanying Explanatory Memorandum can be found on the National Assembly's website at:

<http://www.senedd.assemblywales.org/mgIssueHistoryHome.aspx?Ild=5664>

If you wish to submit evidence, please send an electronic copy of your submission to <mailto:HSCCommittee@wales.gov.uk> and entitle the e-mail Consultation – Social Services and Well-being (Wales) Bill.

Alternatively, you can write to:

Claire Griffiths, Deputy Clerk  
Legislation Office  
National Assembly for Wales  
Cardiff Bay, CF99 1NA.

Submissions should arrive by **15 March 2013**. It may not be possible to take into account responses received after this date.

When preparing your submission, please keep the following in mind:

- your response should address the issues before the Committee. Please reference your response using the title applied above;
- the National Assembly normally makes responses to public consultation available for public scrutiny and they may also be seen and discussed by Assembly Members at Committee meetings. If you do not want your response or name published, it is important that you clearly specify this in your submission;
- please indicate whether you are responding on behalf of an organisation, or as an individual; and

- please indicate whether or not you would be prepared to give oral evidence to the Committee.

The Committee welcomes contributions in English and Welsh and will consider responses to the written consultation and hold oral evidence sessions during the summer term.

For your information, the Committee has invited submissions from those on the attached distribution list (see Annex 2). The Committee would be grateful if you could forward a copy of the letter to any individuals or organisations that are not included on this list, but might like to contribute to the inquiry. A copy of this letter has been placed on the National Assembly's website with an open invitation to submit views.

### **Disclosure of Information**

It is normal practice for the National Assembly to publish evidence provided to a Committee. Consequently your response may appear in a report or in supplementary evidence to a report. The National Assembly will not publish information which it considers to be personal data.

In the event of a request for information submitted under UK legislation, it may be necessary to disclose the information that you provide. This may include information which has previously been removed by the National Assembly for publication purposes.

If you are providing any information, other than personal data, which you feel is not suitable for public disclosure, it is up to you to stipulate which parts should not be published and to provide a reasoned argument to support this. The National Assembly will take this into account when publishing information or responding to requests for information.

If you have any queries, please contact Fay Buckle, Committee Clerk on 029 2089 8041 or Claire Griffiths, Deputy Clerk on 029 2089 8019.

Yours faithfully



**Mark Drakeford AC / AM**  
Cadeirydd / Chair

## Consultation Questions

### General

1. Is there a need for a Bill to provide for a single Act for Wales that brings together local authorities' and partners' duties and functions in relation to improving the well-being of people who need care and support and carers who need support? Please explain your answer.
2. Do you think the Bill, as drafted, delivers the stated objectives as set out in Chapter 3 of the Explanatory Memorandum? Please explain your answer.
3. The Bill aims to enable local authorities, together with partners, to meet the challenges that face social services and to begin the process of change through a shared responsibility to promote the well-being of people. Do you feel that the Bill will enable the delivery of social services that are sustainable? Please explain your answer.
4. How will the Bill change existing social services provision and what impact will such changes have, if any?
5. What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?
6. In your view does the Bill contain a reasonable balance between the powers on the face of the Bill and the powers conferred by Regulations? Please explain your answer.

### Powers to make subordinate legislation

7. What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e. statutory instruments, including regulations, orders and directions)?

In answering this question, you may wish to consider Chapter 5 of the Explanatory Memorandum, which contains a table summarising the powers delegated to Welsh Ministers in the Bill to make orders and regulations, etc.

### Financial Implications

7. What are your views on the financial implications of the Bill?

In answering this question you may wish to consider Chapter 8 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the Bill.

## **Other comments**

8. Are there any other comments you wish to make about specific sections of the Bill?

Abertawe Bro Morgannwg University Health Board	CAFCASS Cymru
Aneurin Bevan Health Board	Care and Social Services Inspectorate Wales
Betsi Cadwaladr University Health Board	The Children's Commissioner for Wales
Cardiff and Vale University Health Board	Equality and Human Rights Commission
Hywel Dda Health Board	Health and Safety Executive
Cwm Taf Health Board	Healthcare Inspectorate Wales
Powys Teaching Health Board	Health Protection Agency
Velindre NHS Trust Board	Institute of Rural Health
Welsh Ambulance Service NHS Trust	NHS Wales Informatics Service
Public Health Wales	National Institute for Health and Clinical Excellence
Board of Community Health Councils in Wales	National Leadership and Innovation Agency for Healthcare
Abertawe Bro Morgannwg	The Older People's Commissioner for Wales
Aneurin Bevan CHC (Gwent, Caerphilly, Torfaen, Newport, Mon)	Social Care Institute for Excellence
Betsi Cadwaladr CHC (Conwy, Gwynedd, Ynys Mon)	Social Services Improvement Agency
Brecknock and Radnor CHC	The Welsh NHS Confederation
Cardiff & The Vale CHC	Action on Hearing Loss Cymru
Cwm Taff CHC	Action for Children
Hywel Dda CHC	Adoption UK
Montgomery CHC	Age Cymru - My Home Life Project
Chief Executives - Wales Local Authorities	Aids Trust Cymru
Director of Social Services - Wales Local Authorities	All Care
Director of Education - Wales Local Authorities	All Wales Forum of Parents and Carers
WLGA	All Wales People First
Safeguarding Children Boards - Wales Local Authorities	Adoption Register UK
All Wales Youth Offending Team Managers Cymru	Anheddau Cyf
Association of Directors of Education	Arthritis Care in Wales
Association of Directors of Social Services	Association for Real Change Wales
British Association of Social Workers Cymru	Association for Spina Bifida and Hydrocephalus in Wales
National Association of Probation Officers	Ategi Ltd
Royal College of Physicians	Autism Cymru

Bobath Children's therapy Centre Wales	National Federation of Women's Institutes
British Deaf Association Wales	National OAP Association of Wales
British Heart Foundation Cymru	National Pensioners' Convention
British Institute of Learning Disabilities	New Family Social
British Red Cross	NIACE Dysgu Cymru
Carers Trust Wales	Older People's Advocacy Alliance
Disability Rights UK	One Voice Wales
Cerecare Nursing and Domiciliary Services	PACT
Chwarae teg	Parents Federation
Civil service Pensioners Alliance	Parkinson's UK Cymru
CLIC Sargent	Patients Association
Community Practitioners and Health Visitors Association	Pensioners Forum Wales
Community Transport Association	Sense Cymru
Consumer Focus Wales	RNIB Cymru
Contact the Elderly	RNID Cymru
Crossroads Caring for Carers	Royal British Legion
Cruse Bereavement Care Cymru	Save the Children
Cymorth Cymru	SNAP Cymru
Cystic Fibrosis Trust	Stonewall Cymru
Daybreak (Wales) Ltd	BAAF
Dementia UK	TACT Cymru
Depression Alliance	The Disability Can Do Organisation
Disabled Children Matter	Vision 21 (Cyfle Cymru)
Diabetes Cymru	Wales Carers Alliance
Epilepsy Wales	Wales Mobility and Driving Assessment Service
Gingerbread	Wales Neurological Alliance
GISDA, John Edwards, Office Manager	Wales Senate of Older People
Grandparents Association	Wales Carers Workers Network
Independent Age	Wales Council for the Blind
Macmillan Cancer Support	Wales Council for the Deaf
Merched y Wawr	Welsh Re-ablement Alliance
Mothers Union in Wales	WRVS
Minority Ethnic Women's Network Wales	Association of Retirement Housing Managers
MDF the Bipolar Organisation Cymru	Centre for Housing and Support
Mudiad Ysgolion Meithrin	St Davids Children Society
NACRO Cymru	EroSH (Essential Role of Sheltered Housing)
National Autistic Society in Wales	National Care Association
National Childbirth Trust	North Wales Care Association
National Deaf Children's Society Wales	Registered Nursing Home Association
National Federation of Royal Mail and BT Pensioners	UK Home Care Association
Melin Homes	Seren Group



Abbeyfield Homes	Pennaf Housing Group
Valleys to Coast Housing	Chartered Institute of Housing Cymru
Family Housing Association (Wales)	Regional Social Care Partnerships
Welsh Institute for Health and Social Care (WIHSC)	Unison
Bangor University School of Social Sciences	Unite
Swansea University Centre for Innovative Ageing	GMB
Centre for Social Carework Research	Wales TUC
Institute of Medical and Social Care Research - Dementia Services Development Centre Wales	Chief Constables of Welsh Police Forces
Cardiff University	Chief Fire Officers of Fire and Rescue Services in Wales
Older People & Ageing Research and Development Network (OPAN Cymru)	Wales Cooperative Centre
Bangor Law School	National Institute for Social Care and Health Research (NISCHR)
Aberystwyth Law School	Community Pharmacy Wales
Swansea Law School	Citizens Advice Cymru
Glamorgan Law School	College of Occupational Therapists
Cardiff Law School	Community Housing Cymru
Social Services Research Group	Community Lives Consortium
Administrative Justice and Tribunals Council	Contact a Family
Advocacy Matters	Consortium of Voluntary Adoption Agencies
After adoption	Dignified Revolution
Age Alliance Wales	Disability Wales
Age Connects - Age Cymru	Diverse Cymru
Alzheimers Society	Domiciliary Care Association Wales
Barnardos	Downs Syndrome Association
Black Association of Women Step Out (BAWSO)	FNF Both Parents Matter Cymru
British Geriatric Society Wales	Fostering Network Wales
British Lung Foundation	GOFAL
Board of Community Health Councils (CHCs)	GRWP Gwalia
BUPA	Hafal
Care and Repair	Hafod Care
Care Co-ordination Network Cymru	Haven Trust
Care for the Family	Information Commissioners Office
Care Forum Wales	Joseph Rowntree Foundation
Carers Wales	Law Society
Cartrefi Cymru	Learning Disability Wales
CCW	Leonard Cheshire Disability
Chartered Society of Physiotherapy	Linc Care
Children in Wales	Lles Cymru/Wellbeing Wales
Mental Health Advocacy Providers	Mencap Cymru

Motor Neurone Disease Association	Public Health Wales
MS Society	Public Services Ombudsman for Wales
National Aids Trust	Royal College of General Practitioners Wales
National Offender Management Service Cymru	Royal College of Nursing
Nationwide Association of Fostering Providers	Royal College of Nursing (Wales) Dignified Care Group
North Wales Adoption Service	Royal College of Paediatrics and Child Health
NSPCC	Royal College of Psychiatrists in Wales
Perthyn, Assistant Director, Christine Rees	Royal College of speech & language therapists
Post Adoption Centre	Royal Pharmaceutical Society
Tai Pawb	Scope
Tros Gynnal Plant	Wales Audit Office
Tunstall Healthcare	WCVA
United Welsh Housing Association	Welsh Language Commissioner
Voices from Care	Welsh Physiotherapy Leaders Advisory Group
Welsh Refugee Council	Evangelical Alliance Wales
Cytyn	Church in Wales
Catholic Bishops Conference England and Wales	Muslim Council for Wales