

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

A consultation response from Cymorth Cymru

15/03/2013

Cymorth Cymru is the umbrella body for organisations working with vulnerable people in Wales. Our members work to assist people who are vulnerable, isolated or experiencing housing crisis, including:

- people who are homeless, or at risk of homelessness
- families fleeing domestic abuse
- people dealing with mental or physical health problems, or learning disabilities
- people with alcohol or drug problems
- refugees and people seeking asylum
- care leavers and other vulnerable young people, and
- older people in need of support
- offenders and those at risk of offending

This list isn't exhaustive, and individuals may often face a range of challenges that make it difficult for them to find or maintain a stable home and build the sort of lives we all aspire to.

Cymorth Cymru's members help people address these issues, supporting them to fulfil their potential and build happy and fulfilling lives. Our members work across policy areas – including Community Justice, Social Services and Health etc – with the shared recognition of the key role that housing plays in promoting wellbeing.

We have three overarching objectives:

- To improve the links between policy and practice by ensuring that those working in frontline service delivery understand and are influenced by the wider policy context, and those working in policy development understand and are influenced by the experiences and knowledge of those working on the ground.
- To ensure that the sector maximises its contribution to the lives of citizens and the communities in which they live by helping to build and develop the sector's capacity and professionalism.
- To increase public understanding and support for the sector and the work it does in helping people build the lives they aspire to within the community.

Introduction

Cymorth Cymru welcomes this opportunity to respond to this important consultation on setting out the new legislative framework to deliver sustainable social services in Wales. As the representative body for organisations working with vulnerable people, our members deliver support and care services to a wide range of client groups across Wales – helping them to achieve their full potential and lead the kind of lives that we all aspire to. Our members span a number of policy areas – work across housing, health, social services and community justice for example to effectively support vulnerable people. They are uniquely positioned, in many respects, as they interact with the majority of the partners that this Bill anticipates bringing closer together. Given this, we hope that Cymorth Cymru and our members will be able to offer advice and assistance in the shaping and delivery of this Bill going forward.

The Social Services and Well-being (Wales) Bill will put prevention at the core of service delivery, creating transformational change to the way in which people are enabled to access support and care services. The Supporting People Programme is a driving force behind prevention services and coupled with its new delivery structure which has collaboration and co design at its core, it should be seen as a real ally in delivering the transformational change sought by the implementation of this Bill.

Our members are often required to work with both social services and supporting people departments when delivering a service to an individual, so there would seem to be a natural alignment between the two policy areas. However, in reality this is often not the case. Ensuring true partnership working would be greatly welcomed and it has the potential to deliver real change. This will require a cultural change from all stakeholders but Welsh Government has a vital role to play through ensuring join up in Government policies. This is no more evident than in the development of the Supporting People Outcomes Framework and the Social Services Outcomes Framework. It is important to ensure that both frameworks are compatible as it would be counterproductive for support and care provider to be required to report on two different outcomes frameworks for one individual. We also need to ensure that this Bill enables the delivery of the vision set out in the Welsh Government's *Framework for Action on Independent Living*.

Our members deliver services that enable people to maximise their independence and contribute positively towards their community however it is currently the case that information about the range of service available is often not communicated to people, resulting in individuals receiving a service that does not meet their needs. Given that this Bill will revolutionise the way in which individuals are given

information, advice and assistance, we hope that people will be offered a wide range of services that are appropriate for them that fully meet their needs.

Ensuring a holistic approach to maintaining and enhancing wellbeing is a key element of this Bill and one which we fully endorse. Suitable accommodation provides a foundation for building the kind of life that we all aspire to and without it, it is near impossible for an individual to achieve the definition of wellbeing as set out in this consultation document. As such, we need to continue to ensure that this Bill complement the proposals made in *Home for Wales: A White Paper for Better Lives and Communities* and the subsequent Housing (Wales) Bill. It is key that all partners take a shared responsibility and understand their role in achieving the vision set out in this Bill will take a great deal of effort as changing culture will not happen overnight. However, it is a goal worth tenaciously perusing as it has the potential to deliver greater consistency and better quality services for the people of Wales.

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 are pleased to see the Welsh Government's vision as set out in *Sustainable Social Services for Wales: A Framework for Action* of creating a more sustainable way of meeting the challenges faced by Social Services in Wales come to fruition in this Bill. We know that we have growing demand for services and that need is changing with an increasing number of people with complex care and support needs, making the need for a transformation of social services irrefutable.

Given that the not-for-profit sector has always worked across health and social care, better integration between social services and local authorities and the NHS proposed by the Bill is welcomed. It is vital that this legislation ensures that resources are used in a more joined up way in order to make better use of existing capacity.

There is currently a number of different regional agendas being promoted by various parts of Welsh Government, including the regional mental health schemes (which involve local authorities within the same health board region), the regions set out by the Supporting People Programme, the education consortia and the city regions being developed for economic development purposes. Given this overlap in regional approaches, we see a real need for the Bill to bring together partners, duties and functions but also a cross Government approach to regionalism.

We have already made significant headway towards imbedding collaboration and coproduction through the new governance structure of the Supporting People Programme. The Programme brings together the key partners such as housing, health, social services and community justice to ensure the effective delivery of the Supporting People Programme. Although still in the early stages of working in this new way, we are already being to see real progress in term of cross-sector working.

It is clear that in order to produce the required shift, there is a need for closer collaboration on multiple levels. It is encouraging to note that the Bill seeks to firm up how duties and functions that already exist between local authorities and their partners can further complement each other to provide greater outcomes for the wellbeing of individuals.

Cymorth Cymru would be happy to work with the Welsh Government to highlight the benefits associated with making closer links between housing, health and social care at both a strategic and operational level.

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.

This Bill will place new duties on local authorities to promote social enterprises, cooperatives and third sector delivery of care as new models of service delivery. Whilst this is a move to be welcomed, we are already seeing throughout our membership a greater prevalence of care services delivered by not for profit care providers in Wales, who will ensure services are high quality, cost effective and user led delivery. To support this, Cymorth Cymru is taking forward work to provide a representative voice for not for profit care providers in Wales and we aim to press ahead with this throughout the year. For more details on this area of work, please contact [Mike Vigar](#) at Cymorth Cymru on 02920 553 687.

We are encouraged to see the commitment to better information, advice and assistance made in the White Paper reflected in this Bill. However, we feel that the Bill need to go further in relation to assistance and that stating that local authorities must assist people in accessing/securing care and support information in certain case is not robust enough. Ensuring the consistency and quality of information and advice is an area of great importance for our members and the vulnerable people. Yet advice and information are only ever of value when a person is able to act on it. As such, we fear that more vulnerable people may not benefit from efforts to improve consistency and quality of advice. We suggest that this Bill takes a similar approach the Housing White Paper which proposed that a support needs assessment is routinely carried out to ensure that the needs of people needing support are met.

This assessment of support needs at the first point of contact is different to the assessment detailed in the Bill under 'Individual right to assessment' and should be seen as an addition to this. As with any assessment of support needs, it is essential that it is conducted by a person skilled in support needs assessments. We feel that it is important to also include 'advocacy' within the drive to establish better advice, information and assistance as it is an important but independent element which complements information and advice. However, it is currently missing from this Bill.

It is encouraging to note that LAs will have the power to meet care and support needs without referring to the eligibility criteria. We believe that this will ensure that those who are in crisis and require care and support services as a matter of urgency will not be delayed by a need to receive an assessment relating to their suitability in accordance with the eligibility criteria. We also support the move to create portable care and support plans and feel that it will help ensure greater flexibility for those in receipt of care services. We would question why this is not the case for the care and support plans relating to

carers also as we fear that this could cause unintended complications or delays when a person wishes to move to another LA area.

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.*

Given that the driver behind the creation of the Social Services (Wales) Bill is the need to respond to the changing demography and with in increasing complexity of need, it is paramount that this Bill delivers a sustainable change to the delivery of social services in Wales. In order to do this, it is essential that Welsh Government and local authorities become more sophisticated at predicting future need and trends. As such, we need to better understand the characteristics of the current population in order to more accurately forecast and plan for future services.

We feel that this point is vital if this Bill is to deliver the long lasting change that is needed in Wales.

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

No comments.

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

We endorse the comments made by Disability Wales and the networks and organisation represented their response.

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?*

As previously stated, we welcome the duty placed on local authorities to promote cooperative, social enterprise and third sector delivery of care services. Given the current market domination by private sector care delivers, we feel that this duty will help ensure a more mixed market of care provision, with a greater proportion of not-for-profit providers who ensure services are based on quality, cost-effectiveness and that surplus is reinvested back into supporting the individuals that need it. Further details on the added benefits of not-for-profit care delivery can be found in our response to the Health

and Social Care Committee's inquiry into residential care¹. As previously stated, we are leading on work to represent, inform and support not for profit care providers in Wales.

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

No further comments.

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¹ <http://www.senedd.assemblywales.org/documents/s4560/Consultation%20response%20RC%2065%20-%20Cymorth%20Cymru.pdf>