

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL
MUNICIPAL YEAR 2014/15**

**COMMUNITY AND CHILDREN'S
SCRUTINY COMMITTEE**

27TH JANUARY 2015

**REPORT OF THE DIRECTOR OF
COMMUNITY & CHILDREN'S SERVICES**

Agenda Item No: 5

**SOCIAL SERVICES AND
WELLBEING ACT (WALES) 2014
TRANSFORMATION GRANT
UPDATE**

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1. PURPOSE OF THE REPORT

The purpose of this report is to update Members on the current position with regards to the Transformation Grant

2. RECOMMENDATIONS

It is recommended that Members:

- 2.1 Note the current position as outlined in the report
- 2.2 Scrutinise and comment on the information provided

3. BACKGROUND

3.1 The Social Services and Wellbeing Act (Wales) received Royal Assent on the 1st May 2014 and takes effect from April 2016. The Act creates a new legal framework to bring together and modernise Social Services law.

3.2 The fundamental principles of the Act are about:

People – putting an individual and their needs, at the centre of their care, and giving them a voice in, and control over reaching the outcomes that help them achieve well-being

Well-being – supporting people to achieve their own well-being and measuring the success of this care and support

Earlier intervention - increasing preventative services within the community to minimise the escalation of critical need

Collaboration – Strong partnership working between all agencies and organisations

- 3.3 The statutory framework comes in three parts.
- The Act itself that sets out the powers and duties of local authorities and other bodies.
 - The Regulations: Secondary legislation to be made under the Act and used where more detail or prescription is required
 - Codes of Practice: Guidance with the force of law, to help people and organisations work within the new framework
- 3.4 Whilst the Act is now in place the Regulations and Codes of practice that underpin it will be subject to consultation and agreement throughout 2015
- 3.5 Local authorities and their partners will ensure successful implementation of this new approach and Welsh Government has provided the Delivering Transformation Grant to the Cwm Taf Region to support preparation and implementation
- 3.6 Welsh Government have set priorities for the Grant which include:
- Undertaking a self assessment to consider preparedness for the duties required in the Act by January 2015
 - Establish political/officer level leadership to sustain a programme of change through to 2016 to include a Partnership Forum, Leadership Group, and from 2015-16 a Citizen's Panel in each region
 - Create a regional implementation plan, agreed with NHS, 3rd sector and private sector partners by March 2015 reflecting the key priorities and responsibilities for delivery driving forward the programme of change required to implement the Act across the Region

4 TRANSFORMATION GRANT

4.1 Progress in undertaking the self assessment

- 4.1.1 The Welsh Government self assessment tool is being used across the region. It is intended to be an iterative process and will be revisited as the regulations; guidance and code of practice are agreed as well as a means for measuring progress. Appendix 1.
- 4.1.2 The Cwm Taf Region are taking a bottom up approach to the assessment and initially each adult/children's service area are considering (generally through workshops with staff and partners') their position across all the requirements and cross cutting issues that relate to them

- 4.1.3 During weekending the 16th of January the heads of these service areas will meet with an independent critical friend to test their assessment and identify the key priorities for the Implementation plan.
- 4.1.4 This information will be aggregated up to a Local Authority/Regional position prior to the first meeting of the Cwm Taf social Services and Wellbeing Partnership Board to be held on the 27th January
- 4.1.5 It is anticipated that the self assessment will be submitted to Welsh Government on the 31st January as required

4.2 Regional leadership arrangements

- 4.2.1 The Cwm Taf Social Services and Wellbeing Partnership Board will bring together the Political Leaders from the Local Authorities, the Health Board and both the Private and Voluntary sectors
- 4.2.2 Working with both the RCT and Merthyr Local Service Boards the key roles for the Regional Partnership Board will include
- Ensuring that the region is prepared for the implementation of the Social Services and Wellbeing Act (2014) when it comes into force on April 1st 2016
 - Advising the National Partnership Forum of the Regional structure, Plan and progress
 - Seeking the formal views of the Public, Service Users and Carers in the region to ensure their perspective informs service re-design and development
- 4.2.3 The actual membership of the Cwm Taf Social Services and Wellbeing Partnership Board is being finalised but it is proposed to be as follows:
- Councillor Mike Forey: Cabinet Member for Health and Adult Social Services (RCT).
 - Councillor Geraint Hopkins: Cabinet Member for Children's Social Services and Equalities (RCT).
 - Councillor Keiron Montague: Cabinet Member for Service Delivery, Communities and Housing (RCT).
 - Councillor Brent Carter: Cabinet Member with Portfolio for Social Services and Social Regeneration. (Merthyr)
 - Mr Brian Lewis Chair of Voluntary Action Merthyr Tydfil
 - Mrs Jean Harrington Chair of- Interlink RCT
 - Professor Donna Mead Vice Chair of Cwm Taf University Health Board
 - Mr M Slater - Owner of Osborne Care Homes Ltd.

- Gio Isingrini (RCT) The Lead Director of Social Services for the Region -
- Stephen HARRY (Cwm Taf Health Board) The Director of Primary, Community and Mental Health services -
- Sian Nowell (RCT) Head of Transformation - Cwm Taf Region

4.2.4 Arrangements for appointing a Chair for the Board and the formal Terms of Reference and work programme for the board will be finalised at the first meeting of the Board planned for the 27th January 2015.

4.2.5 The Terms of Reference will set out the membership, the formal arrangements between the Board, the LSB and the Executive Leadership Group as well as the formal arrangements for public engagement

4.2.6 The work programme will encompass the iterative Self Assessment process, the progress of the Implementation Plan and the associated public engagement, workforce development and commissioning strategies and plans for the region

4.2.7 To support the work of the Cwm Taf Social Services and Wellbeing Partnership Board there is also an Executive Leadership Group

4.2.8 This Executive Leadership Group is in place and continues from the arrangements made for a Senior Management Group to progress the requirements of the Intermediate Care Fund.

4.2.9 The key responsibilities for the Executive Leadership Group include:

- Leading the Transformation and change management process for services across the region
- Prioritising and resourcing the content of the Regional Implementation Plan (including the Training and Development plan and associated commissioning strategies)
- Advising and making recommendations to the Cwm Taf Social Services and Wellbeing Partnership Board
- Liaising with Welsh Government officials regarding the Regional Implementation Plan and its progress

4.2.10 Membership for this group comprises of

- Director of Social Services for Rhondda Cynon Taf Local Authority- Giovanni Isingrini (Chair)
- Director of Social Services for Merthyr Local Authority - Phillip Hodgson

- Director of Primary, Community and Mental Health Cwm Taf Health Board - Stephen HARRY
- Chief Executive Officer Interlink - Simon James
- Chief Officer Voluntary Action Merthyr Tydfil - Ian Davey
- Sian Nowell (RCT) Head of Transformation - Cwm Taf Region

4.2.11 This group will meet under its new arrangements on the 30th of January following the inaugural meeting of the Cwm Taf Social Services and Wellbeing Partnership Board

4.2.12 The Regional Public Engagement arrangements are not yet established but resources to assist with the development of this work have been secured through the RCT Graduate Trainee scheme work has now started to explore how existing arrangements in the region such as the Citizen's panel, Older People's Fora and Patient panels etc., can be utilised to provide an effective voice for the public

4.3 Regional Implementation Plan

4.3.1 The regional development plan will be developed and agreed during January and February in preparation for submission to Welsh Government at the end of March 2015.

IMPLEMENTATION OF THE SOCIAL SERVICES AND WELL-BEING (WALES) ACT, 2014

SELF ASSESSMENT TOOL

PREPARED UNDER THE 'SUSTAINABLE SOCIAL SERVICES - DELIVERING TRANSFORMATION GRANT'

December 2014

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SELF ASSESSMENT TOOL · INTRODUCTION

INTRODUCTORY COMMENT FROM ADSS CYMRU AND WELSH NHS CONFEDERATION, SUSTAINABLE SOCIAL SERVICES - DELIVERING TRANSFORMATION GRANT HOLDERS

This Tool has been developed under the Sustainable Social Services - Delivering Transformation Grant (SSS-DTG) by the Welsh Institute for Health and Social Care, University of South Wales. We have made use of conversations with regional coordinators, some directors of social services and some heads of service, in researching evidence on self assessment and the provisions and intent of the Social Services and Well-being (Wales) Act, 2014 (SS&WB Act). We have endeavoured to hold to the principles of keeping the Tool relatively easy to use, connecting it to the full scope of the SS&WB Act and ensuring that it provides a helpful position about the readiness of health and social care economies in Wales to implement this new legislation.

This Tool is not designed for one person to complete, but should involve as many people as needed across a number of different organisations with access to the intelligence that provides an accurate assessment of readiness of each part of the Tool (and, by extension, of the Act). Given the scope of the SS&WB Act, this Tool presupposes that there will be a focus on the future aspirations for social services and social care in Wales, and the assessments required should extend beyond local authorities. At this stage there should be some direct involvement of each Health Board, to reflect the fact that SS&WB Act gives a joint and shared responsibility to local authorities and health boards to promote the well-being of the population, along with other duties set out in SS&WB Act. That said, the Welsh Government is only requiring that this Self Assessment process is completed and submitted at the regional scale, although you may wish, within the region, to undertake a number of assessments in order to provide evidence on which a regional picture can be built.

We have tried to ensure that completion will not be too onerous, even though the Tool is lengthy. Where possible there is the opportunity to give a judgement on a four-point scale about your readiness to implement the duties and responsibilities under the Act, indicating whether at this point in time you have good, sufficient, insufficient or poor evidence to suggest that you are able to comply with the requirements. There are also opportunities to add a narrative where that will help you to include local and regional nuances.

We believe that the Tool should be part of an iterative process, since the challenges of the SS&WB Act will require constant reflection on what needs to change to ensure that the ambitions of the Act are realised.

The Tool contains reference to the SS&WB Act throughout, but makes it clear that these are to facilitate its use rather than act as a substitute for the Act as a whole. In completing the Tool, you should refer to the detail of the SS&WB Act whenever you feel it is necessary to do so – the detail of the Act can be found here: http://www.legislation.gov.uk/anaw/2014/4/pdfs/anaw_20140004_en.pdf

PREAMBLE

There are two key points that we would like to underline regarding this Tool. Firstly, it is for you to use and to use in an iterative way. We have created something that, we hope, can be adapted and revisited as you get closer to the implementation of the duties under the Act. Secondly, it is something that should be completed in a collaborative manner, because the responsibility for implementing the Act falls upon a number of partners and not just one organisation, even though as described in the legislation the duties largely fall on local authorities.

Underpinning the provisions of the Act is an implicit understanding that local authorities alone cannot fulfil the Act's strategic intent or indeed many of the duties that fall on them without working with statutory, independent or voluntary sector partners. Part 9 encompasses this by providing for new duties on cooperation and the creation of partnerships but there are also other explicit references to co-operative working throughout the Act. For example, Part 3 places a duty on a local authority and each health board, any part of whose area lies within the area of the local authority, to jointly assess, among other things, the extent to which there are people in the local authority's area who need care and support and the extent to which there are people in the local authority's area whose needs for care and support (or, in the case of carers, support) are not being met (by the local authority, the health board or otherwise).

Similarly Part 2 requires a local health board or an NHS Trust providing services in the area of a local authority to provide that local authority with information about the care and support it provides in the local authority's area, while Part 7 states those partners required to be members of Safeguarding Boards. We reinforce the cooperative theme in the preambles to each part of the Act contained in this Tool by frequently referring to local authorities and their partners assessing readiness to comply.

PURPOSE

The purpose of this Self Assessment Tool is to ascertain regional readiness to comply with the duties of the Act, and to assess where you are currently placed in being able to implement the cross-cutting themes and 'strategic intent' of the Act. It should be noted that is not an audit instrument through which a 'performance management' assessment of organisations and regions might be made.

STRUCTURE OF THE SELF ASSESSMENT TOOL

The Self Assessment Tool contains four sections:

Section 1 is an Overall Summary of the Sections that follow, and should be populated once you have completed all of Sections 2, 3 and 4.

Section 2 is focused on assessing your readiness at this moment in time to comply with the duties and requirements of the Act. We have reproduced each of the Parts of the Act that contain duties in this Section (Parts 2-10), and have included here only the individual duties and included the explanatory paragraphs that support those duties in the Act. As such other paragraphs have been excluded. Wherever practical though, we have also included further information referred to in those supporting paragraphs. However, it has not been possible to include every internal cross-reference from within the Act as, in some cases, these are multiple and to include them all would have resulted in an even lengthier and unwieldy document. Because of this we recommend that you refer to the original source information in the Act wherever you need further supporting information to understand or clarify any of the duties.

Once you have completed the 'duty-by-duty' assessments with each of the Parts of the Act, you will be asked to collate the scores given, both in terms of their distribution and the mean score for each Part (more on this is produced in the 'Guide to Assessment' below). Further you are asked to briefly identify the sources of evidence you have used to make the assessments (as bullet points in an 'open text' box), and you are asked to form a view about how the scores given relate to eight cross-cutting themes, and where your assets and deficits might be in the coming period to address these. This method is consistent throughout the Tool in respect of each Part but we recognise that the extent to which application of the cross-cutting themes is relevant will clearly differ between Parts.

Section 3 should only be assessed once Section 2 has been completed. The idea behind Section 3 is that it allows you to form a view about all of the assessments made in Section 2, and relate these to the same eight cross-cutting themes. The assessment you make here will be a reflection on your readiness to implement the whole Act against each of these eight issues. It should be noted that these eight cross-cutting themes have been gleaned from a variety of relevant documents, evidence and sources and have been tested to ensure their relevance to this exercise.

Section 4 should only be assessed once Section 3 has been completed. Similar in some ways to Section 3, the purpose of Section 4 is to reflect on the rest of the Self Assessment and to consider readiness to implement the Act against ten statements of 'strategic intention' which moves you away from the operational detail of Section 2 and allows for a more strategic consideration against the key tenets of the Act. These ten statements have been written after reading and consulting with different sources and again have been tested to ensure their relevance.

GUIDE TO ASSESSMENT

By their very nature, there are real challenges in ensuring that there is consistency of scoring in self assessment exercises. That said, we have tried to provide a structure that will ensure a standard approach to this as far as that is possible. On the following page is a Table which describes the assessment system used throughout this Self Assessment Tool.

It is important to note that whenever you are making an assessment within the Tool, you are judging your readiness to comply with the duty based on the quality of evidence that you currently have available.

Once you have considered the currently available evidence, you will select which of the following four levels best matches your level of readiness to comply with the duty, and ascribe a score within the range available for that level which provides additional clarity about your assessment:

- Good evidence to suggest you are ready to comply with the Act (Green - scores between 76 and 100)
- Sufficient evidence to suggest you are ready to comply with the Act (Yellow - scores between 51 and 75)
- Insufficient evidence to suggest you are ready to comply with the Act (Amber - scores between 26 and 50)
- Poor evidence to suggest you are ready to comply with the Act (Red - scores between 1 and 25)

The top two of these might be described as being 'above the line', and the other two sit below, by which we mean that if you are assessing yourselves as amber or red there is clearly much more work to be done in order to implement the Act than for assessments in the yellow or green ranges. This is reflected in a short sentence we have provided ('What might you do now?') which describes the different actions that are needed depending on the assessments made. In using this template it is important to remember that it is the readiness to comply that you are assessing, not the quality of the evidence.

QUALITY OF EVIDENCE CURRENTLY AVAILABLE	RANGE OF SCORE THAT CAN BE GIVEN	WHAT THIS SCORE MEANS?	WHAT MIGHT YOU DO NOW?
Good Green	Between 76 and 100	You have good evidence to suggest that you are ready to comply with the duties under the Act.	Recognise your strengths and act to build upon them; be prepared to share any learning/good practice with partners.
Sufficient Yellow	Between 51 and 75	You have sufficient evidence to suggest that you are ready to comply with the duties under the Act.	Build on the platform provided but ensure pace of achievement is maintained. Look to learn from other partners who may be further advanced.
Insufficient Amber	Between 26 and 50	You have insufficient evidence to suggest that you are ready to comply with the duties under the Act.	Need to make strident efforts to gather new evidence to meet Duties as soon as possible. Look to learn from other partners who may be further advanced.
Poor Red	Between 1 and 25	You have poor evidence to suggest that you are ready to comply with the duties under the Act.	Need to act urgently to address shortcomings. Proactively seek out success and best practice from partners as a matter of urgency.

In addition to the scores against individual duties, you will be asked at the end of each Part to summarise the distribution of scores given (i.e. the number of times you have scored Green, Yellow, Amber or Red), and you should also enter a mean score by totalling up the scores and then dividing that total by the number of duties in that Part of the Act. You should provide this information at the end of each Part, and summarise this information in the Table in Section 1.

COMPLETING THE SELF ASSESSMENT TOOL

Further to the information provided above, inevitably there will be questions about how to complete the Self Assessment. This last part of the Introduction tries to provide straight-forward answers to five key questions.

WHO SHOULD MAKE THE ASSESSMENTS?

This is very much down to you, although it is important to bear in mind that this will very much be a 'team effort'. It will require the intelligence of a number of organisations and individuals therein to create a meaningful self assessment, although we are mindful of the size and scale of the task at hand and the need to complete this document relatively speedily. The regional co-ordinators will act as exactly that – co-ordinators

across the region for this process, ensuring that the Tool is completed effectively across the region. They have been fully briefed about the Tool and understand the principles behind it.

There are a number of ways that this process might happen, and there will be extant lines of communication across regions and mechanisms through which this process can be undertaken, and we would respectfully suggest that given the timescale that these should be used to full effect. The Tool moves from an operational focus in Section 2, to a more strategic one in Sections 3 and 4. Within each region, therefore, you may wish to consider carefully which colleagues are best placed to make the different types of assessment at different stages of the process.

HOW WILL WE KNOW WHAT SCORES TO GIVE?

In many ways this is a matter of judgement for you, but should be undertaken in relation to the levels of evidence and the range of scores available per level as described in the Table above. In order to assist you to find some objective consistency, and support mutual learning across Wales, we have provided two examples below for your consideration. We recognise the imperfections of any scoring system and in no way should these be seen as prescriptive. They are solely suggestions, but we believe they are useful so have tried to describe how you might come to certain scores for two different types of duty – a more long-standing and ‘traditional’ duty, and a more innovative duty that is new under the Act. As stated please use these as reference points but do not imply or read too heavily into them.

	Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
EXAMPLE 1 A well-established and long standing duty that has existed for a number of years.	Score = 20 Our PIs have been consistently poor. A recent inspection of this service was very critical but we have a costed plan to attend to the issues.	Score = 30 Our PIs show inconsistent performance. A recent inspection of this service suggested areas to improve and we are struggling to attend to these.	Score = 65 Our PIs show inconsistent performance but a recent inspection of this service showed some positive aspects which can be built upon. We are improving.	Score = 92 Our PIs have been consistently good. A recent inspection of this service was positive. We are confident that this is sustainable.
EXAMPLE 2 A new duty that is for the first time going to fall upon partners across the region in a statutory context.	Score = 10 Neither ourselves nor our partners have experience of working together in this area of work and we are starting from a low base.	Score = 45 We have made some progress on this agenda with partners in the last year and have a draft plan to move forward with clear actions but have not implemented any yet.	Score = 57 We have made good progress on this agenda with partners in the last year and have an agreed plan to move forward but it has only been partly actioned.	Score = 79 We have implemented an action plan which is demonstrating some successes. We are now moving to sustaining this model throughout all areas.

HOW DO WE RECONCILE THE ISSUE OF BEING LOCALLY ACCOUNTABLE WITH SUBMITTING A REGIONAL SELF ASSESSMENT?

This is not a simple issue. The Tool has been designed in such a way that individual organisations (whether local authorities, health boards, voluntary sector organisations or others) would be able to make their own assessments should you decide that this would be helpful in building the regional picture. They may, of course, also find it helpful for their own purposes. If you decide to collect a number of more 'local' assessments in order to help populate the regional picture, you will then need to think carefully about how these are brought together to make the regional assessment. There is no perfect way to do this, but whatever you decide to do, you should ensure that the regional assessment is shared and owned by all partners at the end of the process.

WHO WILL SEE THE ASSESSMENTS THAT HAVE BEEN MADE?

At the time of producing this document (Monday 8th December 2014) our understanding is that you are required to submit the regional Self Assessment to the Welsh Government, but that there is no requirement to submit any other assessments that have been made during the course of completing the regional Self Assessment.

BY WHEN DO WE NEED TO COMPLETE THE SELF ASSESSMENT?

Again, at the time of producing this document (Monday 8th December 2014) the expected deadline from Welsh Government for the regional Self Assessment is the end of January 2015.

SELF ASSESSMENT TOOL

SECTION 1 · OVERALL SUMMARY

SELF ASSESSMENT TOOL · OVERALL SUMMARY

SUMMARY - READINESS TO COMPLY WITH THE ACT

This summary table enables you to see at a glance an overview of the assessment you have made of your readiness to comply with duties under the Act in two ways – both as a frequency distribution against the four colour-coded levels, and the mean score for each Part. This Table should be filled in once Section 2 of the Self Assessment exercise has been completed.

Part of the Act	No. duties in this Part
Part 2	8
Part 3	3
Part 4	10
Part 5	1
Part 6	24
Part 7	7
Part 8	1
Part 9	8
Part 10	6

Distribution/frequency			
Number of times you have made assessments against the following levels – you should fill in the number in each of cells below			
Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence

Mean			
This should be calculated by totalling your scores for that Part and entering in the relevant cell below			
1 - 25	26 – 50	51 – 75	76 – 100

SUMMARY - CROSS-CUTTING THEMES UNDERPINNING THE ACT

At the end of each of the Parts of Section 2 you are asked to assess how ready you are to implement the cross-cutting themes implicit in the Act. You should collate these responses here both as a frequency distribution, and the mean score for each theme. This Table should be filled in at the end of the Self Assessment exercise.

Cross-cutting theme	Distribution/frequency				Mean			
	Number of times you have made assessments against the following levels – you should fill in the number in each of cells below				This should be calculated by totalling your scores for that cross-cutting theme and entering in the relevant cell			
	Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence	1 - 25	26 – 50	51 – 75	76 – 100
Quality and constancy of leadership								
Maturity and development of partnerships								
Relevance and quality of systems, procedures and processes								
Quality, availability and development of workforce								
Range and availability of physical and financial resources								
Existence of plans and strategies which have a results and outcomes focus								
Performance to date and potential to continuously innovate and improve								
Robustness and relevance of governance arrangements including engagement of citizens/service users								

SUMMARY – 'STRATEGIC INTENTIONS' OF THE ACT

Section 4 requires you to make an assessment against 10 'strategic intentions' implicit within the Act. Reproduce the answers given there here.

'Strategic intentions'	Your assessment of your readiness to implement			
	Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
Ensuring access to good information, advice and assistance for people to find universal services available in the community				
Mobilising a wide spectrum of proportionate community support which citizens with some care needs can access to help maximise their independence and achieve their desired well-being outcomes without having to rely on complicated assessments or care packages				
Adopting a 'whole' local area approach, based on meaningful engagement, to understanding and meeting the needs of the local population				
Providing help and support to the most vulnerable individuals with significant or enduring problems to assess their needs and organise and secure the care and support services they require				
Achieving integration of local government services and between local authorities and their partners, particularly the NHS, to achieve better outcomes for service users				
Placing the well-being and prevention agenda at the heart of strategic planning, commissioning and delivery of services				
Creating an effective interplay between well-being, prevention, assessment, eligibility and information				
Increasing preventative services and intervening early enough within the community, in a way which is not dominated by over-elaborate assessment processes, in order to minimise the escalation of critical need and keep people independent for longer				
Producing a whole system change in local areas and the creation of new models of care and service delivery				
Creating systems and approaches that put the citizen's view first, are based on genuine co-production and give people more control over their lives and their care and support to achieve better outcomes for their well-being				

SELF ASSESSMENT TOOL

SECTION 2 · ASSESSMENT - BY PART OF THE ACT

SELF ASSESSMENT TOOL · PART 2 - GENERAL FUNCTIONS

PARAGRAPH BY PARAGRAPH ASSESSMENT

Part 2 of the Act (sections 5-18) contains some of the cornerstones of the new legislation in that it introduces duties relating to the relatively new concept of well-being and requires the Welsh Ministers to issue a 'statement of outcomes' that will be used to assess whether the lives of people 'in need' in Wales are being materially improved by the new legislative framework.

Part 2 replaces the language of the existing community care legislation, which talks the 'medical model' – by requiring need to derive from 'age', 'illness', being 'disabled' and so on. Instead the 2014 Act speaks of 'people who need care and support' and of 'carers who need support'. The Act redefines people in need and their carers.

Persons 'exercising functions' under the Act are required to have due regard to the UN Principles for Older Persons (1991) and the UN Convention on the Rights of the Child and the Act also places a duty on local authorities and LHBs to assess the care and support needs of the local population and the consequent need for care and support services to meet those needs.

The required shift towards an approach based on prevention and people being equipped to take more control of their own care and support is reinforced by new duties in relation to preventative services and an enhanced duty to provide people in need and their carers with information about the care and support that is available in their area.

Furthermore, there is a new requirement that local authorities must promote both the development of social enterprises / co-operatives / third sector organisations to provide care and support and preventative services, and those preventative services that involve service users in the design and running of services.

Finally, Part 2 of the Act downgrades the current duty on local authorities to maintain a register of disabled people in its area to a power – save only for sight impaired and hearing impaired people for which the duty remains.

It will be challenging for authorities and partners to assess how well they are meeting the requirements of Part 2. It will be necessary to draw on lessons learned from whole population assessments undertaken previously in connection with health, social care and well-being strategies. The draft outcomes framework is possibly the best available guide to assessing the issues affecting well-being.

In respect of assessing how information requirements will be met, it will be necessary to examine how the local care system operates; the choice of types of care and support, and the choice of providers in the local authority's area; how to access the care and support that is available; and how easy it is to raise concerns about the safety or well-being of an adult who has needs for care and support.

Assessing ability to meet the new preventative duties will need to draw on analyses of how the availability of preventative services has affected performance to date and take account of resource pressures, whilst the requirement to promote social enterprises should include experience to date of working with and through not for profit bodies across other services.

Marks should be given on an assessment of whether you feel that you can provide evidence that you are ready to comply with the duties under the Act.

This Tool is for you to use to help you assess your readiness to comply. It is not a performance measurement Tool and so the scoring is not prescriptive. The process by which you complete the Tool is also at your discretion. It may be that you choose to ask key individuals to complete certain sections due to their specific knowledge and experience, or it may be that you choose to organise a workshop with a selection of colleagues and work your way through your readiness to comply collectively. Certainly, it may be that you feel that a certain amount of collaboration is necessary in order to complete some of the assessment relating to cross-cutting themes, which comes at the end of the assessment of individual duties. As pointed out in the introduction to this document, this is not a Tool for one person to complete, but should involve people with access to the intelligence that provides a full picture of each part of the Tool (and of the Act), a focus on the future aspirations for social services and social care in Wales, and should extend beyond local authorities

In creating this tool we have endeavoured to list the individual duties from the Act and to re-present them here, with supporting paragraphs from the Act to help you understand the relevant duty. However, it should be noted that this document is designed to facilitate your assessment of your readiness to comply with duties under the Act; it is not a substitute for the Act as a whole. Therefore, we would also recommend that you refer back to the Act should you have any queries or questions regarding any of the duties as listed here. Furthermore, we should also point out that we have taken all of the duties as listed in the Act insofar as we see them and it may be that we become aware of other duties contained in the wording of the Act. Should this occur we will communicate them to you.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
2	5	Well-being duty				

A person exercising functions under this Act must seek to promote the well-being of— **(a)** people who need care and support, and **(b)** carers who need support.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
2	6	Other overarching duties: general				

(1) A person exercising functions under this Act in relation to—**(a)** an individual who has, or may have, needs for care and support, **(b)** a carer who has, or may have, needs for support, or **(c)** an individual in respect of whom functions are exercisable under Part 6 (looked after children etc), must comply with the duties in subsection (2).

(2) The person must— **(a)** in so far as is reasonably practicable, ascertain and have regard to the individual’s views, wishes and feelings, **(b)** have regard to the importance of promoting and respecting the dignity of the individual, **(c)** have regard to the characteristics, culture and beliefs of the individual (including, for example, language), and **(d)** have regard to the importance of providing appropriate support to enable the individual to participate in decisions that affect him or her to the extent that is appropriate in the circumstances, particularly where the individual’s ability to communicate is limited for any reason.

(3) A person exercising functions under this Act in relation to an adult falling within subsection (1)(a), (b) or (c) must, in addition, have regard to— **(a)** the importance of beginning with the presumption that the adult is best placed to judge the adult’s well-being, and **(b)** the importance of promoting the adult’s independence where possible.

(4) A person exercising functions under this Act in relation to a child falling within subsection (1)(a), (b) or (c), in addition— **(a)** must have regard to the importance of promoting the upbringing of the child by the child’s family, in so far as doing so is consistent with promoting the well-being of the child, and **(b)** where the child is under the age of 16, must ascertain and have regard to the views, wishes and feelings of the persons with parental responsibility for the child, in so far as doing so is— **(i)** consistent with promoting the well-being of the child, and **(ii)** reasonably practicable

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
2	8	Duty to issue a statement of the outcomes to be achieved				
<p>The Welsh Ministers must issue a statement relating to the well-being of— (a) people in Wales who need care and support, and (b) carers in Wales who need support*</p> <p><i>*Although this is a specific duty on the Welsh Government, their statement will require information directly from the organisations within the region and hence the duty is included here for consideration.</i></p>						

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
2	14	Assessment of needs for care and support, support for carers and preventative services				
<p>(1) A local authority and each Local Health Board any part of whose area lies within the area of the local authority must, in accordance with regulations, jointly assess— (a) the extent to which there are people in the local authority's area who need care and support; (b) the extent to which there are carers in the local authority's area who need support; (c) the extent to which there are people in the local authority's area whose needs for care and support (or, in the case of carers, support) are not being met (by the authority, the Board or otherwise); (d) the range and level of services required to meet the care and support needs of people in the local authority's area (including the support needs of carers); (e) the range and level of services required to achieve the purposes in section 15(2) (preventative services) in the local authority's area; (f) the actions required to provide the range and level of services identified in accordance with paragraphs (d) and (e) through the medium of Welsh.</p>						

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
2	15	Preventative services				

(1) A local authority must provide or arrange for the provision of a range and level of services which it considers will achieve the purposes in subsection (2) in its area.

(2) The purposes are— **(a)** contributing towards preventing or delaying the development of people’s needs for care and support; **(b)** reducing the needs for care and support of people who have such needs; **(c)** promoting the upbringing of children by their families, where that is consistent with the well-being of children; **(d)** minimising the effect on disabled people of their disabilities; **(e)** contributing towards preventing people from suffering abuse or neglect; **(f)** reducing the need for— **(i)** proceedings for care or supervision orders under the Children Act 1989, **(ii)** criminal proceedings against children, **(iii)** any family or other proceedings in relation to children which might lead to them being placed in local authority care, or **(iv)** proceedings under the inherent jurisdiction of the High Court in relation to children; **(g)** encouraging children not to commit criminal offences; **(h)** avoiding the need for children to be placed in secure accommodation; **(i)** enabling people to live their lives as independently as possible.

(6) In discharging its duty under subsection (1) a local authority— **(a)** must identify the services already available in the authority’s area which may help in achieving the purposes in subsection (2) and consider involving or making use of those services in discharging the duty; **(b)** may take account of services which the authority considers might reasonably be provided or arranged by other persons in deciding what it should provide or arrange; **(c)** must make the best use of the authority’s resources and in particular avoid provision which might give rise to disproportionate expenditure.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
2	16	Promoting social enterprises, co-operatives, user led services and the third sector				
<p>(1) A local authority must promote— (a) the development in its area of social enterprises to provide care and support and preventative services; (b) the development in its area of co-operative organisations or arrangements to provide care and support and preventative services; (c) the involvement of persons for whom care and support or preventative services are to be provided in the design and operation of that provision; (d) the availability in its area of care and support and preventative services from third sector organisations (whether or not the organisations are social enterprises or co- operative organisations).</p>						

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
2	17	Provision of information, advice and assistance				

(1) A local authority must secure the provision of a service for providing people with— **(a)** information and advice relating to care and support, and **(b)** assistance in accessing care and support.

(4) Including the following matters— **(a)** the system provided for by this Act and how the system operates in the authority's area, **(b)** the types of care and support available in the authority's area, **(c)** how to access the care and support that is available, and **(d)** how to raise concerns about the well-being of a person who appears to have needs for care and support.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
2	18	Registers of sight-impaired, hearing-impaired and other disabled people				

(1) A local authority must establish and maintain a register of the people ordinarily resident in the authority's area who— **(a)** are sight-impaired or severely sight-impaired, **(b)** are hearing-impaired or severely hearing-impaired, or **(c)** have sight and hearing impairments which, in combination, have a significant effect on their day to day lives.

(2) The register must identify, in respect of each person included in the register— **(a)** the paragraph in subsection (1) within which that person falls, and **(b)** the person's linguistic circumstances.

(4) A local authority must establish and maintain a register of children to whom subsection (6) applies and who are within the local authority's area.

COMPOSITE ASSESSMENT FOR PART 2

Part of the Act	No. duties in this Part
Part 2	8

Distribution/frequency			
Number of times you have made assessments against the following levels – you should fill in a number in each of cells below			
Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence

Mean			
This should be calculated by totalling your scores for Part 2 and dividing by 8 and entering in the relevant cell below			
1 - 25	26 – 50	51 – 75	76 – 100

The answers in this Table should be carried forward to the Overall Summary in Section 1.

What sources of evidence have you drawn upon to make the assessments above?

Sources of evidence

ASSESSMENT OF CROSS-CUTTING THEMES FOR PART 2

Reflecting on the composite assessment at the end of Part 2, consider these against the following cross-cutting themes.

How you would assess each of these in relation to readiness to comply with your duties under this Part of the Act?

Cross cutting theme	Your assessment of your readiness to comply			
	Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
	1-25	26-50	51-75	76-100
Quality and constancy of leadership				
Maturity and development of partnerships				
Relevance and quality of systems, procedures and processes				
Quality, availability and development of workforce				
Range and availability of physical and financial resources				
Existence of plans and strategies which have a results and outcomes focus				
Performance to date and potential to continuously innovate and improve				
Robustness and relevance of governance arrangements including engagement of citizens and service users				

The answers in this Table should be carried forward to the Overall Summary in Section 1.

Having made the assessments above, what do you think are the top three assets and enablers that will help you to comply with your duties under this Part of the Act, and what are the three key deficits and barriers which you will need to overcome?

Assets and Enablers	Deficits and Barriers
1.	1.
2.	2.
3.	3.

SELF ASSESSMENT TOOL · PART 3 – ASSESSING THE NEEDS OF INDIVIDUALS

PARAGRAPH BY PARAGRAPH ASSESSMENT

Part 3 of the Act (sections 19-31) is concerned with assessing needs. The duty to assess an adult in need is, in very many respects, the same as under the current legislation (i.e. NHS and Community Care Act 1990). There is a duty to assess on the appearance of need and the duty exists regardless of the wealth of the person or the level of their needs. There is a duty to involve a carer 'so far as is feasible' which is new and a new requirement that the assessment have specific regard to the availability of preventative services and /or information, advice or assistance. This represents a key strategic intent of the Act to divert people in need away from formal support provision by requiring that it first be established that preventative services or other 'assistance' have been shown to fail.

The duty to assess the needs of a child 'in need of care and support' is in many respects a new development not least because there is at present no statutory duty to assess. As with adults in need, the duty is triggered on the appearance of need and the duty exists regardless of the wealth of the person or the level of their needs. Disabled children are presumed to need care and support in addition to, or instead of, the care and support provided by their family.

The Act not only consolidates the existing three Carers Acts, it also removes some of the legal hurdles that confront carers when seeking support. Most obviously it removes: (1) the requirement to establish that the carer is providing or intending to provide 'a substantial amount of care on a regular basis' and (2) the requirement that carers 'request' an assessment – the assessment obligation will be triggered by the 'appearance of need ('where it appears to a local authority'). The Act also embeds in primary legislation the requirement that local authorities not assume carers are able and/or willing to continue caring.

In assessing their readiness to meet the requirements of Part 3 local authorities and their partners will need to take account of the fundamental change of approach to assessments desired by the Act and how prepared their workforce and systems are to comply with this change. There are clear training implications here. Access arrangements will need to be reviewed as it is the first point of contact that is likely to determine compliance with the new approach.

The range of available preventative services will influence an authority's ability to divert people to universal services initially so knowledge and information on these will be critical if front line staff are to be enabled to apply new approaches and responses.

The enhanced local authority obligation to carers may result in more carers being assessed and there may be a long-term additional funding burden on local authorities which needs to be calculated. The increase may result from the obligation on local authorities to assess regardless of a request.

Current information on assessments of the needs of adults, children and carers will be useful in assessing resource implications but a strategic view will need to be taken about how the Act will impact on these and this will not be straightforward.

Marks should be given on an assessment of whether you feel that you can provide evidence that you are ready to comply with the duties under the Act.

This Tool is for you to use to help you assess your readiness to comply. It is not a performance measurement Tool and so the scoring is not prescriptive. The process by which you complete the Tool is also at your discretion. It may be that you choose to ask key individuals to complete certain sections due to their specific knowledge and experience, or it may be that you choose to organise a workshop with a selection of colleagues and work your way through your readiness to comply collectively. Certainly, it may be that you feel that a certain amount of collaboration is necessary in order to complete some of the assessment relating to cross-cutting themes, which comes at the end of the assessment of individual duties. As pointed out in the introduction to this document, this is not a Tool for one person to complete, but should involve people with access to the intelligence that provides a full picture of each part of the Tool (and of the Act), a focus on the future aspirations for social services and social care in Wales, and should extend beyond local authorities

In creating this tool we have endeavoured to list the individual duties from the Act and to re-present them here, with supporting paragraphs from the Act to help you understand the relevant duty. However, it should be noted that this document is designed to facilitate your assessment of your readiness to comply with duties under the Act; it is not a substitute for the Act as a whole. Therefore, we would also recommend that you refer back to the Act should you have any queries or questions regarding any of the duties as listed here. Furthermore, we should also point out that we have taken all of the duties as listed in the Act insofar as we see them and it may be that we become aware of other duties contained in the wording of the Act. Should this occur we will communicate them to you.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
3	19	Duty to assess the needs of an adult for care and support				

(1) Where it appears to a local authority that an adult may have needs for care and support, the authority must assess— **(a)** whether the adult does have needs for care and support, and **(b)** if the adult does, what those needs are.

(4) In carrying out a needs assessment under this section, the local authority must— **(a)** seek to identify the outcomes that the adult wishes to achieve in day to day life, **(b)** assess whether, and if so, to what extent, the provision of— **(i)** care and support, **(ii)** preventative services, or **(iii)** information, advice or assistance, could contribute to the achievement of those outcomes or otherwise meet needs identified by the assessment, and **(c)** assess whether, and if so, to what extent, other matters could contribute to the achievement of those outcomes or otherwise meet those needs.

(5) A local authority, in carrying out a needs assessment under this section, must involve— **(a)** the adult, and **(b)** where feasible, any carer that the adult has.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
3	21	Duty to assess the needs of a child for care and support				

(1) Where it appears to a local authority that a child may need care and support in addition to, or instead of, the care and support provided by the child's family, the authority must assess— **(a)** whether the child does need care and support of that kind, and **(b)** if the child does, what those needs are.

(4) In carrying out a needs assessment under this section, the local authority must— **(a)** assess the developmental needs of the child, **(b)** seek to identify the outcomes that— **(i)** the child wishes to achieve, to the extent it considers appropriate having regard to the child's age and understanding, **(ii)** the persons with parental responsibility for the child wish to achieve in relation to the child, to the extent it considers appropriate having regard to the need to promote the child's well-being, **(iii)** persons specified in regulations (if any) wish to achieve in relation to the child, **(c)** assess whether, and if so, to what extent, the provision of— **(i)** care and support, **(ii)** preventative services, or **(iii)** information, advice or assistance, could contribute to the achievement of those outcomes or otherwise meet needs identified by the assessment, **(d)** assess whether, and if so, to what extent, other matters could contribute to the achievement of those outcomes or otherwise meet those needs, and **(e)** take account of any other circumstances affecting the child's well-being.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
3	24	Duty to assess the needs of a carer for support				

- (1)** Where it appears to a local authority that a carer may have needs for support, the authority must assess— **(a)** whether the carer does have needs for support (or is likely to do so in the future), and **(b)** if the carer does, what those needs are (or are likely to be in the future).
- (2)** The duty under subsection (1) applies in relation to a carer who is providing or intends to provide care for— **(a)** an adult or disabled child who is ordinarily resident in the authority's area, or **(b)** any other adult or disabled child who is within the authority's area.
- (3)** The duty under subsection (1) applies regardless of the authority's view of— **(a)** the level of the carer's needs for support, or **(b)** the level of the financial resources of the carer or the person for whom the carer provides or intends to provide care.
- (4)** In carrying out a needs assessment under this section, the local authority must— **(a)** assess the extent to which the carer is able, and will continue to be able, to provide care for the person for whom the carer provides or intends to provide care, **(b)** assess the extent to which the carer is willing, and will continue to be willing, to do so, **(c)** in the case of a carer who is an adult, seek to identify the outcomes that the carer wishes to achieve, **(d)** in the case of a carer who is a child, seek to identify the outcomes that— **(i)** the carer wishes to achieve, to the extent it considers appropriate having regard to the carer's age and understanding, **(ii)** the persons with parental responsibility for the carer wish to achieve in relation to the carer, to the extent it considers appropriate having regard to the need to promote the carer's well-being, and **(iii)** persons specified in regulations (if any) wish to achieve in relation to the carer, **(e)** assess whether, and if so, to what extent, the provision of— **(i)** support, **(ii)** preventative services, or **(iii)** information, advice or assistance, could contribute to the achievement of those outcomes or otherwise meet needs identified by the assessment, and **(f)** assess whether, and if so, to what extent, other matters could contribute to the achievement of those outcomes or otherwise meet those needs.
- (5)** A local authority, in carrying out a needs assessment under this section, must have regard to— **(a)** whether the carer works or wishes to do so, **(b)** whether the carer is participating in or wishes to participate in education, training or any leisure activity, and **(c)** in the case of a carer who is a child— **(i)** the developmental needs of the child, and **(ii)** whether it is appropriate for the child to provide the care (or any care) in light of those needs.
- (6)** A local authority, in carrying out a needs assessment under this section, must involve— **(a)** the carer, and **(b)** where feasible, the person for whom the carer provides or intends to provide care.

COMPOSITE ASSESSMENT FOR PART 3

Part of the Act	No. duties in this Part	Distribution/frequency				Mean			
		Number of times you have made assessments against the following levels – you should fill in a number in each of cells below				This should be calculated by totalling your scores for Part 3 and dividing by 3 and entering in the relevant cell below			
		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence	1 - 25	26 – 50	51 – 75	76 – 100
Part 3	3								

The answers in this Table should be carried forward to the Overall Summary table in Section 1.

What sources of evidence have you drawn upon to make the assessments above?

Sources of evidence

ASSESSMENT OF CROSS-CUTTING THEMES FOR PART 3

Reflecting on the composite assessment at the end of Part 3, consider these against the following cross-cutting themes.

How you would assess each of these in relation to readiness to comply with your duties under this Part of the Act?

Cross cutting theme	Your assessment of your readiness to comply			
	Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
	1-25	26-50	51-75	76-100
Quality and constancy of leadership				
Maturity and development of partnerships				
Relevance and quality of systems, procedures and processes				
Quality, availability and development of workforce				
Range and availability of physical and financial resources				
Existence of plans and strategies which have a results and outcomes focus				
Performance to date and potential to continuously innovate and improve				
Robustness and relevance of governance arrangements including engagement of citizens and service users				

The answers in this Table should be carried forward to the Overall Summary in Section 1.

Having made the assessments above, what do you think are the top three assets and enablers that will help you to comply with your duties under this Part of the Act, and what are the three key deficits and barriers which you will need to overcome?

Assets and Enablers	Deficits and Barriers
1.	1.
2.	2.
3.	3.

SELF ASSESSMENT TOOL · PART 4 - MEETING NEEDS

PARAGRAPH BY PARAGRAPH ASSESSMENT

Part 4 of the Act (sections 32 - 58) is concerned with meeting needs. New eligibility criteria will be detailed in regulations which will reduce its significance and place greater focus on prevention, transparency, and building on people strengths to enable people in need to exercise voice and control over what matters to them, their needs and aspirations. This will mean that more people will be supported outside the eligibility framework.

Under the current legal regime the object of a community care / carers assessment is to determine whether there is a need for 'services'. The 2014 Act repeals existing statutes and provides an illustrative list of 'ways in which a local authority may meet needs', namely:

- a) accommodation in a care home, children's home or in premises of some other type;
- b) care and support at home or in the community;
- c) services, goods and facilities;
- d) information and advice.
- e) counselling and advocacy;
- f) social work;
- g) payments (including direct payments);
- h) aids and adaptations;
- i) occupational therapy.

The Act, as with the current legislation, provides that people in need have a right to have their eligible needs met. For carers it converts what is currently only a 'power' into a duty to have eligible needs met. The duty to meet the care and support needs of an adult would appear to be the same as under the current legislation save only that this is extended to self-funders who ask the local authority to meet their needs. This is perhaps the most significant change in the new duties in Part 4.

Part 4 contains a major change in respect of the duty to provide residential care (such as respite care) and the duty to support non-disabled 'children in need' by placing a specifically enforceable duty on local authorities to provide all children with the care and support they are assessed as needing under the eligibility criteria, or to protect them from harm.

Part 4 imposes a duty on local authorities to meet the eligible needs of carers – both adult carers and young carers. Local authorities are under a specifically enforceable duty to provide care and support in such cases unless they can produce cogent reasons / evidence to explain otherwise.

In assessing their readiness to meet the requirements of Part 4 local authorities and their partners will need to take account of the current range of services they can draw on to meet needs. They will need to examine how they currently meet the needs of adults, children and carers and assess the resource implications of the new additional duties. The change in requirements concerning self funders will require examining data on current numbers and estimating increased demand.

Most significant will be a need to assess how new approaches to applying eligibility criteria will affect local procedures and the ability of the workforce to adapt to new ways of working. The ability to change the application of criteria will depend on the availability of preventative services and people being able to take more control of their own care and support.

Marks should be given on an assessment of whether you feel that you can provide evidence that you are ready to comply with the duties under the Act.

This Tool is for you to use to help you assess your readiness to comply. It is not a performance measurement Tool and so the scoring is not prescriptive. The process by which you complete the Tool is also at your discretion. It may be that you choose to ask key individuals to complete certain sections due to their specific knowledge and experience, or it may be that you choose to organise a workshop with a selection of colleagues and work your way through your readiness to comply collectively. Certainly, it may be that you feel that a certain amount of collaboration is necessary in order to complete some of the assessment relating to cross-cutting themes, which comes at the end of the assessment of individual duties. As pointed out in the introduction to this document, this is not a Tool for one person to complete, but should involve people with access to the intelligence that provides a full picture of each part of the Tool (and of the Act), a focus on the future aspirations for social services and social care in Wales, and should extend beyond local authorities

In creating this tool we have endeavoured to list the individual duties from the Act and to re-present them here, with supporting paragraphs from the Act to help you understand the relevant duty. However, it should be noted that this document is designed to facilitate your assessment of your readiness to comply with duties under the Act; it is not a substitute for the Act as a whole. Therefore, we would also recommend that you refer back to the Act should you have any queries or questions regarding any of the duties as listed here. Furthermore, we should also point out that we have taken all of the duties as listed in the Act insofar as we see them and it may be that we become aware of other duties contained in the wording of the Act. Should this occur we will communicate them to you.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
4	32	Determination of eligibility and consideration of what to do to meet needs				

(1) Where a local authority is satisfied, on the basis of a needs assessment, that a person has needs for care and support or, if the person is a carer, needs for support, the authority must— **(a)** determine whether any of the needs meet the eligibility criteria; **(b)** if the needs do not meet the eligibility criteria, determine whether it is nevertheless necessary to meet the needs in order to protect the person from— **(i)** abuse or neglect or a risk of abuse or neglect (if the person is an adult); **(ii)** abuse or neglect or a risk of abuse or neglect, or other harm or a risk of such harm (if the person is a child); **(c)** determine whether the needs call for the exercise of any function it has under this Act or Parts 4 or 5 of the Children Act 1989, in so far as the function is relevant to that person; **(d)** consider whether the person would benefit from the provision of anything that may be provided by virtue of section 15 (preventative services) or 17 (information, advice and assistance) or anything else that may be available in the community.

(2) If a local authority determines that any needs must be met, or are to be met, under sections 35 to 45, the authority must— **(a)** consider what could be done to meet those needs; **(b)** consider whether it would impose a charge for doing those things, and if so, determine the amount of that charge (see Part 5).

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
4	35	Duty to meet care and support needs of an adult				

(1) A local authority must meet an adult's needs for care and support if it is satisfied that conditions 1, 2 and 3 are met (but see subsection (6)).

(2) Condition 1 is that the adult is— **(a)** ordinarily resident in the local authority's area, or **(b)** of no settled residence and within the authority's area.

(3) Condition 2 is that – **(a)** the needs meet the eligibility criteria, or **(b)** the local authority considers it necessary to meet the needs in order to protect the adult from abuse or neglect or a risk of abuse or neglect.

(4) Condition 3 is that—**(a)** there is no charge for the care and support needed to meet those needs, or **(b)** there is a charge for that care and support but— **(i)** the local authority is satisfied on the basis of a financial assessment that the adult's financial resources are at or below the financial limit, **(ii)** the local authority is satisfied on the basis of a financial assessment that the adult's financial resources are above the financial limit but the adult nonetheless asks the authority to meet his or her needs, or **(iii)** the local authority is satisfied that the adult lacks capacity to arrange for the provision of care and support and there is no person authorised to make such arrangements under the Mental Capacity Act 2005 or otherwise in a position to do so on the adult's behalf.

Subsections referred to above

(6) The duty under subsection (1) does not apply to an adult's needs to the extent that the local authority is satisfied that those needs are being met by a carer.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
4	37	Duty to meet care and support needs of a child				
<p>(1) A local authority must meet a child’s needs for care and support if it is satisfied that conditions 1 and 2, and any conditions specified in regulations, are met (but see subsections (5) and (6)).</p> <p>(2) Condition 1 is that the child is within the local authority’s area.</p> <p>(3) Condition 2 is that— (a) the needs meet the eligibility criteria, or (b) the local authority considers it necessary to meet the needs in order to protect the child from— (i) abuse or neglect or a risk of abuse or neglect, or (ii) other harm or a risk of such harm</p> <p>Subsections referred to above</p> <p>(5) The duty under subsection (1) does not apply to a child’s needs to the extent that the local authority is satisfied that those needs are being met by the child’s family or a carer.</p> <p>(6) This section does not apply to a child who is looked after by—(a) a local authority , (b) a local authority in England, (c) a local authority in Scotland, or (d) a Health and Social Care trust.</p>						

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
4	40	Duty to meet care and support needs of an adult carer				
<p>(1) A local authority must meet the needs for support of a carer who is an adult if it is satisfied that conditions 1, 2 and 3, and any conditions specified in regulations, are met.</p> <p>(2) Condition 1 is that the person cared for by the carer is— (a) an adult who is— (i) ordinarily resident in the local authority’s area, or (ii) of no settled residence and within the authority’s area, or (b) a disabled child who is within the authority’s area.</p> <p>(3) Condition 2 is that the carer’s needs meet the eligibility criteria. Condition 3 is that— in so far as there is a charge, section 41(5) or (6) applies.</p>						

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
4	42		Duty to meet care and support needs of a child carer			

(1) A local authority must meet the needs for support of a carer who is a child if it is satisfied that conditions 1, 2 and (where applicable) 3, and any conditions specified in regulations, are met.

(2) Condition 1 is that the person cared for by the carer is— **(a)** an adult who is— **(i)** ordinarily resident in the local authority's area, or **(ii)** of no settled residence and within the authority's area, or **(b)** a disabled child who is within the authority's area.

(3) Condition 2 is that the carer's needs meet the eligibility criteria. Condition 3 is that— **(a)** in so far as meeting the carer's needs involves the provision of care and support to an adult cared for by the carer— **(i)** there is not a charge under section 59 for meeting those needs and section 41(5), (6) or (7) applies, or **(ii)** in so far as there is a charge, section 41(1) or (2) applies; **(b)** in so far as meeting the carer's needs involves the provision of care and support to a disabled child aged 16 or 17 who is cared for by the carer— **(i)** there is not a charge under section 59 for meeting those needs and section 41(5), (6) or (8) applies, or **(c)** in so far as meeting the carer's needs involves the provision of care and support to a disabled child aged under 16 who is cared for by the carer— **(i)** there is not a charge under section 59 for meeting those needs and section 41(10) or (11) applies, or **(ii)** in so far as there is a charge, section 41(3) or (4) applies.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
4	50		Direct payments to meet an adult's needs			

(1) Regulations may require or allow a local authority to make payments to a person towards the cost of meeting an adult's needs for care and support under section 35 or 36.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
4	51	Direct payments to meet a child's needs				
<p>(1) Regulations may require or allow a local authority to make payments to a person towards the cost of meeting a child's needs for care and support under section 37, 38 or 39.</p>						

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
4	52	Direct payments to meet a carer's needs				
<p>(1) Regulations may require or allow a local authority to make payments to a person towards the cost of meeting a carer's needs for support under section 40, 42 or 45.</p>						

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
4	54	Care and support plans and support plans				

(1) Where a local authority is required to meet the needs of a person under section 35 or 37, it must prepare and maintain a care and support plan for that person.
 (2) Where a local authority is required to meet the needs of a carer under section 40 or 42, it must prepare and maintain a support plan in relation to that carer.
 (3) A local authority must keep under review the plans that it maintains under this section.
 (4) Where a local authority is satisfied that the circumstances of the person to whom a plan relates have changed in a way that affects the plan, the authority must—
 (a) carry out such assessments as it considers appropriate, and (b) revise the plan.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
4	56	Portability of care and support				

(1) Where a local authority “sending”) is notified by or on behalf of a person in respect of whom it has a duty under section 35 or 37 to meet needs for care and support that the person is going to move to the area of another local authority (“receiving”), and it is satisfied that the move is likely to happen, it must— (a) notify the receiving authority that it is so satisfied, (b) provide the receiving authority with— (i) a copy of the care and support plan prepared for the person, and (ii) such other information relating to the person and, if the person has a carer, such other information relating to the carer as the receiving authority may request.
 (2) Where the receiving authority is notified by or on behalf of a person in respect of whom the sending authority has a duty under section 35 or 37 to meet needs for care and support that the person is going to move to the receiving authority’s area, and the receiving authority is satisfied that the move is likely to happen, it must— (a) notify the sending authority that it is so satisfied, (b) provide the person and, if the person has a carer, the carer with such information as it considers appropriate, (c) if the person is a child, provide the persons with parental responsibility for the child with such information as it considers appropriate, and (d) assess the person under section 19 (if the person is an adult) or 21 (if the person is a child), having regard in particular to any change in the person’s needs for care and support arising from the move.

COMPOSITE ASSESSMENT FOR PART 4

Part of the Act	No. duties in this Part	Distribution/frequency				Mean			
		Number of times you have made assessments against the following levels – you should fill in a number in each of cells below				This should be calculated by totalling your scores for Part 4 and dividing by 10 and entering in the relevant cell below			
		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence	1 - 25	26 – 50	51 – 75	76 – 100
Part 4	10								

The answers in this Table should be carried forward to the Overall Summary table in Section 1.

What sources of evidence have you drawn upon to make the assessments above?

Sources of evidence

ASSESSMENT OF CROSS-CUTTING THEMES FOR PART 4

Reflecting on the composite assessment at the end of Part 4, consider these against the following cross-cutting themes.

How you would assess each of these in relation to readiness to comply with your duties under this Part of the Act?

Cross cutting theme	Your assessment of your readiness to comply			
	Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
	1-25	26-50	51-75	76-100
Quality and constancy of leadership				
Maturity and development of partnerships				
Relevance and quality of systems, procedures and processes				
Quality, availability and development of workforce				
Range and availability of physical and financial resources				
Existence of plans and strategies which have a results and outcomes focus				
Performance to date and potential to continuously innovate and improve				
Robustness and relevance of governance arrangements including engagement of citizens and service users				

The answers in this Table should be carried forward to the Overall Summary in Section 1.

Having made the assessments above, what do you think are the top three assets and enablers that will help you to comply with your duties under this Part of the Act, and what are the three key deficits and barriers which you will need to overcome?

Assets and Enablers	Deficits and Barriers
1.	1.
2.	2.
3.	3.

SELF ASSESSMENT TOOL · PART 5 – CHARGING AND FINANCIAL ASSESSMENT

PARAGRAPH BY PARAGRAPH ASSESSMENT

Part 5 (sections 59-73) is concerned with charging. Local authorities are empowered (but not obliged) to charge for the care and support they provide, or arrange to be provided, to meet a person's needs – but only the 'cost that the local authority incurs in meeting the needs to which the charge applies'. Authorities have a duty to carry out a financial assessment of people's financial resources and the restriction applies to ensure that local authorities do not charge for the actual assessment process – even if the person in need is a 'self-funder'.

The Act also requires that the charge imposed be no more than is 'reasonably practicable for the person to pay'. Charging will be the subject of the second tranche of draft regulations expected to be available for consultation in May 2015 and it is here that much of the detail needed to assess readiness to comply will be learned.

Charging is familiar territory for local authorities who have tried and tested processes in place for doing so. The main issue for assessing readiness to comply will be the resource and administrative implications of any new charging regime contained in the regulations and their impact on the ability to meet needs.

Marks should be given on an assessment of whether you feel that you can provide evidence that you are ready to comply with the duties under the Act.

This Tool is for you to use to help you assess your readiness to comply. It is not a performance measurement Tool and so the scoring is not prescriptive. The process by which you complete the Tool is also at your discretion. It may be that you choose to ask key individuals to complete certain sections due to their specific knowledge and experience, or it may be that you choose to organise a workshop with a selection of colleagues and work your way through your readiness to comply collectively. Certainly, it may be that you feel that a certain amount of collaboration is necessary in order to complete some of the assessment relating to cross-cutting themes, which comes at the end of the assessment of individual duties. As pointed out in the introduction to this document, this is not a Tool for one person to complete, but should involve people with access to the intelligence that provides a full picture of each part of the Tool (and of the Act), a focus on the future aspirations for social services and social care in Wales, and should extend beyond local authorities

In creating this tool we have endeavoured to list the individual duties from the Act and to re-present them here, with supporting paragraphs from the Act to help you understand the relevant duty. However, it should be noted that this document is designed to facilitate your assessment of your readiness to comply with duties under the Act; it is not a substitute for the Act as a whole. Therefore, we would also recommend that you refer back to the Act should you have any queries or questions regarding any of the duties as listed here. Furthermore, we should also point out that we have taken all of the duties as listed in the Act insofar as we see them and it may be that we become aware of other duties contained in the wording of the Act. Should this occur we will communicate them to you.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
5	63	Duty to carry out a financial assessment				

(1) This section applies in relation to a person on whom a local authority thinks it would impose a charge under section 59, were it to meet a person's needs for care and support or a carer's needs for support.

(2) The local authority must assess the level of the person's financial resources in order to determine whether it would be reasonably practicable for the person to pay the standard charge (but this is subject to section 65).

(3) In this Part "standard charge" means the amount that a local authority would charge under section 59 if no determination were made under section 66 as to a person's ability to pay that amount.

(4) An assessment under this section is referred to in this Act as a "financial assessment".

Subsections referred to above

59 Power to impose charges

(1) A local authority may require a person to pay a charge to the authority for providing or arranging the provision of care and support or (in the case of a carer) support under sections 35 to 45 to meet a person's needs.

(2) A charge imposed under subsection (1) may cover only the cost that the local authority incurs in meeting the needs to which the charge applies.

(3) But where a local authority is meeting needs because section 35(4)(b)(ii), 36, 38, 41(2), (4) or (6)(a)(i), 43(2) or (4)(a)(i) or 45 applies, it may require a person to pay a charge to the authority (in addition to any charge imposed under subsection (1)) for putting in place the arrangements for meeting those needs.

A local authority's power to impose a charge under this section is subject to—(a) the provision made in regulations under section 61 or 62 (if any), and (b) its duties under sections 63, 66 and 67 (if applicable).

65 Regulations disapplying the duty to carry out a financial assessment

Regulations may make provision about circumstances in which a local authority is not required (despite section 63) to carry out a financial assessment.

66 Determination as to a person's ability to pay a charge

(1) *Where a local authority has carried out a financial assessment—(a) the authority must determine, in light of the assessment, whether it would be reasonably practicable for the assessed person to pay the standard charge for the care and support or (in the case of carers) the support in respect of which a charge would be imposed on that person, and (b) if the authority determines that it would not be reasonably practicable for the assessed person to pay the standard charge, the authority must determine the amount (if any) that it would be reasonably practicable for that person to pay for that care and support or that support.*

(2) *In this section "the assessed person" means the person whose financial resources have been assessed under section 63.*

(3) *Regulations must make provision about the making of determinations under subsection (1).*

(4) *The regulations must require a local authority to determine, in a case where the assessed person's financial resources (whether income, capital, or a combination of both) exceed a specified level, that it would be reasonably practicable for that person to pay the standard charge.*

(5) *The level specified for the purposes of subsection (4) is referred to in this Act as "the financial limit".*

(6) *The regulations may require a local authority to determine that it would not be reasonably practicable for the assessed person to pay any amount for the care and support or (in the case of carers) the support that would reduce the person's income or capital below specified levels; and the regulations may, (in reliance on section 196(2)) specify different levels—**(a)** for income and for capital, **(b)** for different circumstances, and **(c)** for different descriptions of persons.*

(7) *The regulations may also (among other things) make provision about cases or circumstances in which a local authority must or may replace a determination with a new determination.*

(8) *A determination under subsection (1) has effect from a date that the local authority considers reasonable (which may be a date before that on which the determination was made); but this is subject to any provision made in regulations under subsection (9).*

(9) *Regulations may make provision as to the date from which a determination under subsection (1) is to have effect (and may include provision for a determination to have effect from a date before that on which it was made).*

(10) *Where a determination replaces an existing determination, the existing determination continues to have effect until the new determination has effect.*

For the purposes of subsection (10), a determination replaces an existing determination if it relates to the same person and the same care and support or (in the case of carers) support.

COMPOSITE ASSESSMENT FOR PART 5

Part of the Act	No. duties in this Part	Distribution/frequency				Mean			
		Given that there is only one duty in Part 5, mark which level you have assessed against below.				Given that there is only one duty in Part 5, place the single score in the appropriate box below.			
		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence	1 - 25	26 – 50	51 – 75	76 – 100
Part 5	1								

The answers in this Table should be carried forward to the Overall Summary in Section 1.

What sources of evidence have you drawn upon to make the assessments above?

Sources of evidence

ASSESSMENT OF CROSS-CUTTING THEMES FOR PART 5

Reflecting on the composite assessment at the end of Part 5, consider these against the following cross-cutting themes.

How you would assess each of these in relation to readiness to comply with your duties under this Part of the Act?

Cross cutting theme	Your assessment of your readiness to comply			
	Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
Quality and constancy of leadership				
Maturity and development of partnerships				
Relevance and quality of systems, procedures and processes				
Quality, availability and development of workforce				
Range and availability of physical and financial resources				
Existence of plans and strategies which have a results and outcomes focus				
Performance to date and potential to continuously innovate and improve				
Robustness and relevance of governance arrangements including engagement of citizens and service users				

The answers in this Table should be carried forward to the Overall Summary in Section 1.

Having made the assessments above, what do you think are the top three assets and enablers that will help you to comply with your duties under this Part of the Act, and what are the three key deficits and barriers which you will need to overcome?

Assets and Enablers	Deficits and Barriers
1.	1.
2.	2.
3.	3.

SELF ASSESSMENT TOOL · PART 6 - LOOKED AFTER AND ACCOMMODATED CHILDREN

PARAGRAPH BY PARAGRAPH ASSESSMENT

Part 6 of the Act (sections 74 – 125) largely re-enacts the provisions in Part 3 of the Children Act 1989 relating to looked after and accommodated children – including independent reviewing officers, the Children Leaving Care provisions and secure accommodation.

In assessing the extent to which authorities and partners are meeting the requirements of Part 6, it will be necessary to ask Heads of Children's Services to provide information on current performance in respect of looked after children. However, this should concentrate on their ability to meet the needs of children becoming looked after by accommodating them in the care of the Authority rather than the wider strategic objective of reducing the number of looked after children in the system.

It will be necessary, for example, to gather information on:

- The range of accommodation options available, eg residential care, foster carers, and how these are used;
- Plans and reviews;
- Educational outcomes and other factors which determine the child's well-being such as physical and mental health;
- Contact arrangements; and
- The range of support services for children leaving care.

Much of this information should be routinely available currently via performance indicators and statutory and other reports on looked after children.

Marks should be given on an assessment of whether you feel that you can provide evidence that you are ready to comply with the duties under the Act.

This Tool is for you to use to help you assess your readiness to comply. It is not a performance measurement Tool and so the scoring is not prescriptive. The process by which you complete the Tool is also at your discretion. It may be that you choose to ask key individuals to complete certain sections due to their specific knowledge and experience, or it may be that you choose to organise a workshop with a selection of colleagues and work your way through your readiness to comply collectively. Certainly, it may be that you feel that a certain amount of collaboration is necessary in order to complete some of the assessment relating to cross-cutting themes, which comes at the end of the assessment of individual duties. As pointed out in the introduction to this document, this is not a Tool for one person to complete, but should involve people with access to the intelligence that provides a full picture of each part of the Tool (and of the Act), a focus on the future aspirations for social services and social care in Wales, and should extend beyond local authorities

In creating this tool we have endeavoured to list the individual duties from the Act and to re-present them here, with supporting paragraphs from the Act to help you understand the relevant duty. However, it should be noted that this document is designed to facilitate your assessment of

your readiness to comply with duties under the Act; it is not a substitute for the Act as a whole. Therefore, we would also recommend that you refer back to the Act should you have any queries or questions regarding any of the duties as listed here. Furthermore, we should also point out that we have taken all of the duties as listed in the Act insofar as we see them and it may be that we become aware of other duties contained in the wording of the Act. Should this occur we will communicate them to you.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	75		General duty of local authority to secure sufficient accommodation for looked after children			

(1) A local authority must take steps that secure, so far as reasonably practicable, that the local authority is able to provide the children mentioned in subsection (2) with accommodation that:

(a) is within the authority's area, and **(b)** meets the needs of those children.

Subsections referred to above

The children referred to in subsection (1) are those:

(a) that the local authority is looking after, (b) in respect of whom the authority is unable to make arrangements under section 81(2), and (c) whose circumstances are such that it would be consistent with their well-being for them to be provided with accommodation that is in the authority's area.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	76		Accommodation for children without parents or who are lost or abandoned etc			

(1) A local authority must provide accommodation for any child within its area who appears to the authority to require accommodation as a result of:

(a) there being no person who has parental responsibility for the child, **(b)** the child being lost or having been abandoned, or **(c)** the person who has been caring for the child being prevented (whether or not permanently, and for whatever reason) from providing the child with suitable accommodation or care.

(3) A local authority must provide accommodation for any child within its area who has reached the age of 16 and whose well-being the authority considers is likely to be seriously prejudiced if it does not provide the child with accommodation.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
			1-25	26-50	51-75	76-100
6	77	Accommodation for children in police protection or detention or on remand etc				

(1) A local authority must make provision for the reception and accommodation of children who are removed or kept away from home under Part 5 of the Children Act 1989.

(2) A local authority must receive, and provide accommodation for, children:

(a) in police protection whom it is requested to receive under section 46(3)(f) of the Children Act 1989; **(b)** whom it is requested to receive under section 38(6) of the Police and Criminal Evidence Act 1984; **(c)** with respect to whom it is the designated authority and who are—

(i) remanded to accommodation provided by or on behalf of a local authority by virtue of paragraph 4 of Schedule 1 or paragraph 6 of Schedule 8 to the Powers of Criminal Courts (Sentencing) Act 2000 (breach etc of referral orders and reparation orders); **(ii)** remanded to accommodation provided by or on behalf of a local authority by paragraph 21 of Schedule 2 to the Criminal Justice and Immigration Act 2008 (breach etc of youth rehabilitation orders)

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
			1-25	26-50	51-75	76-100
6	78	Principal duty of a local authority in relation to looked after children				

(1) A local authority looking after any child must—

(a) safeguard and promote the child's well-being, and **(b)** make such use of services available for children cared for by their own parents as appears to the authority reasonable in the child's case.

(2) The duty of a local authority under subsection **(1)(a)** to safeguard and promote the well-being of a child looked after by it includes, for example:

(a) a duty to promote the child's educational achievement; **(b)** a duty - (i) to assess from time to time whether the child has care and support needs which meet the eligibility criteria set under section 32, and (ii) if the child has needs which meet the eligibility criteria, to at least meet those needs

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	79		Provision of accommodation for children in care			

When a child is in the care of a local authority, the authority must provide the child with accommodation.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	80		Maintenance of looked after children			

A local authority must maintain a child it is looking after in other respects apart from the provision of accommodation

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
			1-25	26-50	51-75	76-100
6	81	Ways in which looked after children are to be accommodated and maintained				

(13) The local authority may determine—

(a) the terms of any arrangements it makes under subsection (2) in relation to children (including terms as to payment), and

(b) the terms on which it places children with a local authority foster parent under subsection (5) or with a prospective adopter under subsection (11) (including terms as to payment but subject to any order made under section 49 of the Children Act 2004).

Subsections referred to above.

(2) The local authority must make arrangements for C (a child) to live with a person who falls within subsection (3), but this is subject to subsections (4) and (11).

(3) A person (“P”) falls within this subsection if—(a) P is a parent of C, (b) P is not a parent of C but has parental responsibility for C, or (c) in a case where C is in the care of the local authority and there was a residence order in force with respect to C immediately before the care order was made, P was a person in whose favour the residence order was made.

(5) If the local authority is unable to make arrangements under subsection (2), it must place C in the placement that is, in its opinion, the most appropriate placement available (but this is subject to subsection (11)).

(6) In subsection (5) “placement” means—(a) placement with an individual who is a relative, friend or other person connected with C and who is also a local authority foster parent, (b) placement with a local authority foster parent who does not fall within paragraph (a), (c) placement in a children’s home, or (d) subject to section 82, placement in accordance with other arrangements that comply with any regulations made for the purposes of this section.

(11) The local authority must place C with A, unless in its opinion it would be more appropriate—(a) to make arrangements for C to live with a person falling within subsection (3), or (b) to place C in a placement of a description mentioned in subsection (6).

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	83	Care and support plans				

- (1)** Where a child becomes looked after by a local authority, any care and support plan prepared under section 54 in relation to that child must be—
(a) reviewed, and **(b)** maintained under this section.
- (2)** Where a child who does not have a care and support plan under section 54 becomes looked after by a local authority, the local authority must prepare and maintain a care and support plan in relation to that child.
- (3)** A local authority must keep under review the plans that it maintains under this section.
- (4)** Where a local authority is satisfied that the circumstances of the child to whom a plan relates have changed in a way that affects the plan, the authority must—
(a) carry out such assessments as it considers appropriate, and **(b)** revise the plan.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
			1-25	26-50	51-75	76-100
6	95	Promotion and maintenance of contact between child and family				

(1) Where a child is being looked after by a local authority, the authority must, unless it is not reasonably practicable or consistent with the child’s well-being, promote contact between the child and—

(a) the child’s parents, **(b)** any person who is not a parent of the child but who has parental responsibility for the child, and **(c)** any relative, friend or other person connected with the child.

(2) Where a child is being looked after by a local authority, the authority must take such steps as are reasonably practicable to secure that the following persons are kept informed of where the child is being accommodated—

(a) the child’s parents; **(b)** any person who is not a parent of the child but who has parental responsibility for the child.

(4) Where a local authority (“the receiving authority”) takes over the provision of accommodation for a child from another local authority (“the transferring authority”) under section 76—

(a) the receiving authority must (where reasonably practicable) inform— (i) the child’s parents, and (ii) any person who is not a parent of the child but who has parental responsibility for the child,

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
			1-25	26-50	51-75	76-100
6	97	Duty of local authority to ensure visits to, and contact with, looked after children and other children				

(3) The local authority must—

(a) ensure that a child to whom this section applies is visited by a representative of the authority (“a representative”); **(b)** arrange for appropriate advice and other support to be available to a child to whom this section applies

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	98	Independent visitors for looked after children				

(1) A local authority looking after a child must appoint an independent person to be the child's visitor if—
(a) the child falls within a category specified in regulations, or **(b)** in any other case, it appears to the authority that it would be in the child's interests to do so.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	99	Appointment of independent reviewing officer				

(1) If a local authority is looking after a child, it must appoint an individual as the independent reviewing officer for that child's case.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	103	Befriending, advising and assisting looked after children				

A local authority looking after a child must advise, assist and befriend the child with a view to promoting their well-being when it has ceased to look after the child.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	105	Keeping in touch				
<p>(1) The responsible local authority for a category 2 or category 3 young person must take reasonable steps to keep in touch with that person, whether the person is within its area or not.</p> <p>(2) If the responsible local authority for a category 2 or category 3 young person has lost touch with that person it must—</p> <p>(a) consider how to re-establish contact, and (b) take reasonable steps to do so.</p>						

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	106	Personal advisers				

(1) The responsible local authority for a person mentioned in subsection (2) must arrange for that person to have a personal adviser

Subsections referred to above

(2) The persons are—(a) a category 1 young person; (b) a category 2 young person; (c) a category 3 young person; (d) a category 4 young person.

(3) The duty under subsection (1)—(a) in the case of a category 3 young person, is subject to section 111; (b) in the case of a category 4 young person, is subject to section 113.

Section 111

Cessation of duties in relation to category 3 young people

(1) A responsible local authority's duties towards a category 3 young person cease when the young person reaches the age of 21, except in the circumstances set out in subsection (2).

(2) Where the category 3 young person's pathway plan sets out a programme of education or training which extends beyond the date on which he or she reaches the age of 21— (a) the duties under section 110(1)(b) and (c), (6) and (9) continue until the young person ceases to pursue that programme, and (b) the duties under sections 105, 106 and 107(3) and (10) continue concurrently with those duties and cease at the same time.

(3) For the purposes of subsection (2)(a), the responsible local authority must disregard any interruption in the young person's pursuance of a programme of education or training if it is satisfied that the young person will resume the programme as soon as is reasonably practicable.

Section 113

Cessation of duties in relation to category 4 young people

(1) A responsible local authority's duties towards a category 4 young person cease when the young person ceases to pursue a programme of education or training in accordance with his or her pathway plan.

(2) For the purposes of subsection (1), the responsible local authority may disregard any interruption in the young person's pursuance of a programme of education or training if it is satisfied that the young person will resume the programme as soon as is reasonably practicable.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	107	Pathway assessments and plans: general				

The responsible local authority for a category 1 young person must carry out an assessment of the young person's needs with a view to determining what advice and other support it would be appropriate for it to provide to the young person under this Part—

(a) while it is still looking after the young person, and (b) after it ceases to look after the young person.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	109	Support for category 2 young people				

(1) The responsible local authority for a category 2 young person must safeguard and promote that person's well-being and, unless it is satisfied that the person's well-being does not require it, support the person by—

(a) maintaining the person, (b) providing the person with, or maintaining the person in, suitable accommodation, and (c) providing support of such other descriptions as may be specified in regulations.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	110		Support for category 3 young people			

(1) The responsible local authority for a category 3 young person must support that young person by—

(a) contributing, to the extent that the young person's well-being requires it, to expenses incurred by the young person in living near the place where he or she is, or will be, employed or seeking employment; **(b)** contributing, to the extent that the young person's well-being and educational or training needs require it, to expenses incurred by the young person in living near the place where he or she is, or will be, receiving education or training; **(c)** making a grant to the young person, to the extent that the young person's well-being and educational or training needs require it, to enable him or her to meet expenses connected with his or her education or training; **(d)** doing anything else it considers appropriate, to the extent that the young person's well-being requires it.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	112		Support for category 4 young people			

(1) The responsible local authority for a category 4 young person must support that young person, to the extent that his or her educational or training needs require it, by—

(a) contributing to expenses incurred by the young person in living near the place where he or she is, or will be, receiving education or training; **(b)** making a grant to the young person to enable him or her to meet expenses connected with his or her education or training.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	114	Support for category 5 young people and former category 5 young people				

(1) The responsible local authority for a category 5 young person must consider whether the conditions in subsection (2) are satisfied in relation to the young person.

(3) If the conditions are satisfied the local authority must advise and befriend the young person and may give that person support in the manner described in subsection (4).

Subsections referred to above

(2) The conditions are that— (a) the young person needs support of a kind which it can give under this section, and (b) the local authority is satisfied that the person by whom the young person was being looked after does not have the necessary facilities for advising or befriending him or her.

(4) The support may be given— (a) in kind; (b) by contributing to expenses incurred by the young person in living near the place where he or she is, or will be, employed or seeking employment; (c) by contributing to expenses incurred by the young person in living near the place where he or she is, or will be, receiving education or training; (d) by making a grant to the young person to enable him or her to meet expenses connected with his or her education or training; (e) by providing accommodation, if support may not be given in respect of the accommodation under paragraphs (b) to (d); (f) in cash.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	115	Support for category 6 young people and former category 6 young people				

(1) The responsible local authority for a category 6 young person must consider whether the conditions in subsection (2) are satisfied in relation to the young person.

(3) If the conditions are satisfied—

(a) the local authority must advise and befriend the young person, if that person is a category 6 young person by virtue of section 104(3)(a) or (b), and **(b)** in any other case, the local authority may advise and befriend the young person.

Subsections referred to above

(2) The conditions are that— (a) the young person needs support of a kind which the local authority can give under this section, and (b) where the young person is a category 6 young person by virtue of section 104(3)(b) to (e), the local authority is satisfied that the person by whom the young person was being looked after, accommodated or fostered (within the meaning of that subsection) does not have the necessary facilities for advising or befriending him or her.

(3) In the definition of “category 6 young person”, “looked after, accommodated or fostered” means—(a) looked after by a local authority (without subsequently being looked after by a local authority in England), (b) accommodated by or on behalf of a voluntary organisation, (c) accommodated in a private children’s home, (d) accommodated for a consecutive period of at least three months— (i) by or on behalf of a Local Health Board or Special Health Authority, (ii) by or on behalf of a clinical commissioning group or the National Health Service Commissioning Board, (iii) by or on behalf of a local authority in the exercise of education functions, (iv) by or on behalf of a local authority in England in the exercise of education functions, (v) in any care home or independent hospital, or (vi) in any accommodation provided by or on behalf of an NHS Trust or by or on behalf of an NHS Foundation Trust, or (e) privately fostered (within the meaning of section 66 of the Children Act 1989).

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	118	Information				

(1) Where it appears to a local authority that a young person— **(a)** with whom it is under a duty to keep in touch under section 105, **(b)** whom it has been advising and befriending under section 114 or 115, or **(c)** to whom it has been giving other support under section 114 or 115, proposes to live, or is living, in the area of another local authority or a local authority in England, it must inform that other authority.

Subsections referred to above

(105) (1) The responsible local authority for a category 2 or category 3 young person must take reasonable steps to keep in touch with that person, whether the person is within its area or not.

(5) The responsible local authority for a category 6 young person falling within that category by virtue of section 104(3)(a) must take reasonable steps to contact the young person at such times as it thinks appropriate with a view to discharging its functions under section 115.

(114) Refers to support for category 5 young people and former category 5 young people and notes that A local authority may also give support in the manner described in paragraphs (c) and (d) of subsection (4) to a young person who— (a) is under the age of 25, and (b) would be a category 5 young person if he or she were under the age of 21.

(115) Refers to support for category 6 young people and former category 6 young people and notes that A local authority may also give support in the manner described in subsection (5)(b)(ii) and (iii) to a young person who—(a) is under the age of 25, and (b) if he or she were under the age of 21, would be a category 6 young person by virtue of section 104(3)(a)

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	120	Assessment of children accommodated by health authorities and education authorities				

(2) The accommodating authority must notify the appropriate officer of the responsible authority—

(a) that it is accommodating the child, and **(b)** when it ceases to accommodate the child.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
6	125	Death of children being looked after by local authorities				

If a child who is being looked after by a local authority dies, the authority—

(a) must notify the Welsh Ministers, **(b)** must, so far as is reasonably practicable, notify the child's parents and every person who is not a parent of the child but who has parental responsibility for the child,

COMPOSITE ASSESSMENT FOR PART 6

Part of the Act	No. duties in this Part
Part 6	24

Distribution/frequency			
Number of times you have made assessments against the following levels – you should fill in a number in each of cells below			
Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence

Mean			
This should be calculated by totalling your scores for Part 6 and dividing by 24 and entering in the relevant cell below			
1 - 25	26 – 50	51 – 75	76 – 100

The answers in this Table should be carried forward to the Overall Summary in Section 1.

What sources of evidence have you drawn upon to make the assessments above?

Sources of evidence

ASSESSMENT OF CROSS-CUTTING THEMES FOR PART 6

Reflecting on the composite assessment at the end of Part 6, consider these against the following cross-cutting themes.

How you would assess each of these in relation to readiness to comply with your duties under this Part of the Act?

Cross cutting theme	Your assessment of your readiness to comply			
	Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
	1-25	26-50	51-75	76-100
Quality and constancy of leadership				
Maturity and development of partnerships				
Relevance and quality of systems, procedures and processes				
Quality, availability and development of workforce				
Range and availability of physical and financial resources				
Existence of plans and strategies which have a results and outcomes focus				
Performance to date and potential to continuously innovate and improve				
Robustness and relevance of governance arrangements including engagement of citizens and service users				

The answers in this Table should be carried forward to the Overall Summary in Section 1.

Having made the assessments above, what do you think are the top three assets and enablers that will help you to comply with your duties under this Part of the Act, and what are the three key deficits and barriers which you will need to overcome?

Assets and Enablers	Deficits and Barriers
1.	1.
2.	2.
3.	3.

SELF ASSESSMENT TOOL · PART 7 - SAFEGUARDING

PARAGRAPH BY PARAGRAPH ASSESSMENT

Part 7 of the Act (sections 126-142) deals with 'safeguarding' both for adults and children – although safeguarding obligations are a theme that runs through the entire Act with appropriate accompanying references. The safeguarding duty applies to people 'at risk'. For an adult this is someone experiencing (or is at risk of) abuse or neglect, and has needs for care and support and as a result of those needs is unable to protect himself or herself against the abuse or neglect or the risk of it. A child is at risk if experiencing (or is at risk of) abuse, neglect or other kinds of harm, and has needs for care and support (whether or not the authority is meeting any of those needs).

Abuse is defined as physical, sexual, psychological, emotional or financial and which may occur in any setting. Neglect is defined as a failure to meet a person's basic physical, emotional, social or psychological needs, which is likely to result in an impairment of the person's well-being.

The Act creates a National Independent Safeguarding Board and provides for local Safeguarding Boards for adults and for children, whose objectives are essentially to 'protect and to prevent'. In large measure the Act puts on a statutory footing much of the current safeguarding guidance (i.e. 'In Safe Hands') – including the imposition of a duty on public bodies to report abuse of adults and children and to make enquiries where there is reasonable cause to suspect that a person is at risk.

In statutory terms, the most significant new provision concerns 'adult protection and support orders' which provides for an 'authorised officer' of a local authority to obtain a court order that entitles them to speak in private with a person suspected of being at risk in order to ascertain whether she / he is making decisions freely and whether he / she is at risk.

In assessing their readiness to meet the requirements of Part 7, local authorities and their partners will need to take account of the current arrangements in place to safeguard vulnerable people. The emphasis should be on assessing how well equipped these arrangements are to meet the statutory duty rather than a detailed analysis of safeguarding data such as child protection referrals and successful prosecutions of adult abusers.

Of course, performance information about outcomes is bound to feature in an assessment of organisational effectiveness. However, the primary focus should be on how well the inter-agency co-operation essential to safeguarding is working, and whether local and regional safeguarding boards are in place at the right level to comply with the safeguarding guidance and to develop.

Authorities will be well used to reporting on safeguarding activity and this information will be useful in assessing readiness. It will also be necessary to review cross-cutting themes like workforce and resources in determining how well placed authorities and partners are, as well as accounting for support from services such as legal and human resources.

Marks should be given on an assessment of whether you feel that you can provide evidence that you are ready to comply with the duties under the Act.

This Tool is for you to use to help you assess your readiness to comply. It is not a performance measurement Tool and so the scoring is not prescriptive. The process by which you complete the Tool is also at your discretion. It may be that you choose to ask key individuals to complete certain sections due to their specific knowledge and experience, or it may be that you choose to organise a workshop with a selection of

colleagues and work your way through your readiness to comply collectively. Certainly, it may be that you feel that a certain amount of collaboration is necessary in order to complete some of the assessment relating to cross-cutting themes, which comes at the end of the assessment of individual duties. As pointed out in the introduction to this document, this is not a Tool for one person to complete, but should involve people with access to the intelligence that provides a full picture of each part of the Tool (and of the Act), a focus on the future aspirations for social services and social care in Wales, and should extend beyond local authorities

In creating this tool we have endeavoured to list the individual duties from the Act and to re-present them here, with supporting paragraphs from the Act to help you understand the relevant duty. However, it should be noted that this document is designed to facilitate your assessment of your readiness to comply with duties under the Act; it is not a substitute for the Act as a whole. Therefore, we would also recommend that you refer back to the Act should you have any queries or questions regarding any of the duties as listed here. Furthermore, we should also point out that we have taken all of the duties as listed in the Act insofar as we see them and it may be that we become aware of other duties contained in the wording of the Act. Should this occur we will communicate them to you.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
7	126	Adults at risk				
<p>(2) If a local authority has reasonable cause to suspect that a person within its area (whether or not ordinarily resident there) is an adult at risk, it must— (a) make (or cause to be made) whatever enquiries it thinks necessary to enable it to decide whether any action should be taken (whether under this Act or otherwise) and, if so, what and by whom, and (b) decide whether any such action should be taken.</p>						

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
7	128	Duty to report adults at risk				
<p>(1) If a relevant partner of a local authority has reasonable cause to suspect that a person is an adult at risk and appears to be within the authority's area, it must inform the local authority of that fact.</p> <p>(3) If a local authority has reasonable cause to suspect that a person within its area at any time is an adult at risk and is living or proposing to live in the area of another local authority (or a local authority in England), it must inform that other authority.</p>						

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
7	130	Duty to report children at risk				

- (1) If a relevant partner of a local authority has reasonable cause to suspect that a child is a child at risk and appears to be within the authority's area, it must inform the local authority of that fact.
- (2) If the child that the relevant partner has reasonable cause to suspect is a child at risk appears to be within the area of a local authority other than one of which it is a relevant partner, it must inform that other local authority.
- (3) If a local authority has reasonable cause to suspect that a child within its area at any time is a child at risk and is living or proposing to live within the area of another local authority (or a local authority in England), it must inform that other authority.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
7	134	Safeguarding Children Boards and Safeguarding Adults Boards				

- (2) Each of the following is a Safeguarding Board partner in relation to a Safeguarding Board area— (a) the local authority for an area, any part of which falls within the Safeguarding Board area; (b) the chief officer of police for a police area, any part of which falls within the Safeguarding Board area; (c) a Local Health Board for an area, any part of which falls within the Safeguarding Board area; (d) an NHS trust providing services in the Safeguarding Board area; (e) the Secretary of State to the extent that the Secretary of State is discharging functions under sections 2 and 3 of the Offender Management Act 2007 in relation to Wales; (f) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a Safeguarding Board partner in relation to the Safeguarding Board area.
- (4) The lead partner in relation to children must establish a Safeguarding Children Board for its Safeguarding Board area.
- (5) The lead partner in relation to adults must establish a Safeguarding Adults Board for its Safeguarding Board area.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
7	136	Safeguarding Boards: annual plans and reports				

(1) Before the beginning of each financial year a Safeguarding Board must publish a plan (its “annual plan”) setting out its proposals for achieving its objectives in that year.

(2) No later than 31 July of each year, a Safeguarding Board must publish a report on— (a) how it has exercised its functions in the preceding financial year, and (b) the extent to which it implemented the proposals in its annual plan for the preceding financial year.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
7	137	Supply of information requested by Safeguarding Boards				

(1) A Safeguarding Board may, for the purpose of enabling or assisting the Board to perform its functions, ask a qualifying person or body to supply specified information to which subsection (2) or (3) applies

(4) The qualifying person or body to whom or to which a request is made under subsection (1) must comply with the request unless the person or body considers that doing so would— (a) be incompatible with the duties of the person or body, or (b) otherwise have an adverse effect on the exercise of the functions of the person or body .

Subsections referred to above

(2) This subsection applies to information relating to—(a) the qualifying person or body to whom or to which the request is made, (b) a function or activity of that qualifying person or body, or (c) a person in respect of whom a function is exercisable, or an activity is engaged in, by that qualifying person or body.

(3) This subsection applies to information which—(a) has been supplied to the qualifying person or body in compliance with another request under this section, or (b) is derived from information so supplied.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
7	139	Safeguarding Boards: supplementary				
<p>(1) A Safeguarding Board must cooperate with the National Board, and must supply the National Board with any information it requests.</p> <p>(4) Each Safeguarding Board partner must take all reasonable steps to ensure that the Safeguarding Board on which it is represented operates effectively.</p>						

COMPOSITE ASSESSMENT FOR PART 7

Part of the Act	No. duties in this Part	Distribution/frequency				Mean			
		Number of times you have made assessments against the following levels – you should fill in a number in each of cells below				This should be calculated by totalling your scores for Part 7 and dividing by 7 and entering in the relevant cell below			
		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence	1 - 25	26 – 50	51 – 75	76 – 100
Part 7	7								

The answers in this Table should be carried forward to the Overall Summary in Section 1.

What sources of evidence have you drawn upon to make the assessments above?

Sources of evidence

ASSESSMENT OF CROSS-CUTTING THEMES FOR PART 7

Reflecting on the composite assessment at the end of Part 7, consider these against the following cross-cutting themes.

How you would assess each of these in relation to readiness to comply with your duties under this Part of the Act?

Cross cutting theme	Your assessment of your readiness to comply			
	Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
	1-25	26-50	51-75	76-100
Quality and constancy of leadership				
Maturity and development of partnerships				
Relevance and quality of systems, procedures and processes				
Quality, availability and development of workforce				
Range and availability of physical and financial resources				
Existence of plans and strategies which have a results and outcomes focus				
Performance to date and potential to continuously innovate and improve				
Robustness and relevance of governance arrangements including engagement of citizens and service users				

The answers in this Table should be carried forward to the Overall Summary in Section 1.

Having made the assessments above, what do you think are the top three assets and enablers that will help you to comply with your duties under this Part of the Act, and what are the three key deficits and barriers which you will need to overcome?

Assets and Enablers	Deficits and Barriers
1.	1.
2.	2.
3.	3.

SELF ASSESSMENT TOOL · PART 8 – SOCIAL SERVICES FUNCTIONS

PARAGRAPH BY PARAGRAPH ASSESSMENT

Part 8 of the Act (sections 143-161) is concerned with Social Services functions. It provides the Welsh Ministers with extensive powers to direct local authorities and to intervene. The duty on local authorities contained in Part 8 relates to the appointment of an officer to be known as the director of social services. This confirms a long-standing commitment by Welsh Government to retain such posts in Wales.

Whilst the competencies needed to fulfil the duties of a director are subject to codes and regulations, they are unlikely to differ greatly from those currently in place.

In assessing the readiness to comply with Part 8, local authorities will need to examine their senior management structures to ensure they meet the requirements contained in the regulations. This has been a more complex issue for some in the past than others because of the intricacies of particular structures, but there is little evidence to suggest that authorities will find compliance over-challenging. Authorities wishing to share a director will need to give particular consideration to how they apply this requirement.

Marks should be given on an assessment of whether you feel that you can provide evidence that you are ready to comply with the duties under the Act.

This Tool is for you to use to help you assess your readiness to comply. It is not a performance measurement Tool and so the scoring is not prescriptive. The process by which you complete the Tool is also at your discretion. It may be that you choose to ask key individuals to complete certain sections due to their specific knowledge and experience, or it may be that you choose to organise a workshop with a selection of colleagues and work your way through your readiness to comply collectively. Certainly, it may be that you feel that a certain amount of collaboration is necessary in order to complete some of the assessment relating to cross-cutting themes, which comes at the end of the assessment of individual duties. As pointed out in the introduction to this document, this is not a Tool for one person to complete, but should involve people with access to the intelligence that provides a full picture of each part of the Tool (and of the Act), a focus on the future aspirations for social services and social care in Wales, and should extend beyond local authorities

In creating this tool we have endeavoured to list the individual duties from the Act and to re-present them here, with supporting paragraphs from the Act to help you understand the relevant duty. However, it should be noted that this document is designed to facilitate your assessment of your readiness to comply with duties under the Act; it is not a substitute for the Act as a whole. Therefore, we would also recommend that you refer back to the Act should you have any queries or questions regarding any of the duties as listed here. Furthermore, we should also point out that we have taken all of the duties as listed in the Act insofar as we see them and it may be that we become aware of other duties contained in the wording of the Act. Should this occur we will communicate them to you.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
8	144	Directors of social services				
<p>(1) A local authority must appoint an officer, to be known as the director of social services, for the purposes of its social services functions.</p> <p>(4) Two or more local authorities may, if they consider that the same person can efficiently discharge, for both or all of them, the functions of a director of social services, appoint one person as director of social services for both or all of those authorities.</p> <p>(5) A local authority which has appointed, or jointly appointed, a person under this section must secure the provision of adequate staff for the purposes of its social services functions in order to assist the director.</p>						

COMPOSITE ASSESSMENT FOR PART 8

Part of the Act	No. duties in this Part
Part 8	1

Distribution/frequency			
Given that there is only one duty in Part 8, mark which level you have assessed against below.			
Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence

Mean			
Given that there is only one duty in Part 8, place the single score in the appropriate box below.			
1 - 25	26 - 50	51 - 75	76 - 100

The answers in this Table should be carried forward to the Overall Summary in Section 1.

What sources of evidence have you drawn upon to make the assessments above?

Sources of evidence

ASSESSMENT OF CROSS-CUTTING THEMES FOR PART 8

Reflecting on the composite assessment at the end of Part 8, consider these against the following cross-cutting themes.

How you would assess each of these in relation to readiness to comply with your duties under this Part of the Act?

Cross cutting theme	Your assessment of your readiness to comply			
	Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
	1-25	26-50	51-75	76-100
Quality and constancy of leadership				
Maturity and development of partnerships				
Relevance and quality of systems, procedures and processes				
Quality, availability and development of workforce				
Range and availability of physical and financial resources				
Existence of plans and strategies which have a results and outcomes focus				
Performance to date and potential to continuously innovate and improve				
Robustness and relevance of governance arrangements including engagement of citizens and service users				

The answers in this Table should be carried forward to the Overall Summary in Section 1.

Having made the assessments above, what do you think are the top three assets and enablers that will help you to comply with your duties under this Part of the Act, and what are the three key deficits and barriers which you will need to overcome?

Assets and Enablers	Deficits and Barriers
1.	1.
2.	2.
3.	3.

SELF ASSESSMENT TOOL · PART 9 - CO-OPERATION AND PARTNERSHIP

PARAGRAPH BY PARAGRAPH ASSESSMENT

Part 9 of the Act (sections 162 to 170) is concerned with co-operation and partnerships and includes a duty on local authorities to promote co-operation between them and their partners to improve the well-being and protection of, and care and support for, adults, children and carers. Partners must co-operate with local authorities in the exercise of their functions unless there are defined reasons for not doing so.

Part 9 also places a duty on local authorities to exercise its social services functions with a view to ensuring the integration of care and support provision with health services. Again, the reasons for this are concerned with improving well-being, contributing to the prevention or delay of the development of needs for care and support and improving the quality of care and support for children, adults and carers.

Regulations may specify the partnerships needed and Ministers may also direct two or more local authorities in Wales to enter into specified arrangements with each other in relation to the provision of adoption services. Examples of those arrangements are cited in part 9 and include the establishment and maintenance of a pooled fund.

In assessing their readiness to meet the requirements of Part 9 local authorities and their partners will need to examine how well their existing partnerships have developed, particularly around issues like sharing visions and pooling resources. On the specific issue of integration with health, local authorities can return to the feedback they received on the stock-take exercise which they took part in earlier this year during the "Strengthening the Connections" project. This enabled them to assess where they stood in respect of the 16 points contained in the Kings Fund document, *'Making Integrated Care Happen at Scale and Pace.'*

In respect of adoption, preparation for regional and national arrangements to replace the existing local ones have been underway for some time and it will be necessary to assess progress to date.

Marks should be given on an assessment of whether you feel that you can provide evidence that you are ready to comply with the duties under the Act.

This Tool is for you to use to help you assess your readiness to comply. It is not a performance measurement Tool and so the scoring is not prescriptive. The process by which you complete the Tool is also at your discretion. It may be that you choose to ask key individuals to complete certain sections due to their specific knowledge and experience, or it may be that you choose to organise a workshop with a selection of colleagues and work your way through your readiness to comply collectively. Certainly, it may be that you feel that a certain amount of collaboration is necessary in order to complete some of the assessment relating to cross-cutting themes, which comes at the end of the assessment of individual duties. As pointed out in the introduction to this document, this is not a Tool for one person to complete, but should involve people with access to the intelligence that provides a full picture of each part of the Tool (and of the Act), a focus on the future aspirations for social services and social care in Wales, and should extend beyond local authorities

In creating this tool we have endeavoured to list the individual duties from the Act and to re-present them here, with supporting paragraphs from the Act to help you understand the relevant duty. However, it should be noted that this document is designed to facilitate your assessment of

your readiness to comply with duties under the Act; it is not a substitute for the Act as a whole. Therefore, we would also recommend that you refer back to the Act should you have any queries or questions regarding any of the duties as listed here. Furthermore, we should also point out that we have taken all of the duties as listed in the Act insofar as we see them and it may be that we become aware of other duties contained in the wording of the Act. Should this occur we will communicate them to you.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
9	162	Arrangements to promote co-operation: adults with needs for care and support and carers				

(1) A local authority must make arrangements to promote co-operation between— **(a)** the local authority, **(b)** each of the authority’s relevant partners in the exercise of— **(i)** their functions relating to adults with needs for care and support or to adults who are carers, and **(ii)** their other functions the exercise of which is relevant to the functions referred to in sub-paragraph (i), and (c) such other persons or bodies as the authority considers appropriate, being persons or bodies of any nature who or which exercise functions or are engaged in activities in relation to— **(i)** adults within the authority’s area with needs for care and support, or **(ii)** adults within the authority’s area who are carers.

(2) A local authority must also make arrangements to promote co-operation between the officers of the authority who exercise its functions.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
9	163	Arrangements to promote co-operation: children				

(1) Section 25 of the Children Act 2004 (co-operation to improve well-being: Wales) is amended as follows.

After subsection (1) insert— (1A) Each local authority in Wales must also make arrangements to promote co-operation between officers of the authority who exercise its functions.”

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
9	164	Duty to co-operate and provide information in the exercise of social services functions				

(1) If a local authority requests the co-operation of a person mentioned in subsection (4) in the exercise of any of its social services functions, the person must comply with the request unless the person considers that doing so would— **(a)** be incompatible with the person's own duties, or **(b)** otherwise have an adverse effect on the exercise of the person's functions.

(2) If a local authority requests that a person mentioned in subsection (4) provides it with information it requires for the purpose of the exercise of any of its social services functions, the person must comply with the request unless the person considers that doing so would— **(a)** be incompatible with the person's own duties, or **(b)** otherwise have an adverse effect on the exercise of the person's functions.

Subsections referred to above

(4) The persons are— **(a)** a relevant partner of the local authority making the request; **(b)** a local authority, a Local Health Board or an NHS trust which is not a relevant partner of the local authority making the request; **(c)** a youth offending team for an area any part of which falls within the area of the local authority making the request.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
9	165	Promoting integration of care and support with health services etc				

(1) A local authority must exercise its social services functions with a view to ensuring the integration of care and support provision with health provision and health-related provision where it considers that this would— **(a)** promote the well-being of— **(i)** children within the authority's area, **(ii)** adults within the authority's area with needs for care and support, or **(iii)** carers within the authority's area with needs for support, **(b)** contribute to the prevention or delay of the development by children or adults within its area of needs for care and support or the development by carers within its area of needs for support, or **(c)** improve the quality of care and support for children and adults, and of support for carers, provided in its area (including the outcomes that are achieved from such provision).

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
			1-25	26-50	51-75	76-100
9	166	Partnership arrangements				
<p>(1) Regulations may require specified partnership arrangements to be made by— (a) two or more local authorities, or (b) one or more local authorities and one or more Local Health Boards.</p>						

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
			1-25	26-50	51-75	76-100
9	167	Resources for partnership arrangements				
<p>(1) A local authority and a Local Health Board may pay towards the expenditure incurred for the purpose of, or in connection with, partnership arrangements made under regulations under section 166— (a) by making payments directly, or (b) by contributing to a pooled fund.</p>						

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
			1-25	26-50	51-75	76-100
9	168	Partnership boards				
<p>(1) Regulations may require a partnership board in respect of partnership arrangements made under regulations under section 166 to be established by— (a) one or more local authorities, (b) one or more Local Health Boards, or (c) one or more local authorities and one or more Local Health Boards.</p>						

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
9	170	Adoption service: joint arrangements				
Insert after section 3 of the Adoption and Children Act 2002— “3A Wales – joint arrangements” (1) The Welsh Ministers may direct two or more local authorities in Wales to enter into specified arrangements with each other in relation to the provision of specified services maintained under section 3(1).						

COMPOSITE ASSESSMENT FOR PART 9

Part of the Act	No. duties in this Part	Distribution/frequency				Mean			
		Number of times you have made assessments against the following levels – you should fill in a number in each of cells below				This should be calculated by totalling your scores for Part 9 and dividing by 8 and entering in the relevant cell below			
		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence	1 - 25	26 – 50	51 – 75	76 – 100
Part 9	8								

The answers in this Table should be carried forward to the Overall Summary in Section 1.

What sources of evidence have you drawn upon to make the assessments above?

Sources of evidence

ASSESSMENT OF CROSS-CUTTING THEMES FOR PART 9

Reflecting on the composite assessment at the end of Part 9, consider these against the following cross-cutting themes.

How you would assess each of these in relation to readiness to comply with your duties under this Part of the Act?

Cross cutting theme	Your assessment of your readiness to comply			
	Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
Quality and constancy of leadership				
Maturity and development of partnerships				
Relevance and quality of systems, procedures and processes				
Quality, availability and development of workforce				
Range and availability of physical and financial resources				
Existence of plans and strategies which have a results and outcomes focus				
Performance to date and potential to continuously innovate and improve				
Robustness and relevance of governance arrangements including engagement of citizens and service users				

The answers in this Table should be carried forward to the Overall Summary in Section 1.

Having made the assessments above, what do you think are the top three assets and enablers that will help you to comply with your duties under this Part of the Act, and what are the three key deficits and barriers which you will need to overcome?

Assets and Enablers	Deficits and Barriers
1.	1.
2.	2.
3.	3.

SELF ASSESSMENT TOOL · PART 10 - COMPLAINTS, REPRESENTATIONS AND ADVOCACY SERVICES

PARAGRAPH BY PARAGRAPH ASSESSMENT

Part 10 of the Act (sections 171-183) provides for further reform of social services complaints procedures (adults and children – as well as for privately funded care), and for advocacy services for people with care and support needs (whether or not those needs are being met by a local authority).

Local authorities will already be aware of the new complaints process introduced in August 2014 which removed the right to an independent panel hearing in favour of a referral to the Ombudsman. Part 10 of the Act confirms that regulations will cover the complaints procedure and it is necessary to examine these for the detail. However, this part of the Act should be very familiar to local authorities who should already be clear about the need to make the necessary adjustments in their procedures.

In assessing their readiness to meet the requirements of Part 10 concerning complaints, local authorities' complaints officers will be in a good position to offer advice as they have been involved in formulating the new arrangements for some time. As the rights of the complainant are not fundamentally different from now, it will be a case of assessing the implications of removing the right to an independent panel that is likely to require most attention.

The duty requiring local authorities to arrange for advocacy services for people with care and support needs is subject to regulations and is new. Advocacy services have been used to support service users for some time and the issues needing attention in terms of assessing readiness will include the range of available service provision, resource implications and possibly contract and commissioning implications.

Marks should be given on an assessment of whether you feel that you can provide evidence that you are ready to comply with the duties under the Act.

This Tool is for you to use to help you assess your readiness to comply. It is not a performance measurement Tool and so the scoring is not prescriptive. The process by which you complete the Tool is also at your discretion. It may be that you choose to ask key individuals to complete certain sections due to their specific knowledge and experience, or it may be that you choose to organise a workshop with a selection of colleagues and work your way through your readiness to comply collectively. Certainly, it may be that you feel that a certain amount of collaboration is necessary in order to complete some of the assessment relating to cross-cutting themes, which comes at the end of the assessment of individual duties. As pointed out in the introduction to this document, this is not a Tool for one person to complete, but should involve people with access to the intelligence that provides a full picture of each part of the Tool (and of the Act), a focus on the future aspirations for social services and social care in Wales, and should extend beyond local authorities

In creating this tool we have endeavoured to list the individual duties from the Act and to re-present them here, with supporting paragraphs from the Act to help you understand the relevant duty. However, it should be noted that this document is designed to facilitate your assessment of your readiness to comply with duties under the Act; it is not a substitute for the Act as a whole. Therefore, we would also recommend that you

refer back to the Act should you have any queries or questions regarding any of the duties as listed here. Furthermore, we should also point out that we have taken all of the duties as listed in the Act insofar as we see them and it may be that we become aware of other duties contained in the wording of the Act. Should this occur we will communicate them to you.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
10	171	Complaints about social services				
(1) Regulations may make provision about the consideration of complaints relating to— (a) the discharge by a local authority of its social services functions						

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
			1-25	26-50	51-75	76-100
10	174	Representations relating to certain children etc				

(1) A local authority must establish a procedure for considering— **(a)** representations (including complaints) made to the authority by a person to whom subsection (3) applies about its discharge of a qualifying function in relation to a child who is being looked after by it, or who is not being looked after by it but may have needs for care and support; **(b)** representations (including complaints) made to the authority by a person to whom subsection (4) applies about its discharge of functions under section 14F of the Children Act 1989 (special guardianship support services) which have been specified in regulations; **(c)** representations (including complaints) made to the authority by a person to whom subsection (5) applies about discharge of functions under the Adoption and Children Act 2002 which have been specified in regulations.

(6) A local authority must ensure (subject to subsection (8)) that the procedure which it establishes for the purposes of this section secures that at least one person who is not a member or officer of the local authority takes part in— (a) the consideration of any representation to which this section applies, and (b) any discussions which are held by the authority about the action to be taken, as a result of that consideration, in relation to the person to whom the representation relates.

(9) A local authority must give publicity to the procedure which it establishes for the purposes of this section.

Subsections referred to above

(3) This subsection (relating to representations about the discharge of qualifying functions) applies to—**(a)** the child who is being looked after by the local authority, or who is not being looked after by it but may have needs for care and support; **(b)** a parent of the child; **(c)** a person who is not a parent of the child but who has parental responsibility for the child; **(d)** a local authority foster parent with whom the child is placed under section 81(5); **(e)** a prospective adopter with whom the child is placed under section 81(11); **(f)** any other person whom the local authority considers has a sufficient interest in the child’s welfare to warrant his or her representations being considered by the authority .

(4) This subsection (relating to representations about the discharge of specified functions under section 14F of the Children Act 1989) applies to—**(a)** a child in relation to whom a special guardianship order is in force; **(b)** a special guardian or a parent of the child; **(c)** a person who has applied for an assessment under section 14F(3) or (4) of the Children Act 1989; **(d)** any other person whom the local authority considers has a sufficient interest in the welfare of the child to warrant his or her representations being considered by the authority .

(5) This subsection (relating to representations about the discharge of specified functions under the Adoption and Children Act 2002) applies to—**(a)** a person mentioned in section 3(1) of the Adoption and Children Act 2002 (persons for whose needs provision is made by the Adoption Service) and any other person to whom arrangements for the provision of adoption services (within the meaning of that Act) extend; **(b)** any other person whom the authority considers has sufficient interest in a child who is or may be adopted to warrant his or her representations being considered by it.

(6) A local authority must ensure (subject to subsection (8)) that the procedure which it establishes for the purposes of this section secures that at least one person who is not a member or officer of the local authority takes part in— **(a)** the consideration of any representation to which this section applies, and **(b)** any discussions which are held by the authority about the action to be taken, as a result of that consideration, in relation to the person to whom the representation relates.

(8) The regulations may provide (among other things) that subsection (6) does not apply in relation to a consideration or discussion which takes place for the purpose of resolving informally the matters raised in a representation.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
			1-25	26-50	51-75	76-100
10	175	Representations relating to certain children etc: further provision				
<p>(1) A local authority, in considering representations to which section 174 applies, must comply with requirements imposed by or under subsections (6) to (8) of that section.</p> <p>(4) Where a representation has been considered under a procedure established for the purposes of section 174, the local authority must— (a) have regard to the findings of the persons who considered the representation, and (b) take such steps as are reasonably practicable to notify (in writing) the persons mentioned in subsection (5) of the authority's decision and its reasons for taking that decision and of any action which it has taken or proposes to take.</p> <p>Subsections referred to above</p> <p>(5) <i>The persons are— (a) the person who made the representation, (b) the person to whom the representation relates (if different), and (c) any other person who appears to the authority likely to be affected.</i></p>						

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
10	176		Representations relating to former looked after children etc			

(1) A local authority must establish a procedure for considering representations (including complaints) made to it by persons to whom subsection (2) applies about the discharge of its functions under Parts 3 to 7 in relation to those persons.

(4) A local authority must— **(a)** give publicity to the procedure which it establishes for the purposes of this section; **(b)** comply with any requirements imposed under subsection (3)(a) in considering representations to which this section applies.

Subsections referred to above

(2) This subsection applies to— **(a)** category 2 young persons; **(b)** category 3 young persons; **(c)** category 4 young persons; **(d)** category 5 young persons; **(e)** category 6 young persons; **(f)** persons under the age of 25 who, if they were under the age of 21, would be— **(i)** category 5 young persons, or **(ii)** category 6 young persons falling within that category by virtue of section 104(3)(a).

(3) Regulations may impose— **(a)** requirements in relation to the procedure that must be established;

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
10	178		Assistance for persons making representations			

(1) A local authority must make arrangements for the provision of assistance to— **(a)** children who make or intend to make representations which fall within section 174, and **(b)** persons who make or intend to make representations which fall within section 176.

(7) A local authority must give publicity to its arrangements for the provision of assistance under this section.

Section of the Act		Description of duty	Your assessment of your readiness to comply			
Part	Paragraph		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence
			1-25	26-50	51-75	76-100
10	181	Provision of advocacy services				

(1) Regulations may require a local authority to arrange for advocacy services to be made available to people with needs for care and support (whether or not those needs are being met by a local authority); this is subject to section 182.

Subsections referred to above

(182) *Provision of advocacy services: restrictions*

(1) *Regulations under section 181 may not require advocacy services to be made available to a person—(a) for the purpose of making a complaint in respect of which a local authority is required to make arrangements for the provision of assistance to the person by virtue of regulations under section 173; (b) for the purpose of making representations in respect of which a local authority is required to make arrangements for the provision of assistance to the person under section 178; (c) for purposes in respect of which the Welsh Ministers are required to make arrangements to enable an independent mental health advocate to be available under section 130E of the Mental Health Act 1983; (d) for purposes in respect of which a local authority is required to make arrangements for the provision of independent advocacy services under section 332BB of the Education Act 1996 or paragraph 6D of Schedule 17 to the Equality Act 2010; (e) for purposes in respect of which the Welsh Ministers are required to make arrangements to enable an independent mental capacity advocate to be available under section 35 of the Mental Capacity Act 2005; (f) for the purpose of making a complaint in respect of which the Welsh Ministers are required to arrange for the provision of independent advocacy services under section 187 of the National Health Service (Wales) Act 2006.*

(2) *Where—(a) advocacy services are being provided for a person under section 15, 17, 35, 36, 37 or 38, and (b) regulations under section 181 would (apart from this subsection) impose a requirement upon a local authority to make advocacy services available to that person in respect of the same matters, that requirement does not apply.*

COMPOSITE ASSESSMENT FOR PART 10

Part of the Act	No. duties in this Part	Distribution/frequency				Mean			
		Number of times you have made assessments against the following levels – you should fill in a number in each of cells below				This should be calculated by totalling your scores for Part 10 and dividing by 6 and entering in the relevant cell below			
		Poor evidence	Insufficient evidence	Sufficient evidence	Good evidence	1 - 25	26 – 50	51 – 75	76 – 100
Part 10	6								

The answers in this Table should be carried forward to the Overall Summary in Section 1.

What sources of evidence have you drawn upon to make the assessments above?

Sources of evidence

ASSESSMENT OF CROSS-CUTTING THEMES FOR PART 10

Reflecting on the composite assessment at the end of Part 10, consider these against the following cross-cutting themes.

How you would assess each of these in relation to readiness to comply with your duties under this Part of the Act?

Cross cutting theme	Your assessment of your readiness to comply			
	Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
Quality and constancy of leadership				
Maturity and development of partnerships				
Relevance and quality of systems, procedures and processes				
Quality, availability and development of workforce				
Range and availability of physical and financial resources				
Existence of plans and strategies which have a results and outcomes focus				
Performance to date and potential to continuously innovate and improve				
Robustness and relevance of governance arrangements including engagement of citizens and service users				

The answers in this Table should be carried forward to the Overall Summary in Section 1.

Having made the assessments above, what do you think are the top three assets and enablers that will help you to comply with your duties under this Part of the Act, and what are the three key deficits and barriers which you will need to overcome?

Assets and Enablers	Deficits and Barriers
1.	1.
2.	2.
3.	3.

SELF ASSESSMENT TOOL

SECTION 3 · ASSESSMENT OF CROSS-CUTTING THEMES

SELF ASSESSMENT TOOL · ASSESSMENT OF CROSS-CUTTING THEMES

You will need to have completed all of Section 2 for each Part of the Act before completing this section, because here you will need to reflect on the composite assessments at the end of each Part, and consider these against the following cross-cutting themes for the Act in its entirety.

What do you currently think are the top three assets and enablers that will help you to implement the cross-cutting themes implicit within the Act, and which three key deficits and barriers which you will need to overcome?

Cross cutting theme	Assets and Enablers	Deficits and Barriers
Quality and constancy of leadership	<ol style="list-style-type: none"> 1. 2. 3. 	<ol style="list-style-type: none"> 1. 2. 3.
Maturity and development of partnerships	<ol style="list-style-type: none"> 1. 2. 3. 	<ol style="list-style-type: none"> 1. 2. 3.
Relevance and quality of systems, procedures and processes	<ol style="list-style-type: none"> 1. 2. 3. 	<ol style="list-style-type: none"> 1. 2. 3.
Quality, availability and development of workforce	<ol style="list-style-type: none"> 1. 2. 3. 	<ol style="list-style-type: none"> 1. 2. 3.

Cross cutting theme	Assets and Enablers	Deficits and Barriers
Quality, availability and development of workforce	<ol style="list-style-type: none"> 1. 2. 3. 	<ol style="list-style-type: none"> 1. 2. 3.
Range and availability of physical and financial resources	<ol style="list-style-type: none"> 1. 2. 3. 	<ol style="list-style-type: none"> 1. 2. 3.
Existence of plans and strategies which have a results and outcomes focus	<ol style="list-style-type: none"> 1. 2. 3. 	<ol style="list-style-type: none"> 1. 2. 3.
Performance to date and potential to continuously innovate and improve	<ol style="list-style-type: none"> 1. 2. 3. 	<ol style="list-style-type: none"> 1. 2. 3.
Robustness and relevance of governance arrangements incl. engagement of citizens / service users	<ol style="list-style-type: none"> 1. 2. 3. 	<ol style="list-style-type: none"> 1. 2. 3.

SELF ASSESSMENT TOOL

SECTION 4 · ASSESSMENT AGAINST 'STRATEGIC INTENTIONS'

SELF ASSESSMENT TOOL · ASSESSMENT AGAINST 'STRATEGIC INTENTIONS'

Alongside the specific duties included in the Act, you will also be expected to meet the aspirations of the Act and, therefore, further the implementation of Sustainable Social Services. This will involve achieving some challenging objectives in a period of significant increased demand and reduced resources. As previously, you will need to have completed sections 1 to 3 before this final section, as those assessments will enable you to reflect on the questions below.

The table below enables you to assess yourself against 10 'strategic intentions' that, although not specifically named in the Act, are implicit in any consideration of how to implement the legislation.

'Strategic intentions'	Your assessment of your readiness to implement			
	Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
Ensuring access to good information, advice and assistance for people to find universal services available in the community				
Mobilising a wide spectrum of proportionate community support which citizens with some care needs can access to help maximise their independence and achieve their desired well-being outcomes without having to rely on complicated assessments or care packages				
Adopting a 'whole' local area approach, based on meaningful engagement, to understanding and meeting the needs of the local population				
Providing help and support to the most vulnerable individuals with significant or enduring problems to assess their needs and organise and secure the care and support services they require				

‘Strategic intentions’	Your assessment of your readiness to implement			
	Poor evidence 1-25	Insufficient evidence 26-50	Sufficient evidence 51-75	Good evidence 76-100
Achieving integration of local government services and between local authorities and their partners, particularly the NHS, to achieve better outcomes for service users				
Placing the well-being and prevention agenda at the heart of strategic planning, commissioning and delivery of services				
Creating an effective interplay between well-being, prevention, assessment, eligibility and information				
Increasing preventative services and intervening early enough within the community, in a way which is not dominated by over-elaborate assessment processes, in order to minimise the escalation of critical need and keep people independent for longer				
Producing a whole system change in local areas and the creation of new models of care and service delivery				
Creating systems and approaches that put the citizen's view first, are based on genuine co-production and give people more control over their lives and their care and support to achieve better outcomes for their well-being				



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