

## **Consultation on the Social Services and Well-being (Wales) Bill**

### **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.*

The Bill may prove helpful however the content does not appear to be all encompassing; there are other Acts / legislation that local authorities (and Social Services Directorates) must adhere to, e.g. mental health measures, DOLs,

- The Bill refers to Social Services however the responsibilities for delivering services rest also with the local authority and it's partners, not solely Social Services
- The Bill should be accompanied by clear guidance; local authority partners' duty is not explicit enough and needs to be highlighted in greater detail or the stated objectives will not be met
- It would be useful to have related matters clarified in one place; the Bill grasps at a handful of nettles but not the whole bush and should combine the duties of the local authority and it's partners more clearly
- The reference to the duties to those who need care and support and carers who need support is accepted but there is no acknowledgement of impact on resources
- The Bill should indicate the links/interface with other relevant legislation for it to become a single Act and one reference point
- The police are not yet referenced as partner agencies – their omission from such a significant new single framework is a considerable omission and will affect the ability of the Bill to deliver its stated objectives.

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.*

In principle, we agree that the draft Bill delivers the stated objectives. However, there is insufficient detail provided to respond to this question. The delivery of what is required should be evidenced in detailed guidance.

It is the view that future published guidance and regulations should include greater detail about local authority partners' responsibilities. Some issues to consider:

- Will all local authorities have capacity to implement the duty to promote and develop social care enterprises?
- Will there be reference to partner agencies responsibilities?
- Would eligibility of services apply to social services only or for all partners?

*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.*

Due to the lack of detail provided, we feel that the Bill will not enable the delivery of sustainable social services. The Bill is not directed solely at social services. It is also aimed at the local authority, its partners and communities at large to all play their role. Future agreed eligibility criteria might also determine whether social services will be sustainable. A consequence of the Bill may be a resurgence in the changing role of traditional social work and therapy to meet the well-being and preventative agenda.

Whilst the agenda of considering actions of prevention, proactivity and potentiality is welcomed, signposting to universal community services will only be possible if other partners play their part in the development of such services. There is a significant underestimation of the impact of demographics on the ability of the Bill to enable the delivery of social services that are sustainable, the prevention will delay an inevitable demand for more frequent and intensively provided services for our population.

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

There is a view that more universal services will be required and a consequence of this is likely to be an impact on social service's budgets. Local authorities will need to trust the information provided by those seeking support / services rather than validating requests through evidenced assessments.

There is an assumption that a third sector will be available to deliver services however this is limited and is also funded through local authority contracts.

There will be a greater level of input to ensure that residents can access information about services. Successful implementation of this activity may

result in an increased number of requests for services. Individuals may be signposted to “self help” themselves but this will only be effective if other services have been developed by local service boards. There is no reference to the responsibilities of the local service board in the Bill. Signposting is likely to assist those only with low level needs.

It is acknowledged the Bill will change and not only social services provision; the local authority and its partners will also require change.

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

There is insufficient information / guidance in terms of local authorities and their partner’s roles and responsibilities to respond to this question. Not including police as a key partner would be a barrier.

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.*

There is no information available on the proposed Regulations and any code of practice to respond to this question.

### **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.*

Implementing a proper consultation process on the regulations and any code of practice should enable comprehensive documents to be available for all partners involved in delivering the content of the Bill. This would also negate the need for the creation of some additional orders and directions. However it is acknowledged that in years to come there may be a need to add.

### **Financial Implications**

8. *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 believe the financial implications of the Bill are underestimated and for the reasons set out in responses to previous questions, our future views are dependent on the publication of clear guidance and regulations.

### **Other comments**

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

None.