

# **STATEMENT BY THE WELSH GOVERNMENT**

**TITLE** Update on implementation of the Social Services and Well-being (Wales) Act 2014

**DATE** 21 April 2015

**BY** Mark Drakeford AM, Minister for Health and Social Services

A year ago the Social Services and Well-being (Wales) Act completed its passage through the National Assembly. – It included provisions for a substantial range of regulations, codes of practice and statutory guidance all of which will return to this legislature this year for consideration. The purpose of this statement is to update Members on progress to date in developing the body of those regulations, to set out the work which is still to be undertaken and outline the additional support we have put in place.

I would like to begin by placing on record my thanks to the substantial body of stakeholders who have worked so hard over the past twelve months to help develop the practical detail of implementation. Mrs Gwenda Thomas, when taking the legislation through this Assembly, regularly referred to it as a “people’s Act”, and I think that we can say that this Act has been made by the people who will be delivering, planning and receiving services under it. In saying this, I want to pay particular tribute to the citizen’s panel, put in place by Mrs Thomas and which has advised us on every part of the Act.

As members will be aware, the subordinate legislation is being pursued in two tranches. The first tranche was issued for formal consultation between 6 November 2014 and 2 February 2015. Included in the tranche were regulations covering:

- Part 2 – General functions including social enterprise and population assessments,
- Part 3 – Assessing the needs of individuals,
- Part 4 – Meeting needs, including eligibility, and direct payments,
- Part 7 – Safeguarding, and

- Part 11 – Miscellaneous and General, including prisoners and ordinary residence.

Two consultation events were held as part of the tranche one process.

The first was held on 26 November in the Liberty Stadium, Swansea. The second took place on 9 December in Venue Cymru, Llandudno.

Both undoubtedly helped to generate the over 300 substantive written responses received to these consultations. The overall response was positive, with respondents expressing support for the principles and the detail of the draft regulations, codes of practice and statutory guidance.

There was general support for the proposed system change set out in parts 3 and 4 of the Act to an outcomes-based approach with a simplified assessment and care planning process and greater integration of services. As a result of the consultation, however, we will amend the draft code of practice to include a national template for assessment, and we will incorporate into the Statutory code both the key elements of the Children's Framework for Assessment and the key requirements of the 2001 statutory guidance on care for deaf blind children and adults.

There was also considerable support for the detailed approach proposed under part 2 of the Act to promotion of well-being, population assessment and prevention. Proposals under part two in relation to provision of information, advice and assistance were also broadly supported, with 84% of respondents responding positively to the National Standards for Information, Advice and Assistance, and agreeing that they would be fundamental to its success.

In relation to the promotion of social enterprises, also under part 2, we had invaluable advice from WCVA and others, which enabled us to amend our draft regulations to ensure that they incorporate the most recent definitions and better support our commitment to an inclusive approach which will encourage the development of business models like social enterprises, co-operatives and co-operative arrangements, user led services and the third sector.

Likewise, for part 7, on safeguarding, there was widespread support for the suggested approaches through the regulations and statutory guidance. We will bring forward regulations (under the negative procedure) to prescribe amongst other aspects the safeguarding board areas; the lead partner for each safeguarding board and the preparation and publication of annual plans and annual reports.

Llywydd, I hope it is clear that the formal consultation responses and feedback from the consultation events have provided us with much valuable input and we have used this evidence to make changes as a result, further developing and refining our regulations, codes of practice and statutory guidance ready for laying before this Assembly between May and July this year.

During the passage of the Act there was a strong call from members that the regulations on eligibility should be subject to enhanced scrutiny under the Super

Affirmative procedure and we have made provision for this. The eligibility regulations will be the first under the Act to be laid on 8 May and will provide the full 60 days scrutiny period under the Super Affirmative procedure. The Government's hope would be to bring the regulations for debate on the floor of the Assembly before the end of this summer term. It is also our intention that the remaining regulations under tranche 1, made using affirmative and negative procedures, will also be laid during this period and debated according to the same timetable. A number of these regulations will be laid using the affirmative procedure:

- regulations on the definitions of Social Enterprises, cooperatives and the third sector
- regulations putting in place partnership arrangements for population assessments
- regulations on the functions and procedures of Safeguarding Boards

These will be laid before the Assembly for 40 days and debated.

Other regulations in tranche 1 such as those on:

- undertaking of population assessments
- setting safeguarding board areas, lead partners and arrangements for the preparation and publication of annual plans and annual reports
- determining disputes about ordinary residence
- will be laid using the negative procedure.

Next month we will launch the second tranche of consultations covering the remaining parts of the Act, including subordinate legislation on:

- Part 5 – Charging and financial assessment,
- Part 6 – Looked after and accommodated children,
- Part 9 – Co-operation and partnership, and
- Part 10 –advocacy.

Work is already well advanced to prepare drafts of the regulations, codes of practice and statutory guidance that will serve tranche two. Formal consultation will begin on 8 May, and will run for 12 weeks until 31 July.

Following a period of analysis the final versions of this tranche of subordinate legislation will be ready for tabling in November this year. The regulations, codes of practice and statutory guidance to be made in relation to these areas will then complete the statutory framework to implement the Act.

Llywydd, alongside the work to be concluded through the National Assembly, there are a series of other actions being taken to ensure successful implementation of the Act.

The Care Council for Wales, as the lead body for workforce matters will take responsibility for the development and implementation of a national learning and development strategy, to ensure that those who deliver services will be fully prepared for the changes the Act introduces and the regulations it will bring into force.

More broadly the Welsh Government will continue to support local government and its partners in making the transition to the new arrangements. The new regional implementation arrangements are central to the Act and I am encouraged by the actions already taken by local authorities and their partners to prepare for implementation of the Act.

In support of this work the funding available through the Delivering Transformation grant has been doubled to £3m in 2015-16.

With only another year left until the implementation date of April 2016 there is still much to do, but we will deliver the Act, working in partnership with our stakeholders, and the resulting framework will reflect the efforts made by all those who have contributed. This is an exciting year, and a once in a generation opportunity to improve the standards of social care in Wales. We will continue to work with the national partnership forum, the leadership group and citizens panel to support our work, and ensure that people who use services remain at the heart of our programme for change.