

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



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: LF/GT/0390/13

Vaughan Gething AM  
Chair, Health and Social Care Committee  
Cardiff Bay  
Cardiff  
CF99 1NA

3<sup>rd</sup>  
May 2013

*Dear Vaughan,*

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

I am writing to you enclosing two documents for your Committee's attention. These are:

- a copy of my letter dated 24 April to the Chair of the Children and Young People Committee (CYPC); and
- a copy of the *Care and Well-being in Wales* report prepared by the Social Services Improvement Agency (SSIA).

My letter to the Chair of the CYPC sets out my position in relation to the concerns raised by the Children's Commissioner for Wales in his written evidence and which he spoke about in his oral evidence to the CYPC. Following the mention of this evidence during a Plenary debate on the 30 April, I think it is important that you see this letter so that you and your committee members have a clear understanding of my views on this matter.

With regards to the *Care and Well-being in Wales* report which I also enclose, I am well aware that the development of a National Eligibility Framework for sustainable Social Services is one of the major issues of interest for Committee members, Assembly Members and stakeholders alike. In late 2012, I commissioned the SSIA to undertake early work with stakeholders in the co-production of emerging ideas for a new service model for Social Services in Wales. The report provides a frank and rich analysis of the current system, and highlights key features that must underpin a future service model; one that is more flexible and responsive to the changing needs and circumstances of citizens.

I am grateful to the SSIA and those who have contributed to this work. I do not underestimate the challenges in effecting whole system change and in tackling many of the issues set out in the report and I will continue to work with stakeholders across Wales in the co-production of the new service model.

Thank you also for your letter dated 24 April following my appearance at your Committee on 18 April. I will be replying shortly and in doing so will provide further detail on the next steps I plan to take in regards to the SSIA's report.

Yours sincerely

*Gwenda*

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

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

*Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)*

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence.Gwenda.Thomas@wales.gsi.gov.uk  
*Printed on 100% recycled paper*

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



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref LF/GT/0352/13

Christine Chapman AM  
Chair,  
Children and Young People Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

23 April 2013

Dear Christine,

I am writing to you in relation to the Social Services and Well-being (Wales) Bill. First, I wish to respond to the written evidence provided by the Children's Commissioner for Wales to the Health and Social Care Committee. I understand you are taking oral evidence from him this week and I am keen that you read this letter ahead of that. Second, I attach, at your request, the UNCRC draft Due Regard Analysis conducted by my officials as part of the work to ensure that the Bill is compliant with the requirements of the Rights of Children and Young Persons (Wales) Measure 2011. This supplements the overview published as part of the Explanatory Memorandum to accompany the Bill.

The Children's Commissioner for Wales is of the view that the Bill is in breach of the Articles of the UNCRC. I do not agree with that view. As a member of the Welsh Government, and also until recently the Minister with responsibility for Children, I take very seriously the challenge presented by the Commissioner's evidence. I have taken legal advice which confirms my view that his position would seem to profoundly misunderstand the nature and purpose of the Bill in regard to the matters he raises. The rights of individuals and particularly children are at the heart of this legislation. My Ministerial colleagues and I have worked hard to ensure that children are fully and properly considered in all that we do in line with the Rights of Children Measure. On this basis, I simply would not introduce a Bill that breached in any way legislation that I have wholeheartedly supported from its inception and I am satisfied that this Bill will bring no detriment to the position of children. What the Bill does is provide a broad framework for people of all ages and leaves ample opportunity for the particular needs of children to be recognised.

I would like to draw your attention to five points the Commissioner makes and my response to them:

- While the concept of 'children in need' is not being preserved, the Bill matches what was provided in this regard under the Children Act 1989 and goes beyond it, firstly by making explicit that a child has a right to an assessment and secondly by creating a right to a service for those who are eligible.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

*Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)*

English Enquiry Line 0845 010 3300  
Llinell Ymholiadau Cymraeg 0845 010 4400  
Correspondence.Gwenda.Thomas@wales.gsi.gov.uk  
*Printed on 100% recycled paper*

- I do not accept that the proposals for a National Safeguarding Board fail to have regard to the needs of children or fail to have regard to Article 3. Bringing the safeguarding needs of all people with a care and support need under the auspices of one Board does not in my view represent any diminution of children's rights. The legal advice I have received on this matter supports my view. The National Board proposals were the subject of recommendations within the final report of the Wales Safeguarding Children Forum, of which the Commissioner was a member.
- While disabled children are not defined in the Bill, they are encompassed within the definition in the Equality Act. In addition, disabled children are recognised as a special category within the wider category of those with needs for care and support. The Bill would also permit disabled children to be singled out in the eligibility criteria as section 19(5) states and allows for special provision to be made in the Code of Practice for anyone who is disabled.
- The paramountcy principle in Section 1 of the Children Act 1989 applies to courts making decisions about individual children. It does not apply to local authorities in the exercise of their duties to children in their area generally. There is no risk that the changes made by the Bill will affect the paramountcy principle as applied by the courts.
- Finally, in relation to the points the Commissioner makes about a parent's refusal of assessment, it needs to be noted that this refusal can be over-riden by the consent of a competent child. The evidence provided by the Commissioner on this matter also overlooks the fact that the refusal of a competent child itself can be overridden if an authority "suspects that the child is experiencing or as risk of abuse neglect or other kinds of harm" (Section 13(4)).

Copied below is the draft UNCRC Due Regard Analysis prepared by my officials. As you will be aware there is no requirement to publish this analysis but we have shared it with organisations that have asked for it. Please note that it retains its draft status as it is a living document that will change over time and certainly with the passage of the Bill. In this document, you will see a section titled 'potential breaches' I do not agree that a Children's Bill is the right approach. It could be argued that it presents a clearer way forward but in my view it is not better than what I have proposed in the Bill I have introduced. My Bill enables children and young people to be better transitioned through the services and it enables social workers and other social care staff to look at the whole family in a holistic manner. Children cannot be seen in isolation from the families and communities they are part of and my Bill, via the 'People Model' does much to enforce this notion.

I hope you find this information useful for your deliberations. I look forward to my evidence session with you tomorrow.

Yours Sincerely



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

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

### **Due Regard to the United Nations Convention on the Rights of the Child**

#### Step 1 – What's the piece of work?

#### **The case for change**

Social Services are at the heart of Welsh public life. They support 150,000 young, old and disabled people every year to achieve their potential and help make them safe. Many of these services are delivered in partnership with others, including housing, health and education services.

The story of Social Services in Wales is one of success and of progress over the past ten years. However, our society is changing and Social Services must change in response. There has been and will continue to be shifts in the public's expectations of Social Services, as a result of demographic change and changes in our society. Social Services need to alter and respond to all of these.

Furthermore, demand is rising across Social Services, yet the financial outlook for all public services is difficult. Whilst we have protected Social Services expenditure, we need to make a more fundamental change than just pursuing the obvious efficiency measures if we are to make Social Services sustainable. Our White Paper *Sustainable Social Services for Wales: A Framework for Action* sets out a programme of change to meet these challenges based on the following nine principles:

- A strong voice and real control
- Supporting each other
- Safety
- Respect
- Recovery and restoration
- Adjusting to new circumstances
- Stability
- Simplicity
- Professionalism

These have been informed by discussion with stakeholders and debates in the Assembly and elsewhere since *Sustainable Social Services for Wales: A Framework for Action* was published. These sit alongside the evidence of the Independent Commission on Social Services in Wales, the Law Commission's review of adult social care legislation and our Review of Safeguarding. In particular at the close of 2012, we received responses to *Sustainable Social Services* from the Welsh Local Government Association (WLGA) and the Association of Directors of Social Services Cymru (ADSSC); and from the Care Council for Wales and the Care and Social Services Inspectorate Wales (CSSIW). These concerned the crucial contribution they will make to the agenda of transformation. This dialogue has made a substantial contribution to refining our proposals.

Our implementation of *Sustainable Social Service* will not solely be achieved through legislation. We have made a series of strategic decisions, based on the need to stop doing some things and prioritising new things, not imposing an additional layer of activity. The result is a programme of action that is being led and managed by our National Partnership Forum on Social Services

that brings together the senior political figures in Social Services, along with our key partners. The change programme is being delivered through a range of projects. Much of the activity will not require legislation; but for many others, the Social Services and Well-being (Wales) Bill will be central to the transformation we want to see by establishing the core legal framework for Social Services and social care in Wales.

### **Our legislative proposals**

The Social Services and Well-being (Wales) Bill will support the delivery of services in an integrated way to people of all ages, not in separate ways to children and to adults. There will of course be different implications for children, who do not have the same autonomy as most adults, and we have been clear about the particular services they need.

Wales has a distinctive and internationally regarded rights based approach to children's social care. We believe in a rights based approach because children are a relatively powerless group in society. We have put on a statutory basis our long standing commitment to the United Nations Convention on the Rights of the Child, as captured by our 'Seven Core Aims' for children.

Children like adults are not a homogenous group. We therefore define Social Services within the Bill in a way that starts with a commitment to 'people', which is designed to be an active not a passive concept. We will expect local authorities and their statutory partners to maintain and enhance the well-being of people in need, and the Bill provides a definition of them. Social Services can not be sustainable without delivering more early intervention. The Bill therefore requires local government to understand the dimensions and shape of the population in need in their areas, to make this public and to have powers to make arrangements to provide a range of services to meet these needs.

Some people will require an intensive and comprehensive range of services. The Bill makes clear that local authorities have a duty to provide, or arrange to provide social care services and will bring forward a definition of these types of services that will draw on the existing definitions and take account of proposals put forward by the Law Commission in its Review of Adult Social Care Law.

The Bill also seeks to provide individuals with a stronger voice and real control. The starting point is enabling individuals to understand fully how care and support may help them. Our proposals give individuals a right of access to an assessment of their needs and will require those assessments to be carried out in a way that focuses on the outcomes that people themselves are seeking.

The Bill will also give people the right to access information, advice, and assistance in finding out about services. It will enable us to introduce a portable assessment of need and will give Welsh Ministers the powers to establish a national eligibility framework. These measures will drive the creation of a more coherent framework for services and will enable us to improve consistency of access to services.

The Bill will extend the range of services for which people have the right to a direct payment, where that is their wish. It will enable the Welsh Government to extend the rights of carers to an assessment more widely when circumstances permit.

It will also strengthen the complaints procedure and extend the Public Services Ombudsman's powers to consider complaints. Alongside this Bill, we are also

consulting on ways in which we can improve the complaints system. *Sustainable Social Services for Wales: A Framework for Action* and *Together for Health* make it clear that a step change in integrating services, particularly for frail older people with complex needs, is an urgent necessity. The Social Services and Well-being (Wales) Bill therefore extends the duty on Social Services and the NHS to collaborate in the delivery of integrated services, including the expectation of the use of pooled budgets and other flexibilities.

We have been clear about the need for Social Services to have a stronger national direction. Our Bill includes powers to establish a national outcomes framework and to set standards for Social Services; but we also want to be clear about local accountability. The Bill therefore includes a duty on local authorities to appoint a competent Director of Social Services to lead and manage family-focused Social Services. These provisions will include explicit powers to enable authorities to share Directors of Social Services.

Our legislative proposals on safeguarding and protection include provisions for a statutory basis for adult protection, for stronger national direction and to establish clearer links between child and adult protection. We plan to make strategic changes to the regulatory system for social care, including clarifying the responsibilities of employers and the regulator's role in checking financial viability of providers. We need to strengthen our key professionals and build their confidence by being clear about the level of expertise needed in delivering particular services.

Finally, the Bill will simplify arrangements in relation to adoption by placing a duty on the twenty-two Local Authorities to require them to come together to establish a single national adoption service.

#### Step 2 – Which UNCRC rights does the work help to realise or affect?

Our assessment is that the work helps to realise or affects the following rights:

Article 1	Everyone under 18 years of age has all the rights in this Convention.
Article 2	The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.
Article 3	All organisations concerned with children should work towards what is best for each child.
Article 4	Governments should make these rights available to children.
Article 5	Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly. Helping children to understand their rights does not mean pushing them to make choices with consequences that they are too young to handle.
Article 6	All children have the right of life. Governments should ensure that children survive and develop healthily.
Article 9	Children should not be separated from their parents unless it is for their own good, eg, if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.
Article 12	Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.

Article 13	Children have the right to get and share information as long as the information is not damaging to them or others.
Article 14	Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.
Article 16	Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families and their homes.
Article 17	Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.
Article 18	Both parents share responsibility for bringing up their children, and should always consider what is best for the child. Governments should help parents by providing services to support them, especially if both parents work.
Article 19	Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.
Article 20	Children who cannot be looked after by their own family must be looked after properly, by people who respect their religion, culture and language.
Article 21	When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they are born or taken to live in another country.
Article 22	Children who come into a country as refugees should have the same rights as children born in that country.
Article 23	Children who have any kind of disability should have special care and support so that they can lead full and independent lives.
Article 24	Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.
Article 25	Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.
Article 26	The Government should provide extra money for the children of families in need.
Article 27	Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.
Article 28	Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free.
Article 29	Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

Article 30	Minority or indigenous children have the right to learn about and practice their own culture, language and religion. The right to practice one's own culture, language and religion applies to everyone; the Convention here highlights this right in instances where the practices are not shared by the majority of people in the country.
Article 31	All children have a right to relax and play, and to join in a wide range of activities.
Article 33	The Government should provide ways of protecting children from dangerous drugs.
Article 34	The Government should protect children from sexual abuse.
Article 39	Children who have been neglected or abused should receive special help to restore their self respect.
Article 41	If the laws of a particular country protect children better than the articles of the Convention, then those laws should stay.
Article 42	Governments should make the Convention known to adults and children. Adults should help children learn about their rights, too. (See also article 4.)

### Step 3 – Respecting rights and giving greater effect to the UNCRC

Integral within the key aims of the Social Services and Well-being (Wales) Bill will be the focus being in place for children in Wales to help access their rights. Including the regard to **protection, participation** and getting the **right** support to help them reach their full potential in sometimes difficult and complex circumstances.

The well being of those who often require the most help is evidence of a commitment in regard to respecting the articles of the United Nations Convention on the Rights of the Child (UNCRC).

The following section indicates whether the articles identified above are respected or given greater effect by the proposals in the Bill. It also indicates any additional action which could help deliver rights based approaches. It is also a possibility that there may be a contradicting or counterbalance affecting certain rights.

*Article 1 - Everyone under 18 years of age has all the rights in this Convention.*

*Article 2 - The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from*

*Article 3 - All organisations concerned with children should work towards what is best for each child.*

*Article 4 - Governments should make these rights available to children.*

*Article 6 – All children have the right of life. Governments should ensure that children survive and develop healthily.*

*Articles 12 - Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.*



*Articles 17 - Children have the right to reliable information from the mass media. Television, radio and newspapers should provide information that children can understand, and should not promote materials that could harm children.*

*Article 25 - Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.*

*Articles 18, 19, 23, 26, 27, 29, 42*

## **Respected**

The Bill will reform and integrate Social Services law for people and make provision for:

- Improving the well-being outcomes for people who need care and support, and carers who need support;
- Co-ordination and partnership by public authorities with a view to improving the well-being of people;
- Complaints and representations relating to social care and palliative care;
- Local authorities' social service functions and that of Welsh Ministers to intervene in a local authority's exercise of its Social Services functions; and connected purposes.

As part of this analysis and assessment, there is a focus which includes the socio – economic rights of children, defined as including health rights, the rights to housing, food water, education and an adequate standard of living, as well as social security and the rights to work. (Nolan) 2011.

*Article 6 - All children have the right of life. Governments should ensure that children survive and develop healthily.*

*Article 12 - Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.*

*Article 26 - The Government should provide extra money for the children of families in need.*

*Articles 24 - Children have the right to good quality health care and to clean water, nutritious food and a clean environment so that they will stay healthy. Rich countries should help poorer countries achieve this.*

## **Given greater effect**

The Bill clearly looks to support better the well being of *people* within society and this will impact on children who may be disabled and those that are 'young carers' which is a significant step in identifying those often hidden within communities in Wales. This will help them access their rights and avoid potential impact on their right to education and leisure potentially. It is also the case that work has taken place to ascertain views of the stakeholders including children in helping develop the focus of the Bill. The consultation was available in a child and young person friendly version. Organisations will be working on consulting further as the implementation phase develops.

It is important in looking at the Bill to also include the context of the overarching commitments within the Programme for Government. The key aim of tackling poverty has a strong focus on support for children, programmes such as 'Flying Start', 'Families first'; 'Position Communities First' is a key part of the Anti Poverty Action Plan.

Basic health and welfare as a theme of the UNCRC using an inherent rights based approach, focuses on the underlying causes of poverty endeavouring to address the issues in the longer term. Inevitably this can be causal circumstances that require Social Services and well being support.

*Articles 12 - Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.*

*Article 25 - Children who are looked after by their local authority rather than their parents should have their situation reviewed regularly.*

*Article 27 Children have a right to a standard of living that is good enough to meet their physical and mental needs. The Government should help families who cannot afford to provide this.*

*Article 28 Children have a right to an education. Discipline in schools should respect children's human dignity. Primary education should be free.*

*Article 29 Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.*

#### **Potential breaches:**

In terms of the potential of a contradiction or countenance of the UNCRC as part of this assessment, it is the case that the overall focus is on 'people' collectively at the core of the Bill. There might be an analysis that a Bill singularly focused on children could further support a rights based approach?

#### Step 4 – What action could the Welsh Ministers take next?

Ensure further participation activity takes places with marginalised groups of children being included.

Continue providing information that is engaging and meaningful to children and young people.

Ensure cultural and language issues are supported appropriately.

Monitor and analyse the longitudinal impact evidence on children as a result of the changes.

#### Step 5 – Ministerial Decision

This **draft** 'due regard' analysis will be kept as a background document to the Social Services and Well-being (Wales) Bill as evidence that children's rights have been considered in compliance with the **duty as of May 2012 on Welsh Ministers to have due regard to the rights and obligations within the UNCRC and its optional protocols.**

#### Step 6 – Keeping Records

This assessment is stored on the Welsh Government's record system iShare (A3901918)

---

The UNCRC Impact Assessment was published as part of the Explanatory Memorandum and Regulatory Impact Assessment which was laid alongside the Social Services and Well-being (Wales) Bill on 28 January 2013. These documents were determined by the Presiding Officer as complying with the Standing Orders of the National Assembly for Wales. It is replicated below:

### **The United Nations Convention on the Rights of the Child (UNCRC)**

The *Rights of Children and Young People Measure 2011* requires the Welsh Ministers to give due regard to the United Nations Convention on the Rights of the Child in the development of all legislation and policy. The Bill takes forward Wales' distinctive and internationally regarded rights based approach to children's social care. The assessment of the impacts that the Bill will have on children and young people confirms the rights based approach that is taken, reveals that many of the Articles are relevant and those listed below are being dealt with in the Bill:

**Article 1** Everyone under 18 years of age has all the rights in this Convention.

**Article 2** The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.

The rights conferred on children in the Bill apply to all children regardless of any of their characteristics.

**Article 4** Governments should make these rights available to children.

All the sections creating rights for children within the Bill give effect to this obligation.

**Article 5** Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly. Helping children to understand their rights does not mean pushing them to make choices with consequences that they are too young to handle.

Section 4(4) accords with this Article. "Well-being" is a key concept throughout the Bill. The definition of "well-being" in section 3 includes securing rights and entitlements to expressly acknowledge this aspect.

**Article 6** All children have the right of life. Governments should ensure that children survive and develop healthily.

The Bill's creation of a comprehensive framework of general duties for local authorities and other public bodies towards children in their area combined with specific entitlements for individual children or their carers following assessment accords with and supports this right.

### **Article 9**

Children should not be separated from their parents unless it is for their own good, eg, if a parent is mistreating or neglecting a child. Children whose parents have separated have the right to stay in contact with both parents, unless this might hurt the child.

**Article 12** Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.

The Bill (Part 10, Chapter 1) re-enacts the entitlements given to children to make representations about how a local authority discharges its functions under the Act and their right to assistance in making those representations.

**Article 13** Children have the right to get and share information as long as the information is not damaging to them or others.

**Article 14** Children have the right to think and believe what they want and to practise their religion, as long as they are not stopping other people from enjoying their rights. Parents should guide their children on these matters.

**Article 18** Both parents share responsibility for bringing up their children, and should always consider what is best for the child. Governments should help parents by providing services to support them, especially if both parents work. The Bill is open about the type of care and support which may be needed by children and their carers to ensure that there is scope to recognise fully the varied roles which parents may provide in parenting their children.

**Article 19** Governments should ensure that children are properly cared for, and protect them from violence, abuse and neglect by their parents or anyone else who looks after them.

The local authority's general duty under sections 6(2)(d), (e) and (f) give effect to this. The recognition of the broad range of circumstances which may trigger the entitlement to assessment and of the need for children's rights to services to bypass the eligibility criteria where they are at risk all give effect to this. All the provision in Part 6 creating safeguards for children who are looked after and the provision about Safeguarding Boards in Part 7 are relevant to the observance of this right.

**Article 21** When children are adopted the first concern must be what is best for them. The same rules should apply whether the children are adopted in the country where they are born or taken to live in another country.

**Article 22** Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

**Article 23** Children who have any kind of disability should have special care and support so that they can lead full and independent lives.

The needs of disabled children are recognised through the entitlement of carers or disabled children to assessment in their own right and through the availability of Direct Payments instead of services for carers of disabled children and for 16 and 17 year old children who are disabled.

**Article 29** Education should develop each child's personality and talents to the full. It should encourage children to respect their parents, and their own and other cultures.

The education dimension of social care needs is recognised in a number of places – in the definition of well-being, in the specific duty for local authorities to promote the educational achievement of looked after children and in the provision extending the rights of care leavers where they are pursuing educational opportunities.

**Article 30** Minority or indigenous children have the right to learn about and practice their own culture, language and religion. The right to practice one's own culture, language and religion applies to everyone; the Convention here highlights this right in instances where the practices are not shared by the majority of people in the country.

**Article 34** Governments should protect children from sexual abuse.

See Article 19.

**Article 39** Children who have been neglected or abused should receive special help to restore their self respect.

The Bill sets out a comprehensive framework to assess needs and ensure that services are provided to those whose needs are greatest. The Bill provides scope for children who have suffered abuse and neglect to have their particular needs accorded given an appropriate level of priority.

*Note:* where there are references to parents, we consider that their definition can be extended to include the corporate parent, the local authority.

# ssia

Improving Social Care in Wales  
Gwella Gofal Cymdeithasol yng Nghymru

## Access to Care and Wellbeing in Wales Report



## **1 Introduction and Purpose of Report**

This report has been prepared for the Welsh Government by the Social Services Improvement Agency for Wales (SSIA). It is based on the feedback from a series of 8 workshops between October 2012 and January 2013 run by the SSIA supported by the Institute of Public Care (IPC) at Oxford Brookes University. Their purpose was to develop and test out an approach to assessment and eligibility for access to care and wellbeing services which would meet the commitments of the Welsh Government's 'Sustainable Social Services: A Framework for Action'<sup>1</sup>, and inform the proposed 'Social Services and Wellbeing (Wales)' Bill due to be published in late January 2013, and future associated regulations and guidance. The proposed approach was developed at a national workshop for representatives of national agencies and senior managers from local authorities and their partner agencies from across Wales in July 2012.

The workshops allowed the proposed approach to be tested with over 140 local authority and NHS managers, professionals and leaders from across Wales, informed by a number of case scenarios and case studies. The fact that the Welsh Government was willing to explore the proposed approach with those who would be charged to deliver it at such an early formative stage of development was much appreciated. This report draws together the verbal and written feedback, outlines a proposed framework based on this feedback, and considers some of the dependencies and 'wicked issues' which will need to be addressed if it is to be successfully implemented.

## **2 Summary of key points**

- The current approaches to assessment and eligibility for care and support are inconsistent across different parts of the population and ineffective in helping people get the right support at the right time.
- New arrangements are needed which promote greater voice and control for the citizen and a more mature relationship between the individual and those services which promote citizens care and wellbeing.
- This will require a more flexible and responsive approach to assessing people's needs and helping them maintain their independence.
- A general principle should be of consistency of eligibility for all citizens including children and families, people with disabilities and older people.
- The new arrangements should be based on 3 pillars: better access to information and community resources for everyone; proportionate wellbeing support for those who need some help; and a guarantee of managed support for those who need it.
- At a national level eligibility criteria should focus on the advice and guidance that an individual is entitled to call on to help them get the right services to meet their need. It should be up to local professionals to work creatively with individual citizens to secure the services and outcomes they need.

---

<sup>1</sup> Welsh Government, Sustainable Social Services: A Framework for Action. HM Government, 2011.

- There should be 3 levels of eligibility for access to this advice and guidance: firstly wellbeing, whereby any citizen can access a proportionate assessment of the support they might require to meet their wellbeing needs; secondly managed care and support, whereby a local authority assesses that an individual's needs will not be met without help through managed care and support; and thirdly automatic care and support, where the Welsh Government will specify particular people and situations which will require local authorities to offer managed care and support.
- Assessments need to be more individualised and flexible and will need to take account of 3 factors – a person or family's needs or problems, their desired outcomes and their capacity to achieve those outcomes.
- Local authorities and their partners will need to forge new integrated arrangements to undertake proportionate assessment and to develop services which will meet the needs of their citizens in the community.
- This more flexible and responsive approach to meeting citizens needs will require a number of 'wicked issues' to be addressed including changes in professional practice across health, education, social care and wellbeing; better information sharing; more effective commissioning to develop effective wellbeing services; and revised national performance and inspection arrangements.
- Without two key features built in, these arrangements will not be sustainable. First, that earlier contacts with more people to connect them up with help and support must be manageable with a very "light touch" by Councils, largely free of process and bureaucracy. Second, the services which Councils, Health and the third sector support in our communities must all be proven to be best at maximising independence.
- Many local authorities have begun to develop arrangements along these lines already, but the Welsh Government will need to lead a programme of change including informing with public to ensure that the arrangements and their implications are properly implemented and understood across Wales.

### **3 What was considered**

The Welsh Government is clear in 'Sustainable Social Services: A Framework for Action' that it intends to introduce legislation which allows for a national framework to respond to the duty to maintain and enhance the wellbeing of people in need, within which local authorities and their partners can develop their own local arrangements. The framework will give individuals a right of access to an assessment of their needs, and require those assessments to be carried out in a way that focuses on the outcomes that people themselves are seeking. The framework will apply equally to citizens of all ages, and in this context citizen can be taken to mean individuals, families and carers. The best approach to delivering this national framework was explored in the workshops, and participants considered the following in particular:

- The problems in the current system which most need to be addressed.
- The principles which should underpin the new framework.
- The key pillars of the proposed framework.
- Key enablers.



- What the framework will and will not do.
- The implications of the framework for citizens, organisations and staff.
- How access to advice, assessment and services in future would be fair and equitable and ensure citizens have their needs met.
- Key dependencies and wicked issues
- The change management agenda and how the Welsh Government might support it

These issues are considered in more detail in each the following sections.

#### **4 The problems in the current system which most need to be addressed**

There were 3 key problems with the current system which were identified consistently by participants from across children's and adults services. The new framework will need to address all of them:

- Too little early intervention and prevention resulting in citizens of all ages needing too much acute and substitute care. This is partly an unintended consequence of the existing 'FACS' system which places too much emphasis on assessing whether someone qualifies for formal support.
- Too much time, skills and resources going in to over-elaborate assessment activities which do not help citizens address their concerns or achieve desired outcomes.
- Inconsistent approaches to eligibility across different groups of citizens within the population.

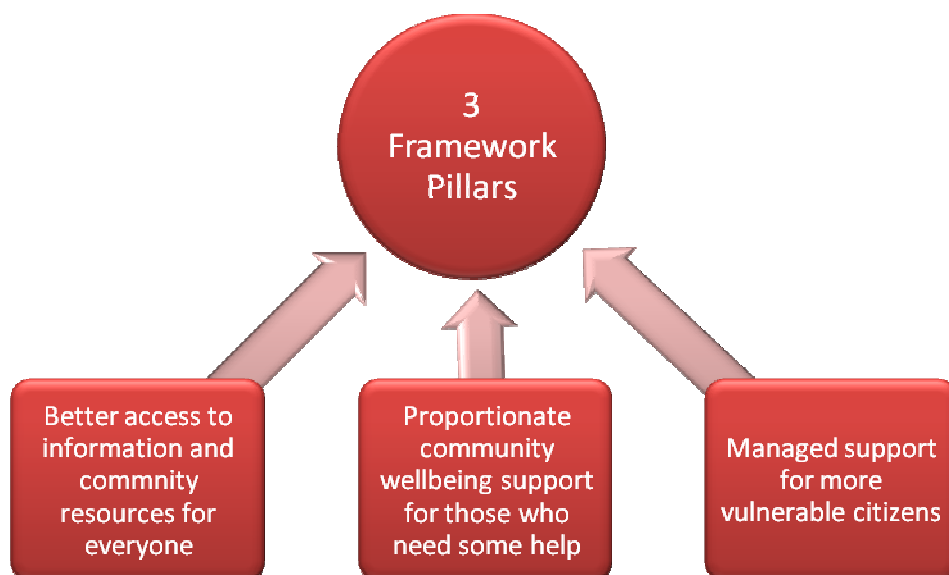
#### **5 The principles which should underpin the new framework**

Participants agreed that the following principles should underpin the new framework:

- Peoples' strengths, ambitions, contribution as citizens, and responsibilities are as important as their needs and rights. In general people are competent and want to manage their own affairs. Unless there is evidence to the contrary, the presumption should be that the citizen remain in control of their own life, and needing some help should not mean being "taken over".
- Assessment and eligibility must be driven by outcomes, both those individually negotiated and those democratically determined.
- Meeting care and wellbeing needs is a collective responsibility of all public agencies and needs to be delivered through effective joined-up services.
- Citizens should have direct access to up-to-date comprehensive information and to informed, respectful conversations at key points when they need advice, support and assistance.
- The vital contribution of broader, evidence-based 'wellbeing services' is central to effective support for all citizens.
- A key element in optimising independence is helping individuals and families to connect to their natural communities.
- The goal of wellbeing support is to extend the range of what is available to all citizens so that fewer citizens need to become reliant on more intensive support. It is not just to reduce access to substitute or acute care.

## 6 The key pillars of the framework

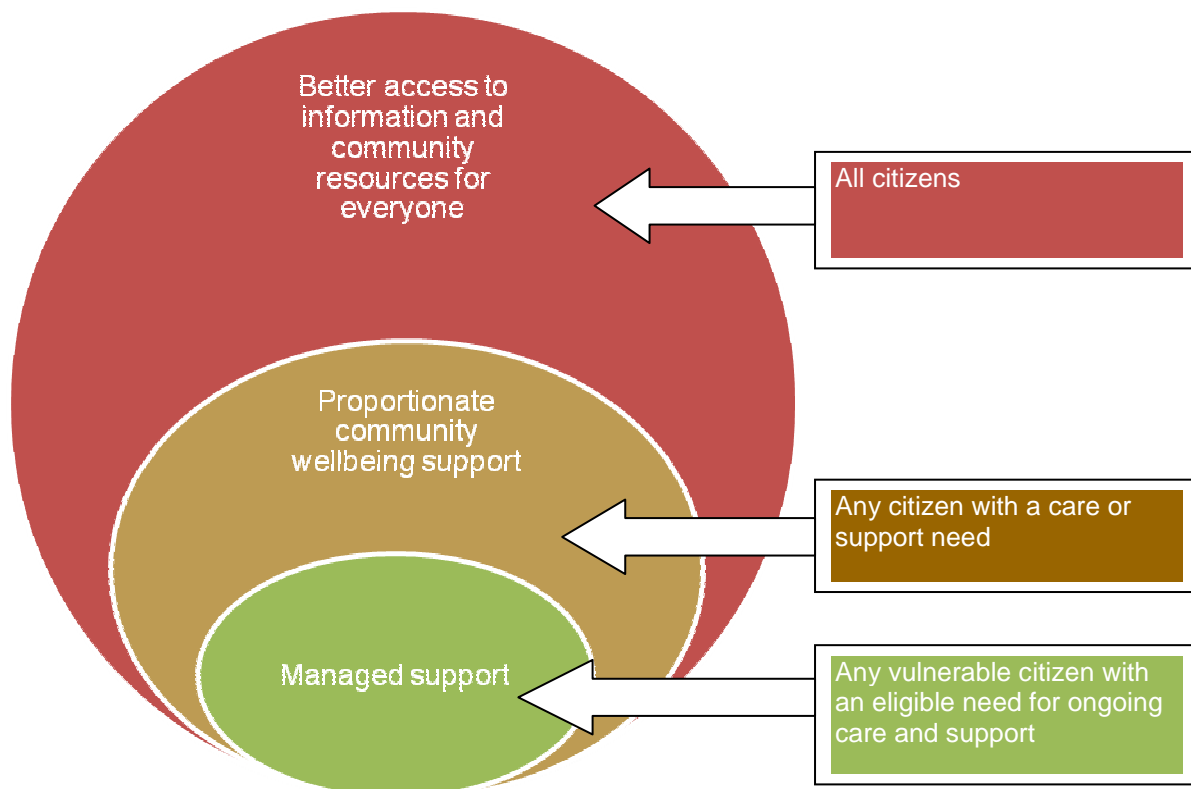
Participants were comfortable that the proposed framework has the potential to address the current problems and support the principles outlined above, with an approach based on 3 key 'pillars':



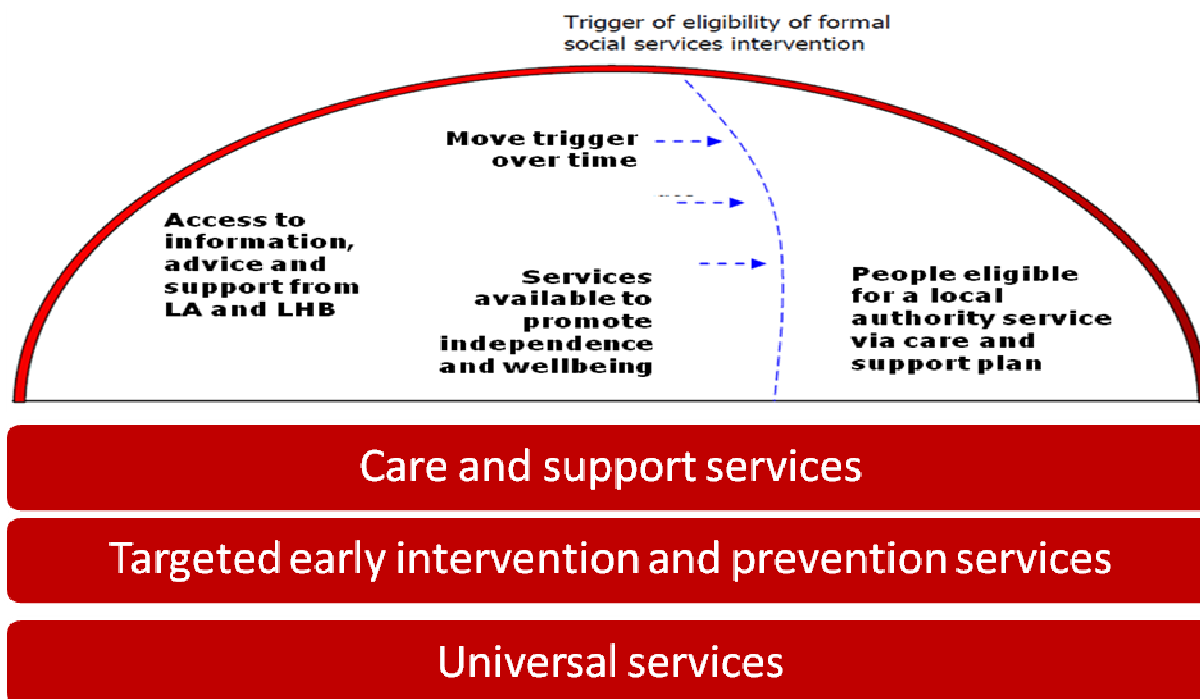
These pillars comprise a combination of:

- **Better access to good information, advice and assistance to engage with resources available in the community.** This will better enable individuals and families to exercise their voice and control and make informed choices about their involvement with their community, and about the support they need to help them live as they wish.
- **A wide spectrum of proportionate community support which citizens who have wellbeing needs can access** to help maximise their independence, live well in their community and achieve their desired outcomes without having to rely on complicated assessments or care packages.
- **Help to the most vulnerable individuals and families with significant or enduring needs to assess those needs and organise and secure the care and support they require.** Those who met relevant criteria by virtue of their vulnerability or need for safeguarding should have the right to a detailed assessment of need, a care and support plan and to ongoing help in ensuring that the plan meets their needs and helps them to achieve their desired outcomes.

Applying these pillars to the population:



Thus within the framework any individual or family with a care or support need will have access to a proportionate assessment and to the right services to meet that need. However, one of the intended effects of the approach is that as a result of more effective services promoting independence and wellbeing, the proportion of individuals or families who cannot get their needs met without more formal care and support plan would be expected to reduce:



## 7 Key enablers for the framework

To ensure that the framework would have the desired impact, participants identified the following duties on the part of the local authority and its partners which would be needed to support it:

- A duty to **provide information to citizens** and to ensure that the highest quality information about community resources is easily accessible so that individuals and families can make best use of it.
- A duty to **develop services to meet needs**. There should be a clear duty on the whole of the local authority and the LHB to understand the health, education, wellbeing and care needs of their local populations, and to develop services to meet these needs and to maximise independence in a fair and equitable way.
- A responsibility on **community and universal services**, including health education, social care, housing and other public services, to respond effectively to the needs of individuals to help maximise their independence and reduce their need to seek a more formal care and support plan.
- A duty to offer a **proportionate assessment** to anyone needing help to promote their wellbeing. Any individual or family with a need, no matter how small, should have the right to be assessed on the basis of that need. The assessment involved should be proportionate to the request. It should be up to the local authority and health services and partners to determine who should undertake such assessments and what they would look like, but this should not preclude professionals undertaking these assessments on behalf of other professional colleagues.
- A duty, where a citizen is eligible, to provide **ongoing help in securing, managing and reviewing the care and support they need in a care and support plan**. Participants proposed that the Welsh Government should define eligibility in general terms such as “the citizen is unable to manage and meet their own care and support needs and achieve defined outcomes without the Council managing a care and support plan with them”. The national framework should name specific examples of groups who would automatically meet the criteria. It would then be the responsibility of local partners to develop specific local criteria within that context.
- A duty to **share information** about needs and services in the care and support plan with other local authorities if the person moves home. This will help to promote universal expectations across Wales, not of the services that the citizen will get (which will inevitably vary across the country depending on local resources and populations) but of the nature of the helping response.

## 8 What the framework will and will not do

Participants were clear that the framework will focus on the way in which local authorities and their partners interact with citizens, and that it will promote a more supportive, outcomes-based approach. However it will not prescribe nationally how local authorities and their partners will respond in any given situation. In particular:

- It will provide assurance that any person or family with a care or support need will have access to a proportionate assessment to help them work out how to address it.
- *It will not guarantee automatic access to a specific service.*
- It will encourage professionals to take a more creative approach when trying to help a person or a family address a need or problem based on the outcomes they want.
- *It will not dictate the services which professionals or agencies must provide to meet any assessed need.*
- It will encourage local authorities and their partners to develop community based services to meet the needs of the local population earlier and with less bureaucracy.
- *It will not guarantee that any one specific service will always be available to meet an individual's wishes.*
- It will require local authorities to be clear about the criteria they use to decide if a person or a family has an eligible need for ongoing managed care and support.
- *It will not eradicate the need for individual services to have their own access criteria (for example, blue badges, eye test, day care support).*
- It will require local authorities to make managed care and support assessment and plans portable, so that it can inform the response of another authority if a citizen moves.
- *It will not guarantee that care and support services provided in one authority will be replicated if a person or family moves to another.*

## 9 The implications of the framework for citizens, organisations and staff

There was agreement amongst participants that the framework represented the right direction of travel, and indeed was very much in line with where many authorities and their partners were moving. Nevertheless it was also clear that there are very significant implications for all stakeholders:

Stakeholders	Implications
Individuals and families	<ul style="list-style-type: none"> <li>• You will be encouraged to make best use of community information and resources to help you to maintain your health, promote your wellbeing and successful growth and development.</li> </ul>
Individuals and families with an eligible need for ongoing care and support	<ul style="list-style-type: none"> <li>• You will be encouraged to use community resources to minimise the impact of health, wellbeing or development problems, and to enhance your level of independence.</li> <li>• You will be encouraged to play an active role in assessing your own needs, controlling your care and support, and in living as independently possible.</li> </ul>
Health, education, care and wellbeing professionals	<ul style="list-style-type: none"> <li>• You will need to make professional judgement about the type of assessment best suited to the situation of a particular citizen and their family.</li> </ul>

Stakeholders	Implications
	<ul style="list-style-type: none"> <li>• You will need to develop skills in outcome based assessment and planning with individuals families and carers.</li> <li>• You will need to undertake needs assessments for more vulnerable citizens without the use of nationally determined FACS criteria.</li> </ul>
Local authorities LHBs and other partners	<ul style="list-style-type: none"> <li>• You will need to work together to make a shared vision of integrated seamless services a reality for citizens.</li> <li>• You will need to work together to improve the quality of intelligence on population needs and services.</li> <li>• You will need to provide more responsive information and advice services.</li> <li>• You will need to work together to identify and target those in greatest need where early or timely intervention can make the most positive impact.</li> <li>• You will need to build better arrangements for undertaking proportionate assessments, sharing information and reducing complicated assessments.</li> <li>• You will need to build better arrangements for providing individuals and families with real voice and control over their care where possible.</li> <li>• You will need to focus developments on services which offer proportionate community-based well-being support and help to avoid acute or substitute family care.</li> <li>• You will need to develop local criteria and guidance which describe the circumstances when someone is eligible for managed care and support.</li> </ul>
National improvement and inspection bodies	<ul style="list-style-type: none"> <li>• You will need to introduce new skills required of professionals working in health, education, wellbeing and social care.</li> <li>• You will need to support new forms of training and skills development.</li> <li>• You will need to develop performance management frameworks which look at the whole system of care and wellbeing.</li> <li>• You will need to develop proportionate integrated inspection arrangements which understand the inter-related nature of care and wellbeing services.</li> </ul>
Welsh Government	<ul style="list-style-type: none"> <li>• You will need to show strong leadership in elucidating the policy, ensuring a coherent national framework, and ensuring that citizens across Wales are clear about their rights and responsibilities.</li> </ul>

**10 How access to advice, assessment and services in future would be fair and equitable and ensure citizens have their needs met.**

The new approach to eligibility is summarised in the following national framework:

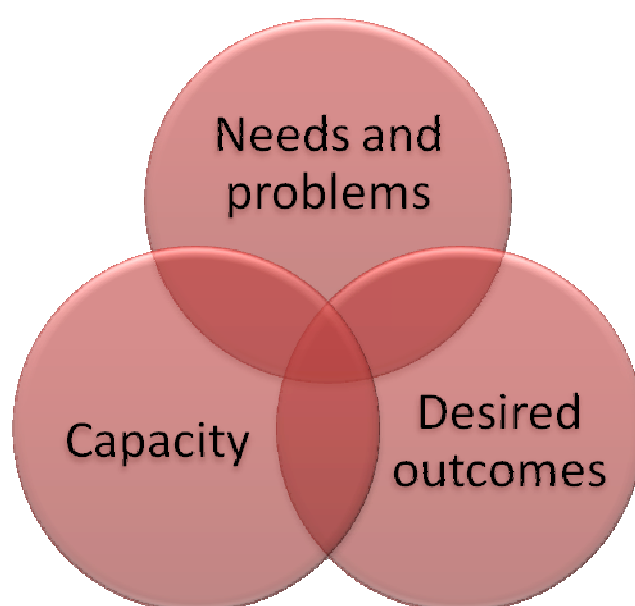
Eligibility level	Eligibility for..	Criteria	Access to services
Wellbeing	A proportionate wellbeing assessment, advice and help to access services	A citizen believes that they might need help to improve their wellbeing.	Individual services each have their own access and charging criteria which the citizen will be helped to deal with in the assessment.
Care and support	A managed care and support plan or direct payments	The local authority assesses that a citizen is unable to meet their own care and support needs and achieve defined outcomes without the local authority managing a care and support plan with them.	Individual services each have their own access and charging criteria which the citizen will be helped to deal with in the assessment and care and support plan.
Automatic care and support	A managed care and support plan	Children or adults at risk of significant harm. Looked after children and care leavers. A duty specified by a court order. A situation where an individual lacks mental capacity and has no alternative support.	Individual services each have their own access and charging criteria which the citizen will be helped to deal with in the assessment and the care and support plan.

In the framework any individual or family who believes they may need to help to improve their wellbeing will have access to a proportionate assessment. It will be up to the local authority and its partners to ensure that assessment arrangements are appropriate, and the Welsh Government will want to ensure, through inspection, that these arrangements are effective.

For citizens with greater care and support needs, as described above, a key enabling element of the Framework is to publish clear criteria specifying the conditions whereby a citizen would be eligible for ongoing help in securing, managing and reviewing the care and support they need in a care and support plan. It would also specify the conditions whereby it would need to act on behalf of a citizen, even if they were not directly requested by the person involved, such as in child or adult protection.

Participants proposed that these criteria should be developed by local authorities within an overarching framework set by the Welsh Government that managed care and support should be available where the local authority assesses that **“the citizen is unable to meet their own care and support needs and achieve defined outcomes without the Council managing a care and support plan with them”**. This would enable authorities to respond effectively to local needs within a nationally consistent framework.

Participants also proposed that the local authority should have a duty of care to ensure that a proper judgement is made about the level of support which is needed for an individual, and specifically whether they needed to instigate the ongoing management of a care and support plan. This would need to be based on an analysis, in the assessment, of 3 key factors:



- So, for example, an older person with very severe dementia (need/problem), but who’s daughter’s family is happy and able to support them safely and comfortably at home (capacity) but who need occasional respite support (desired outcomes) might have their needs met through support from a local voluntary organisation, and not need an ongoing package of care. On the other hand, an older person with less severe dementia (need), but living on their own and finding it impossible to cope (capacity), might need an intensive package of residential and respite support for them to be happy and comfortable (outcome).
- Similarly, for example, young parents with financial problems finding it difficult to care for their disabled daughter safely (need/problem) but who are closely attached and caring (capacity) and want her to remain at home with them (desired outcomes) might have their needs met through one-off advice and provision of equipment and not need an ongoing package of care. On the other hand, parents who are financially secure but a teacher refers because they appear to be neglecting the development of their son (need / problem), and do not appear to have the necessary parenting skills to support him (capacity) even though he does want to remain with them (desired outcomes), might need a safeguarding approach leading to an intensive managed family support intervention.



Participants identified a number of situations within the wider population of people eligible for care and support, where the Welsh Government should require that the criteria for managed care and support are automatically met, including:

- Children or adults at risk of significant harm
- Looked after children and care-leavers
- Situations where the local authority has duties under a Court order
- Situations where an individual lacks the necessary mental capacity and has no family or other support available.

Individual authorities may wish to identify and publish local information about additional situations where they would provide automatic managed care and support.

Having a straightforward national framework such as that described above does not mean that local authorities would be expected inevitably to abandon current arrangements for ensuring that citizens have appropriate access to care and wellbeing support. So it will be up to individual authorities and their partners (including regional partners where appropriate) to draw on national guidance and legislation to make the judgement about whether and how to use, for example:

- Common assessment framework and joint assessment framework arrangements for families.
- Team around the child arrangements.
- Local resource and allocation panels.
- Child safeguarding and case conference arrangements.
- Adult safeguarding and case conference arrangements.
- Arrangements for assessing and meeting education needs.
- Housing allocation arrangements.
- Mental health assessment arrangements.

## 11 Key dependencies and ‘wicked issues’

During the workshops a number of issues arose which participants felt were important to resolve to successfully implement the new framework. They included:

<p>Information sharing and data management</p>	<ul style="list-style-type: none"> <li>• A need to develop information sharing protocols and find better technical solutions to the electronic transfer of information between health and local authorities and between the statutory and other sectors. Frontline staff need to be able to transfer information quickly and securely to develop effective assessments and support plans.</li> <li>• A need to ensure that performance and management information requirements are proportionate and that unnecessary burdens do not add to the bureaucracy of assessments.</li> <li>• There was a strong view that a web portal, holding all the information about benefits, services, networks and links was essential to this new approach. Agencies and citizens could co-produce “pathways” together using that site, even though remotely. It would need to contain very local information about all sectors as well as information about statutory services.</li> <li>• A need to ensure that frontline staff understand the policies and procedures for sharing information about individuals and that the appropriate information sharing protocols are in place. The development of exemplar templates to guide local practice may help.</li> </ul>
<p>Professional practice</p>	<ul style="list-style-type: none"> <li>• There are very significant implications for universal and primary care professionals - to undertake appropriate assessments and to know about sources of information and how to access them to advise citizens</li> <li>• A need to ensure that each agency and professional understand their roles and contributions in the continuum of care to avoid unnecessary escalation towards social services involvement.</li> <li>• A need to ensure that appropriate mechanisms are in place so that the most appropriate professionals are available to support those groups of people who sometimes fall between agency boundaries e.g. people with a personality disorders. Professional engagement should be determined by appropriate skills and knowledge.</li> <li>• A need to ensure that guidance achieves the right balance between proportionate assessments and risk management. At present assessments may become disproportionate because professionals are worried about professional liability and blame.</li> <li>• A need to ensure that assessments are not passive episodes but part of the intervention process.</li> <li>• A need to ensure that all managers and practitioners among people</li> </ul>

	<p>involved in assessment &amp; support planning, commissioning and service provision understand and are able to work towards achieving outcomes.</p>
Commissioning and service development	<ul style="list-style-type: none"> <li>• A need to ensure effective joint commissioning and mature market facilitation to secure an effective continuum of services to respond to needs. LHB and local authority commissioners will need to work with providers to facilitate the development of services that can respond to the needs of the community including self funders.</li> <li>• A need to ensure that appropriate mechanisms are place to monitor the changing needs of users of ongoing service provision (e.g. those people receiving ongoing home care or residential care provision) and the quality of services, perhaps combining some of the functions of care management and contract compliance constructively with providers.</li> <li>• A need for a wider range of independence-promoting services to be developed in our communities. It was felt that it would be dangerous to make an assumption that this was inevitable, given what is clear about public spending constraints over the next several years.</li> </ul>
Opportunities for integrated services	<ul style="list-style-type: none"> <li>• Together for Health - The messages in this paper are similar to those conveyed in 'Together for Health' which is encouraging in terms of the opportunity for engaging colleagues in local health boards. There is however a strong divergence in terms of language. More work will have to be undertaken in relation to language and terminology to convey a consistent message about the change of approach and culture.</li> <li>• The current language with its use of words such as 'assessment' 'eligibility' 'entitlement' tends to assume that people become passive recipients of care services rather than active participants and choice makers – rethinking is needed.</li> </ul>
A clear care and support pathway	<ul style="list-style-type: none"> <li>• Where is the front-door of advice and assistance to well-being best located, and who should "own it"? Whilst all agreed that social services input to its design, management and operation would be critical, many felt that it would be better seen as a corporate function of Councils and Health, and not narrowly a Social Services function.</li> <li>• Key role of universal and community professionals to address needs of people early, share information and not expect to draw families and individuals in too early was identified by participants.</li> <li>• A need to consider who will be expected to do the proportionate assessment - local arrangements and depends on if specialists are in place but general rule about expecting more assessments to be done by community professionals.</li> <li>• A need to ensure that future arrangements promote and support the further implementation and development of direct payments</li> </ul>

	<p>and citizen –directed support across Wales.</p> <ul style="list-style-type: none"> <li>• A need to ensure that the emphasis on voice and control for the citizen does not undermine the importance of the safeguarding role of professionals in the community, and therefore the need to emphasise the importance of professionals balancing these responsibilities effectively.</li> </ul>
<p>Inspection and Monitoring</p>	<ul style="list-style-type: none"> <li>• A need to support the changes in style and approach through the redesign of inspection arrangements and national performance requirements – particularly to recognise the whole system nature of effective response to the citizen.</li> <li>• Some people favoured some new specific tests against which the draft legislation could be measured. Ideas included: - fairness, transparency, sustainable within available resources, maximise citizen’s independence, protect and meet the needs of the most at risk, proportionate.</li> </ul>

These issues will need to be addressed in the period of change and development which will commence upon publication of the Social Care and Wellbeing (Wales) Bill and will continue throughout the period to Royal Assent and the implementation period thereafter – a period of at least 3 years.

It is worth noting in addition that many participants suggested that that the current £50 limit on maximum contributions towards home care costs is drawing people into dependency on formal social care, contrary to the spirit and intent of this new approach.

## 12 A national change management agenda

In summary, participants were clear that there was a significant “hearts and minds” battle to be won over the next few years, to encourage greater voice and control for citizens, and a clearer expectation that individuals and families should play the primary role in promoting better health, development and wellbeing. Some of the key elements of the national change management agenda will need to be:

### 12.1 Changing public perceptions

It was proposed that change must be whole-system wide. AMs, senior NHS managers, LHBs, GPs, leading Councillors, and Corporate Managers in Councils will all have a vital part to play in this. The Inspectorates, in turn, must sign-up to all the implications of the approach and reflect it in its judgements. Consideration will need to be given to a “public education” approach, and a proper balance struck between empowering service users and safeguarding those who are vulnerable. Perhaps most important is consistency of messages throughout the systems.

## 12.2 Changing professional practice

All agencies will need to recognise that the first engagement/conversation with a helping agency around an emerging issue will set the tone for everything that follows after. So the behaviours, knowledge-base, attitudes, skills at the first point of contact will be vital. Councils and their partners might design their first points of contact differently, but these things will be vital everywhere.

It would be a mistake to see the focus around change as being simply “retraining”. It is, in effect, about looking afresh at the skills, behaviours, knowledge-base, systems, and attitudes needed at the key journey points. Some called it “re-modelling the workforce”. An approach which focuses on helping people to identify the outcomes they want to achieve and the strategies and assistance which will achieve them was seen as central. Skills in engagement, and positive practical help such as motivational interviewing were seen as a new priority. Very important was the confidence to offer only as much help as each individual needs, and not feel the need to go through an exhaustive and uniform process, defensively, each time.

## 12.3 Changing systems

Reducing form filling where possible was seen as crucial although prompts, scripts, and algorithms were seen as providing structured support for good practice. For example, participants often referred to the “triangle” of fields which is the core of assessment with children and families. They found that simple structure extremely helpful (and thought it to be transferrable to adult services with only minor “tweaking”), but the many pages of forms which were developed to amplify it quite the reverse. Essentially, participants want tools, formats and processes which will support good practice and sound judgement, but they do not want to be constrained by over-complex process or burdened by “fail-safe” bureaucracy. Participants proposed that agencies must build competence and confidence in the workforce, encouraging professional judgement and accountability, and keep process to a very “light-touch” - a description used again and again.

Participants proposed that a whole new approach to recording is needed, which is proportionate to the different levels of engagement. So, for example, a one-stop-shop advice line may use a customer relationship management system, capturing basic data live on line, rather than an open case-record. But a formal case-recording approach would be vital once the Council takes responsibility for care-management. It was also noted that this approach would allow for evaluative methods to be introduced at key points. Simple follow-up around the quality of the experience and how far outcomes were achieved could be built in. There was interest in using this re-design opportunity to move decisively towards open-recording. Conversations with advisers at the “well-being” stage might be best captured in a simple letter (the “support agreement”), setting out the bones of the engagement and what was agreed. No other record would be needed.

#### **12.4 Changing the language**

Finally it was clear that a new and common language across agencies, professions and the public was needed to help to establish these new expectations, and this will need to be a key focus in changing not just the mechanics but the style of interaction between the citizen and the state in future.

#### **12.5 A change management approach**

This agenda will clearly be addressed by the Welsh Government in partnership with national bodies over the next period, and participants did not explore details of how the change management agenda might best be managed. However, there were a number of general points made consistently about the preferred approach:

- Recognise that many local authorities and their partners are already exploring many of the approaches described in this document.
- Consider the national agenda in terms of a public 'campaign' to engage with citizens and to help people understand how the new framework can help to support stronger local communities and responsive care services.
- Ensure that all key national agencies are clear about the implications of the change agenda and work cohesively within a single national programme for change.
- At a national level provide sufficient frameworks to allow local partners to design arrangements which will work for their localities, areas and regions, but avoid over-specifying requirements and practices. Use milestones and regular inspections to ensure that local partners are delivering the changes required.
- Use the existing national infrastructure of agencies and organisations to co-ordinate the change management agenda and drive it forward.
- Use a national learning approach to ensure that authorities and their partners can trial, test and evaluate and share emerging good practice.

**Social Services Improvement Agency**  
**March 2013**