

Social Services and Well-being Bill (Wales) - 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.

We welcome the Social Services and Wellbeing (Wales) Bill for creating a single modern law which can be easily understood by all stakeholders. We believe that it assists in defining the functions and duties of local authorities and their partners to work together for the wellbeing of people who need care and support and their Carers.

There has been much debate about the sustainability of services as they are currently provided and the Bill provides an opportunity to address way that support is provided to people in need in the face of changes that have been occurring in society over recent years and are predicted to continue to change in the future, in particular: demographic change; changes in expectations about choice and control of service, the quality of services and how they will be delivered; the resource environment.

The Bill is ambitious in scope but we are concerned that it does not address the following issues:

- funding for long term social care.
- plans for funding for whole sector workforce training
- development of shared outcomes to facilitate partnership and collaborative working
- the role of social care in addressing health and other inequalities
- synergy between the Bill and the proposed Framework for Action on Independent Living

To make the Bill (Act) work it will be critical for Welsh Government to work closely with Local Government and Professional Associations when drafting the regulations and statutory instruments. Whilst the emphasis of doing things differently is supported, the Bill lacks detail on what this might mean and how this will achieve the aim of sustainability. There is concern about funding the transformational change the Bill promotes and that it will not be "cost neutral".

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.

Broadly yes, although there is a lack of detail in some places.

We would welcome a greater emphasis and clarity on the responsibilities of other organisations and how they will contribute to a more integrated approach. We are also not convinced that the Bill will lead to a reduced demand for formal services, given the wider duties to Carers and the wellbeing duty. While the focus on prevention may result in alternative approaches to supporting people and helping them to become independent at an earlier stage, it is possible that the Bill will create greater demand.

It needs to be acknowledged that especially among more deprived communities extending years of healthy/disability free life expectancy will be a long term aim, and there will need to be considerable care and support provided alongside a preventative focus.

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.

The Bill supports the idea of doing things differently rather than just doing the same things in a different way, but there are concerns that if this has not been costed properly then there will be similar pressures on services which will make them unsustainable. There need to be enough resources to deliver the preventative care and the costly and acute care. If there are insufficient resources, then local authorities and partners will struggle to deliver the change agenda and the preventative agenda that will be necessary to reduce the acute care within manageable levels.

We would welcome greater detail on delivery in a co-produced, citizen centred way. Sustainability will be dependent on working alongside people in need to design, deliver and perhaps provide the preventative approach which is advocated. The welfare reforms are likely to create further pressures on the health and social care system, and this could undermine the sustainability of the new model. In addition, transport, accessibility, suitable housing, affordability of fuel etc will be crucial to both health plans and those of Social Services. Some of these pressures are outwith the remit of the Welsh Government.

Integration between the NHS and local government may well bring efficiency savings to both, and we are supportive of this at a local level. However, collaboration does not necessarily reduce cost, and requires a high level of initial investment to ensure effective partnership. A shared 'outcomes framework' would facilitate cross agency buy in.

4. How will the Bill change existing social services provision and what impact will such changes have, if any?

It would be helpful to develop a national vision of Social Services in Wales post 2015.

In consultation exercises with front line staff on the impact of the Bill, they have expressed positive views about the likely changes in:

- proportionate and shared assessment
- greater focus on a person in need within the context of their family and community
- greater focus on support for Carers in order to enable their caring role
- people in need defining their own outcomes and social services/ social workers facilitating in achieving these (reclaiming social work)
- multi agency/multidisciplinary teams working in neighbourhoods/communities

- better provision of advice, information and advocacy to enable citizens to make better informed choices and arrangements to meet their needs
- the development of a national eligibility framework
- improvements to safeguarding with new powers for safeguarding adults, and the alignment of the safeguarding adults framework with children's safeguarding
- extension of Direct Payments

Less positive views about the impact of the Bill include:

- a reduction in formal services is of concern to service provision staff
- concerns about integration of services with the NHS might lead to a relegation of Social Services to a junior partner role, and therefore a focus on health organisational outcomes
- concerns about dilution of children's rights/ child protection in the context of a family perspective

5. What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill take account of them?

Barriers to implementation of the Bill include:

- Whether the cost assumptions have been assessed accurately; if they haven't then it will prove harder to achieve the stated aims of the Bill
- The change required in practice and delivery of services to achieve people maintaining independence will require new skills and knowledge within the workforce. This change will require investment in professional development so that the current workforce can develop their skills, knowledge and practice without losing their existing skills.
- The impact of rising demand for formal services (demographics/ dementia) will be greater than anticipated or calculated in the assumptions behind the Bill
- The impact of the Welfare Reforms is an unknown element, but it has the potential to derail implementation because of the potential that it could cause a greater rise in demand for support than is anticipated in the assessment of resource implications
- The absence of a shared outcome framework between health and social care
- Using the same old language of 'care plans' is unhelpful and needs changing to assist transformation
- Training and re-skilling staff will be essential. This has cost implications

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.

This is difficult to judge. More information would be welcomed in the areas of integration, eligibility and safeguarding

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.

It is difficult to respond to this without knowing what will be proposed in the subordinate legislation. It would have been helpful to have more detail in the Bill

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.

We are concerned about the view that the impact of the Bill will be cost neutral. In addition to the requirement that managers, staff and providers implement and embed the new requirements placed upon them by the Bill, we ask that recognition be given to the cost of changes to business, workforce, ICT, training etc.

This is not to say that we do not welcome the change in direction. We are concerned that the Bill will not achieve its objectives without the additional resources necessary to implement change

Other comments

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

Carers

We believe that there will be more costs arising for Local Authorities as a result of the widening of access for Carers to have an assessment. We recognise that at this stage it is difficult to estimate the overall cost because the requirements for what needs to be contained within an assessment have yet to be determined. We would want to urge a thorough exploration of approaches to carrying out assessments for Carers and for the people they support to ensure that citizens are given the maximum opportunity to have their needs assessed, while at the same time the approach to carrying out assessments enables a proportionate response that enables social work resources to be used to maximum effect.

PREVENT

There is an opportunity to integrate PREVENT (part of the Wales CONTEST Strategy) within the Social Services and Wellbeing Bill as part of the existing framework for safeguarding vulnerable people.

One of the strategic objectives in the Wales CONTEST Action Plan is to prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support.

Consideration could be given to addressing the needs of vulnerable people at risk of being radicalised as part of the mainstream social care/safeguarding frameworks for young people and adults, thereby increasing their access to services.