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15<sup>th</sup> March 2013

Chair  
Health and Social Care Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff CF99 1NA

Dear Sir

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

Thank you for inviting evidence on the above. I am pleased to respond on behalf of Powys teaching Health Board. I respond to each of the questions in turn.

*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?*

Whilst partnership working and to some extent integration of public sector services should not require legislation in order to protect the most vulnerable and to improve the well-being of people who are in need of care and support, the passing of a legal framework that compels authorities to work together to achieve these outcomes is welcome. It will be essential however for the Bill to clearly state the authorities and the respective functions within such authorities that will be required under the legal framework to work together. The definition of 'well-being' for example is so broad as to require functions such as leisure, education and skills, police, and regeneration amongst others to work together. The name of the Bill infers an emphasis on the 'social services' provision rather than the broader approach that will in essence influence wellbeing and therefore it is suggested that an amended title of the Bill to 'Well-being' is likely to be more clearly inclusive.

*2. Do you think the Bill, as drafted, delivers the stated objectives as set out in Chapter 3 of the Explanatory Memorandum?*

In relation to Part 6, and indeed more generally, cognisance needs to be paid to linkages and alignment with other legal frameworks such as for example the Mental Health (Wales) Measure where there is a requirement for children (and indeed adults) who access secondary care to have a Care and Treatment Plan. The development of plans for example for 'Looked After

Children' should be viewed in collaboration with MH Measure Care and Treatment plans.

In relation to Part 7 – Safeguarding, the Bill introduces welcome legislation for the protection of vulnerable adults. More generally however the development within a legal framework of the National Independent Safeguarding Board that includes a remit to 'advise Ministers on the adequacy and effectiveness of safeguarding arrangements' does call into question the role that regulators/inspectors such as HIW and CSSIW will have in relation to review and assurance.

Also in relation to Part 7 - Safeguarding and Protection Boards, it is recognised that the Bill itself does not give sufficient detail to deal adequately with the governance mechanisms and the Regulations may provide this level of detail. It is important for the Committee however to recognise that the pace with which the current safeguarding arrangements are being steered to change in line with the general principles of the Bill does incur some risk regarding effective governance and scrutiny arrangements. Further information on how this affects Powys teaching Health Board can be provided.

It is important that the role of the Lead Director for Children is retained and reference to amendments to Section 25 of the Childrens Act appear to maintain this focus and this is welcome.

*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?*

It would be perhaps more helpful to frame the question that needs answering more broadly in terms of public service sustainability. The demand for health *and* social care is increasing and given the demographic trends will continue to do so. The core question therefore is whether public services will be sustainable in light of the key issues facing Wales including welfare reform, the increasing rates of older people; the numbers of people in vulnerable groups and the continued economic challenges. This reinforces the need to ensure that the breadth of the Bill reflects 'wellbeing' more generally. Indeed the development of a joint outcomes framework or single outcomes framework that focuses on outcomes for people rather than functions of public bodies is more likely to stimulate a more joined up approach to improving care services (including prevention).

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

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

The Bill indicates some real benefit in terms of proportionate assessment, portability of assessment and a fresh look at eligibility. It is difficult to see

however that given the demographics and other demands and pressures upon the care (health and social care) system that demand for such support will be achieved without consideration of further funding (or resource prioritisation) in this sector.

*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?*

There are considerable numbers of references to the development of Regulations within the Bill as it currently stands. Whilst flexibility and 'future-proofing' is required, it is sometimes difficult to understand the practical implications of the Bill and thus give a clear view on its efficacy.

*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)?*

There are considerable numbers of references in the Bill to Welsh Ministers making sub-ordinate legislation. Whilst flexibility and 'future-proofing' is required there also needs to remain an opportunity to enable challenge and scrutiny in any further developments in order to ensure the best development of the legal framework into practice.

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

Given that the full impact of the Bill and sub-ordinate legislation is not fully known, it is difficult to give a view on the financial implications of the Bill at this stage. Clearly the challenging financial situation across the public sector requires a clear commitment to partnership working to protect the vulnerable and those at risk to ensure the public can achieve the best value for money.

I hope these comments have been helpful in your inquiry. Please do not hesitate to contact me if any further information is required.

Yours faithfully

Carol Shillabeer  
Nurse Director