



GIG  
CYMRU  
NHS  
WALES

Bwrdd Iechyd  
Cwm Taf  
Health Board

Your ref/eich cyf:

Our ref/ein cyf:

Date/Dyddiad:

Tel/ffôn:

Fax/ffacs:

Email/e-bost:

Dept/adran:

C\_127

12 March 2013

01443 744835

[Claire.northwell2@wales.nhs.uk](mailto:Claire.northwell2@wales.nhs.uk)

Corporate Services

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

Response from Cwm Taf Health Board

*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.*

Whilst the importance of improving wellbeing is increasingly being recognised by both Local Authorities and partners, it is still a relatively new concept in terms of service priority and delivery. Bringing together partner duties and functions into a single Act is therefore helpful to clarify what is required and fully exploit the potential.

The inclusion of the term in the title for the Bill (which originally only referred to Social Services) is helpful but the title still gives the impression that it relates only to Social Services. It will not be possible for any one agency alone, either in the statutory or third sector, to maintain and enhance the wellbeing of people in need. This will need contributions from many organisations as well as communities themselves and therefore the duty does need to relate to all parts of the LA and other statutory partners including the NHS.

*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.*

The Bill does address the objectives of addressing wellbeing, prevention and early intervention, promoting a stronger voice and control for people in need and simplifying and clarifying duties alongside the development of nationally consistent systems. However whether it will deliver the objectives is difficult to assess given that there is still much detailed work to be done including the development of the national eligibility framework, the outcomes framework, Codes of Practice etc. Even then, whilst legislation can provide the statutory framework, the success of implementation will depend on local leadership and drive to deliver, as well as the scale of the changes required and the complexities of addressing barriers, including financial risks.

Given the challenges currently facing all public services in Wales, it is felt that the Bill misses a key opportunity to give a strong enough direction ensuring

that all public services work effectively together, particularly, but not exclusively, health and social care. The delivery of effective integrated services and collaborative arrangements will be key to ensuring health, social care and other Local Authority services such as housing and education are fit for purpose. Wider partners will also have a key role to play.

It could be argued that the opportunity has been missed to develop a joint Health and Social Services Bill, as the majority of areas for change interface with health services and would add further weight to Setting the Direction and Together for Health. Given we have a Minister for Health and Social Services; there should be more integrated policy and legislation.

Whilst it is recognised that sections 147 -150 do give Minister powers to make regulations specifying partnership and integration arrangements etc, it is still unclear under what circumstances this might be done and which service areas they might relate to – would this lead to a nationally prescribed approach or would there still be local flexibility to meet local needs that will differ across Wales?

Whilst there remains strong commitment locally to working together to drive forward change in Cwm Taf with our partners, the view is that although the Bill does not hinder this approach, neither does it necessarily provide a sufficient level of active or dynamic assistance.

*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.*

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

In response to questions 3 and 4, whilst recognising that all public sector bodies need to change to meet needs more effectively and ensure the delivery of high quality, sustainable services, the Bill on its own will not ensure this is achieved.

Given the scope of the Bill and the number of proposed changes, there will be a range of implications for social services, for example the number of people who potentially will need to be supported to improve their wellbeing compared with the much smaller number of people with higher levels of assessed need. Local Authority colleagues will be able to provide a more detailed response of how the Bill will change their existing provision, the impact and how far changes will assist in sustainability. Resource implications in terms of workforce and finance will remain key factors and the Explanatory Memorandum makes it clear that it is not yet possible to fully assess all of these issues.

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

Despite existing legislation and policy drivers, progress with many aspects included in the Bill, including a focus on wellbeing and prevention, more

effective collaboration and integration, pooled budgets etc, has been variable and there needs to be a better understanding of the reasons for this including financial, legal, governance and employment regulations that can be barriers. The Bill does not address these in any detail.

The additional clarity and action of simplifying and streamlining arrangements including a single set of powers will be helpful to ensure consistency and a national standard. However national guidance and parameters must not stifle local initiatives and flexibility where appropriate but provide a constructive framework. The overall objective of strengthening partnership working and keeping the citizen at the centre of service delivery must guide the arrangements, keeping them less onerous and bureaucratic.

There is reference in the Explanatory Memorandum to financial implications and training requirements for social services but these will be considerable challenges. No account seems to have been made of the requirements of partners in this regard.

*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.*

No comments

*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)?*

No comments

*8. What are your views on the financial implications of the Bill?*

Concern remains about the financial implications of the Bill on all partners and the need to consider how all public service resources are used. Different organisational arrangements and different approaches to commissioning, purchasing and providing services can make working together and the flexible use of resources more difficult.

Given the proposed requirements (eg to undertake a local need assessment, encourage integrated provision of services and provide information and advice etc) there will be a need for a clear lead partner and recognition that it could take some time before additional costs are mitigated. Costs saved for some agencies (e.g. if preventative measures mean fewer intensive services are needed) can lead to additional cost pressures on another. We recognise the importance of investment in the preventative agenda to reduce costs in targeted services, however it is unlikely that the Bill will be cost neutral. Resources may need to be invested differently within and between agencies to avoid additional pressures being felt disproportionately.

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

No comments.

Health and Social Care Committee  
Social Services and Well-being (Wales) Bill  
SSW 7 - Cwm Taf Local Health Board

There is reference on page 8 of the Explanatory Memorandum to Health  
Social Care and Wellbeing Strategies - these will be replaced from April  
2013 by Single Integrated Plans.