



Written submission from BASW Cymru

In relation to oral evidence for

The Social Services and Well-being (Wales) Bill

On the theme 'Access to services by adults, children and carers'

Introduction

BASW Cymru represents nearly 1,000 social workers in Wales and is the only professional association for social work and social workers. We work with a wide range of organisations and stakeholders that directly and indirectly impact on the social work profession. We also communicate regularly with individuals and social work groups to enable them to be better supported and trained to undertake the best possible services for the most vulnerable people in our communities.

In addition to the above work, we are also directly involved in influencing policy that affects social work and social workers e.g. The Social Services and Well-being (Wales) Bill Advisory Group.

Well-being duties, preventative services, information and advice

BASW Cymru are in support of the proposed descriptions of 'Well-being' as defined in the Bill (Part 1, Sections 2 and 3). We would also support the description of the 'Overarching well-being duties' (Part 2, Section 4). It is pleasing to note the intentions of importance placed on preventative services and information and advice.

Whilst we would support the assertions made in ‘Assessment of needs for care and support, support for carers and preventative services’ (Part 2, Section 5), there remains some ambiguity in relation to how each local authority and Local Health Board will work together to achieve these duties.

Within ‘Preventative services’ (Part 2, Section 6), there needs to be greater clarity in relation to the issues that refer to care and support. Although much of this will no doubt be detailed in the regulations, it needs to be acknowledged that preventative services may be provided to people with support needs that may not include care. It is not clear about the definitions of care and support. In order to address the aims of the Bill, we would wish the wording in Section 6, sub-sections 2 and 3 be amended to state care and/or support, together with definitions. A good example of where this might apply is in a reablement service. Where there is an expectation that local authorities will only provide care and support (except as stated for carers), this may lead to a reduction or lack of services to address people’s well-being.

In Section 8, ‘Provision of information, advice and assistance’, we would again recommend the proposed amendment to the wording for care and/or support (as stated for Section 6 above). Furthermore, there will need to be clear and robust guidance to ensure that local authorities, Local Health Boards and NHS Trusts provide a consistent level of information for all citizens of Wales.

Promoting user-led and socially-orientated services (social enterprise, user-led, voluntary sector, etc.)

BASW Cymru are fully supportive of the requirements under Section 7, ‘Promoting social enterprises, co-operatives, user-led services and the third sector’. We believe that it is essential to promote the development of such services on a local basis to ensure ownership and control by users and carers in meeting (or helping to meet) their own needs in their own localities.

Assessing adults, children and carers

Overall, BASW Cymru are supportive of the intentions to clarify the assessment process for adults, children and carers.

Assessing Adults

In 'Duty to assess the needs of an adult for care and support' (Part 3, Section 10), please refer to the comments made for Part 2, Section 6 above, in relation to care and/or support. Sub-section (5) states that 'the needs assessment.....is one that the local authority considers proportionate,....'.

How will consistency be ensured across all local authority areas for the citizens of Wales?

Assessing children

Again, please see the need for amendment to wording in Section 12 to incorporate care and/or support.

Who are likely to be 'persons specified in regulations (if any) wish to achieve in relation to the child, and' (Sub-section 5iii)?

Assessing carers

The duty of undertaking of assessments for carers under Section 15, 'Duty to assess the needs of a carer for support', will have significant resource implications on already 'over-stretched' social work services.

Has a costed analysis of this duty been undertaken?

Currently, many people have to wait for assessments due to current resource constraints.

Supplementary

Section 17, 'Combining needs assessments and other assessments', also needs to include the amendment to care and/or support. In Sub-section (2), will require very clear guidance regarding the process of ascertaining agreement to combine assessments. In Section 18, 'Regulations about assessment', what consultation process will be

undertaken before additional regulations are introduced about assessments? In this respect, Sub-section (1) and (2) will need to reflect a clear process before new or additional regulations are introduced.

Meeting the needs of adults, children and carers, including Direct Payments

BASW Cymru fully support the intentions of responding flexibly to the developing needs of individuals, their families and carers. However, we feel that the Bill needs to identify more clearly, the steps taken in providing proportionate support to people e.g. clarification of eligibility criteria (for assessments or needs?) and the promotion of self-responsibility, voice and control.

In Part 4, 'Meeting Needs', there needs to be clarification and amendment to the issues relating to care and/or support (as previously stated under Section 6).

In Section 19, 'Determination of eligibility and consideration of what to do to meet needs', there will need to be clear guidance on interpretation of eligibility criteria to ensure consistency and clarity on where support needs are addressed to support citizens well-being e.g.

How would reablement services be interpreted by local authorities if they are not specifically addressing care needs but are providing support to promote well-being through a preventative service?

Also, in Sub-section (2)(b),

How will local authorities determine charges to promote preventative services that provide support and how will this be made a consistent process across Wales?

Sub-section (5) is not clear enough and needs further clarification with a Case example stated. In addition, there appears to be some 'confusion' about where eligibility applies to the right to assessment and/or services to meet needs following an assessment.

Section 20, 'How to meet needs', provides examples of what may be provided to meet the needs in Sub-section (2). Whilst BASW Cymru supports the mention of 'social work' in the list, the options appear very

traditional and do not reflect the ever-increasing multi-disciplinary way in which new models are being provided e.g. with a range of different professionals and their expertise.

What duty will local authorities have to provide preventative services?

And

Will people be able to challenge a local authority decision not to provide a preventative service?

In Section 21, 'Duty to meet the care and support needs of an adult' (not withstanding the points previously made about care and/or support and eligibility),

What consideration and arrangements has been given to the issue of local authorities charging people who may return from (or intermittently receive) the same services that are not charged by another organisation e.g. reablement services with Local Health Boards and NHS Trusts?

Under what circumstances would Section 22 Point (3) apply?

In Section 28, ' Supplementary provision about the duties to meet carer's needs',

What does '.....so far that it is feasible to do so,...' mean i.e, how will this be measured?

Within Section 29, 'Power to meet support needs of a carer', Sub-section (8) highlights the need for clearer and consistent resolution processes between local authorities and Local Health Boards or an NHS Trust.

Direct Payments

We are happy with the proposed legislation as outlined in Sections 34 to 39.

Supplementary

Under Section 40, 'The portability of care and support', we support the intentions of this area. However,

Will this legislation be applied to people moving to and from local authorities in Wales , from and to othe areas of the UK outside of Wales? and

If so, how will this be enforced on those local authorities outside of Wales?

Charging and Financial Assessment

BASW Cymru recognise the need to ensure that, in implementing legislation of this kind, there will be a properly costed impact analysis on the potential outcomes. We are concerned about charging for information and advice. We are not generally opposed to the principle of charging, we feel that greater emphasis needs to be put in Section 45, 'Regulations about the exercise of a power to impose a charge' will require to change the wording from '...the regulations may...' to '...the regulations must...' in Sub-sections (1), (2) and (3). This issue will also need to be reflcted in Sections 46, 48-55 and 57 will also need to reflect greater clarity in the same way as Section 45 above. This will ensure clarity and consistency for all citizens across Wales, thus removing different interpretations in different local authorities.

In Section 53, 'Deferred payment agreements', Sub-sections (10) and (12) refer to properties in Wales or England.

Why do these Sub-sections not reflect other parts of the UK?

Conclusion

The overall emphasis of the Bill is positive, although we believe that some further clarity and amendments are necessary. The main concern that we have is with the reliance of detailed regulations to address 'the gaps'. The regulation has not been written or distributed at this point in time and consequently makes it difficult to interpret this proposed legislation fully. In addition to this, there are some parts of the Bill that need further clarity as they are concerned with principles. Thus, we would not wish them to be left to the possible vagaries of Guidance.

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