



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Social Services and Well-being (Wales) Act: Approach to
implementing the subordinate legislation to be made under the Act**

DATE **16 July 2014**

BY **Gwenda Thomas AM, Deputy Minister for Social Services**

The Social Services and Well-being (Wales) Act, which received Royal Assent on 1 May this year, creates a new legal system for social services. As I said in my written statement to the Assembly on 29 January this year, the Act creates a framework that brings together and modernises the law for social services in Wales, increasing the emphasis on preventative action, bringing people closer to decisions about the services that affect them, and addressing the challenges of economic and demographic change.

The new statutory framework for delivering social services will have three parts. The first part, the Act itself, is already in place. The other two parts will consist of regulations and of codes of practice or statutory guidance, which will help supply the detail and help those charged with functions under the Act to understand how they are to carry these out.

Members will have seen, from my written statement of 30 January, details of my policy intent in relation to the major groups of regulation-making powers under the Act. My statement today builds on my previous statements on implementation and provides for Assembly Members an update on my approach to implementation of these two vital parts of the new framework which the Act enables.

I intend for the Act to come into force in April 2016. In order to achieve this, the package of subordinate legislation stemming from the Act is being taken forward as a coordinated delivery programme of work. My officials have been working closely with stakeholders through a series of technical groups to develop and refine the details of our policy for regulations and codes of practice, and will continue to do so. These will be made available for public consultation and laid in the Assembly in two separate parts, or tranches, over the years 2014-15.

The **first tranche** of subordinate legislation will be made available for consultation in November this year. Detailed work has been undertaken in the form of technical and advisory groups, which have provided valuable engagement on the practical operation of these proposals, to inform both the regulations and their associated codes of practice. By consulting on and laying these regulations together we will be able to present a coherent system of assessment, determination of eligibility and care planning, as well as securing the availability of direct payments as one way of meeting needs, and creating a powerful new framework for safeguarding.

The first tranche will cover regulations in relation to the following policy areas:

- Population assessments under part 2 of the Act and partnership working under part 6
- Social enterprises
- Assessments and eligibility
- Direct Payments
- Adult Protection and Support Orders
- National Independent Safeguarding Boards
- Local Safeguarding Boards
- Ordinary residence and disputes about ordinary residence

I particularly want to draw Members' attention to my intention to legislate in relation to population assessment and partnership working in tandem, using these powers to secure that such assessments are undertaken on a regional basis, conforming to the Local Health Board footprint. I would like Members to take this as an early indication of the Welsh Government's continuing commitment to better integration of health and social care in Wales.

Following extensive public consultation I intend that these regulations and associated codes of practice will be laid before the Assembly in May 2015.

The **second tranche** of subordinate legislation will be made available for consultation from May 2015, again supported by stakeholder engagement and the work of technical and advisory groups. This tranche will create a system that secures outcomes for looked after and accommodated children, drives regional collaboration, puts in place a system of charging, financial assessment and paying for care, supports the making of representations and provision of advocacy, and addresses the issues raised by provider failure.

The second tranche will cover the following policy areas:

- Preferred accommodation
- Paying for care, including:
 - Charging
 - Financial assessment
 - Ability to pay
 - Deferred payments

- Charging for preventative services and assistance
- Recovery of charges, interest etc
- Charge over an interest in land
- Transfer of assets to avoid charges
- How looked after children are accommodated & maintained, including:
 - Care and support plans
 - Looked after children
 - Local Authority foster parents
 - Agency arrangements
 - Independent visitors for looked after children
 - Independent reviewing officers
 - Referred cases and review of cases
 - Young people, personal advisers, pathway assessments, charging
 - Pathway assessments and plans
 - Accommodation for restricting liberty
 - Visitors for children
- Partnership arrangements and Partnership boards
- Complaints and assistance to complainants
- Representations relating to looked after children and other children who may have needs for care and support, and assistance in relation to these
- Provision of advocacy services
- Provider failure

I want to draw members' attention particularly to my intentions in relation to looked after children. Here I have asked my officials to work with key stakeholders, including children themselves, to examine the impact of the current statutory framework on young people's outcomes, and develop a new framework which will draw upon and extend the current provisions made under the 1989 Act for looked after and accommodated children, ensuring that the rights and entitlements of this group of vulnerable children and young people continue to be maintained, whilst better outcomes are secured.

Following full public consultation I plan that these regulations and their associated codes of practice will be laid in the Assembly from winter 2015.

My officials will develop full regulatory impact assessments and explanatory memoranda for each of these regulations, to be laid in the Assembly in their respective tranches, and this package of work will be made available for full scrutiny by this Assembly's committees.

Clearly, I recognise that the work of implementing the Act, and through it the new system for social care required by Sustainable Social Services, goes much wider than the making of subordinate legislation, as important as this is. To this end I have three strands of work in place, covering workforce readiness, awareness-raising amongst the wider population, and key regional implementation activity.

On the first of these, the Welsh Government, through its £8.2m Social Care Workforce Development Programme (supplemented by local partners' investment) is supporting the

development and deployment of a training strategy to support implementation, which will be in place before commencement of the Act. I want to emphasise that I expect this strategy to cover all of those involved in the provision of social care, together with their key partners, and be delivered jointly and in collaboration with those partners. This strategy will include awareness-raising, adapting existing training, and developing bespoke additional training to respond to new requirements, thus supporting the sector in ensuring its own readiness for the changes the Act and its regulations are bringing into force.

In addition, recognising the need for careful and clear public communications on Act implementation, a communications plan is being developed to support this work. We are considering the role of service providers in communications to support implementation and will continue to engage fully with the public and our stakeholders to ensure that these messages are clearly communicated and understood.

Finally, I also remain committed to supporting local government and our partners with implementation, through the continuation, in 2014-15, of the £1.5 million Delivering Transformation grant first made available to local authorities in 2013-14. This transitional funding is specifically aimed at enabling local government and its partners to put in place the requirements of the new Act. Strong, consistent regional leadership for implementation of this Act, shared across all partners, is essential for delivery of the transformational change which the Act requires and this funding is directed towards helping local government and its partners work together to achieve this. My officials have recently written to local government and key partners inviting bids against this funding and I look forward to seeing it deployed to better support our shared priority of better services for the people of Wales.

The work I describe will build upon the national consensus that we have for the changes we need to make. All the key aspects of taking *Sustainable Social Services* forward will be undertaken with the close involvement of citizens and strong joint leadership from local government, the NHS and private and third sector providers. I will continue to work with my national Partnership Forum, Leadership Group and Citizens Panel to support this, and secure that people who use services remain at the heart of our programme for change.