



Ein cyf/Our ref: LF/GT/0579/14

David Rees AM  
Chair, Health and Social Care Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

26 June 2014

*Dear David,*

### **Social Services and Well-being (Wales) Act – Eligibility Technical Group Report**

I know that the Committee has a keen interest in the development of the eligibility criteria under Part Four of the Social Services and Well-being (Wales) Act 2014. I previously wrote to you on 5<sup>th</sup> March informing you of the Technical Group on Eligibility established to advise me on the Regulations and Code of Practice for determining eligibility for care and support services under the Act.

The work of the Technical Group has since been completed and tested with our major partners through stakeholder engagement events facilitated by the SSIA, the Citizen Panel and ADSS Cymru. This development process has been facilitated independently by the Institute of Public Care and the Report has since been updated to reflect issues arising during this process.

I enclose a copy of the Report which I intend to publish on our website for comment over the summer. I am of the opinion that the Report offers a framework for eligibility that we can communicate with political and wider stakeholders and our intention is to refine this model through a process of engagement whilst the regulations are drafted.

The Report proposes 3 Options for the eligibility model and the Technical Group recommended pursuing Option 3, which involves a fundamental re-design of eligibility. As a result, a longer and more deliberate engagement with stakeholders would add value. I intend to use the keynote speech at the Social Services Conference to announce the publication of the Report and present Option 3 as the model I am minded to pursue through regulations. This option is chosen for the following reasons:

- This approach to eligibility recognises the distinction between the local authority's general duties to meet the well-being outcomes of its population (as set out in Part 2 of the Act) and the establishment of an enforceable right for the individual (as required through parts 3 and 4 of the Act).

- It encourages the local authority to meet its duties to provide information, advice and assistance services as well as the provision of preventative services, to promote social enterprises, co-operatives, user led services and the third sector.
- The option supports people's rights to have respectful conversations about their well-being and to exercise a strong voice and control in decisions about their care.
- It will ensure that people themselves are at the centre of decisions and are enabled at all times to maintain their well-being using a strengths based approach.
- The model also attends to the transient nature of eligibility. Whilst the status of need as an 'eligible' need may change, access to the right support to attain well-being outcomes is maintained.
- This is a model where the need for help to get the support creates the eligibility and so mandates/legally requires the local authority to respond. There is no separate time-consuming and anxiety-inducing test of eligibility.

The model is dependent on all elements of the support system working effectively. For instance, local authorities will need to ensure there is accessible provision of information, advice and assistance and an appropriate assessment process in place to support the conversation on eligibility. These areas are also being pursued through technical groups and will do so in the context of the eligibility model proposed in the report.

Together the wider set of regulations and the code of practice will form the full picture for the implementation of the Act. As a result we would recommend that all of the regulations, including eligibility regulations, are consulted on together to present the whole system approach to the public. This full public consultation on regulations and the Code of Practice is planned for the autumn. I realise that this alters my earlier commitment to consult on the eligibility regulations and code of practice from the summer to the autumn. However, as the eligibility model proposes a redesign of the current system, and is so closely integrated with the wider framework of assessment and care planning, I am minded to re-schedule formal consultation so we have longer to engage on the Report.

My officials will be available for a technical briefing with the Committee during the consultation period and I will subsequently offer to appear before the Committee to consider the outcomes of the consultation. Meanwhile, I would be grateful if you could share this letter and the Report with Committee members and I would be happy to talk through the Eligibility model at your convenience.

Yours Sincerely



**Gwenda Thomas AC / AM**  
Y Dirprwy Weinidog Gwasanaethau Cymdeithasol  
Deputy Minister for Social Services