

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**MUNICIPAL YEAR 2016-17**

**HEALTH AND WELLBEING  
SCRUTINY COMMITTEE**

**8<sup>TH</sup> SEPTEMBER 2016**

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

**Agenda Item 8**

**IMPLEMENTATION OF THE  
SSWB ACT – PROGRESS  
REPORT**

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**1. PURPOSE**

- 1.1 To update Scrutiny Members on progress in implementing the requirements of the Social Services and Wellbeing (Wales) Act (SSWB Act) in RCT since the commencement date 6<sup>th</sup> April 2016.

**2. RECOMMENDATIONS**

- 2.1 It is recommended that Members consider, test and provide a view on the progress made and priorities for action in implementing the requirements of the Act.

**2. BACKGROUND**

- 2.1 The SSWB Act was enacted in May 2014 and came into force on the 6<sup>th</sup> April 2016.
- 2.2 The SSWB Act provides the legal framework for improving the well-being of people who need care and support, and carers who need support, and for transforming social services in Wales.
- 2.3 The SSWB Act applies to children, adults and carers equally and as such is groundbreaking in its approach. Whilst it consolidates a range of legislation some legislation, most notably parts of the children's act 1989 and 2004 remain extant.
- 2.4 The SSWB Act comprises 11 parts and is supported by detailed regulations codes of practice and statutory guidance on the exercise of Social Services functions which are binding on Local Authority and which is legally enforceable for all partners.

2.5 The aim of the SSWB Act is to:

- Put individuals and their needs, at the centre of their care, and giving them a significant voice in, and control over, achieving the outcomes that help them achieve well-being.
- Encourage individuals to self-support wherever possible, with local authority intervention being focused on the most vulnerable.
- Develop sustainable social services through a co-productive approach that leads to more people being able to be supported without the need for eligibility assessments and managed social care support

2.6 For more information about the SSWB Act please refer to the following website <http://www.ccwales.org.uk/the-act/>

#### Cwm Taf Social Services and Wellbeing Partnership Board

2.7 In order to oversee the implementation of the SSWB Act and in accordance with the direction of Welsh Government, the Cwm Taf Social Services and Wellbeing Partnership Board was established in January 2015 comprising of Cabinet members from Merthyr and RCT, Executive and Non Executive members of Cwm Taf UHB, the Directors of Social Services for Merthyr and RCT, third sector representatives, independent sector representative and representation from Welsh Government and the Care Council for Wales.

2.8 From April 6<sup>th</sup> 2016 this Board has become a statutory requirement and its Memorandum of Understanding is attached for your information as Appendix 1

#### Workforce Development

2.9 In order to support the implementation of the SSWB Act the Care Council for Wales has developed training materials and supporting information to prepare the workforce for the changes required. (Further information regarding the training resources for the SSWB Act is available on the Care Council website on <http://www.ccwales.org.uk/learning-resources-1/>)

2.10 These training materials developed through Care Council Wales are used locally to deliver the Learning and Development plan for Social Services staff in Cwm Taf to date this has included:

- An overview of the SSWB Act. This overview has been available since the summer of 2015 as a training session (and more recently as an e-learning package). The training introduces the Social Services and Well-being (Wales) Act and raises awareness of what it means for those working in social care. to pave the way for

implementing the legislation and establish a foundation for more in-depth and specialist training that people might need.

- Core modules These more detailed knowledge based learning materials have been available since January 2016 and are for those whose roles are most affected by the SSWB Act and are intended to assist to help them implement the change. There are four core modules and they are:
  - Introduction and general functions ,
  - Assessing and meeting individual needs
  - Looked after and accommodated children and
  - Safeguarding

2.11 Figure 1 is a summary of SSWB Act training delivered by the regional training unit in 2015/6

Course	No of places	Attendance
Awareness Raising	870	626
Module 1 - Introduction and General Functions	208	155
Module 2 - Assessing and Meeting Needs	535	256
Module 3 - Children Looked After	226	119
Module 4 - Safeguarding	495	300
Bespoke session for children services	347	257
Bespoke session for adult services	279	192

Figure 1

### 3. **SOCIAL SERVICES AND WELLBEING (WALES) ACT**

3.1 The SSWB Act provides a new statutory framework for social services in Wales. The framework consists of three main elements – the Act itself, regulations made under the Act, and supporting codes of practice and statutory guidance – which together form the framework within which social services has to operate from 6 April 2016.

3.2 The SSWB Act is built on the following principles:

- It aims to change the way people’s care and support needs are met – putting an individual, and their needs, at the centre of their care and support, giving them a voice in, and control over, reaching the personal outcome goals that matter to them.
- Central to the SSWB Act is the concept of **well-being** – helping people to maximise their own well-being.

- The SSWB Act attempts to rebalance the focus of care and support to **prevention** and earlier intervention – increasing preventative services within the community to minimise the escalation of needs to a critical level.
  - **Collaboration** – strong partnership working between organisations and co-production with people needing care and / or support is a key focus of the SSWB Act.
- 3.3 The Act requires a culture change from the way in which services have often been provided to an approach based on collaboration, and an equal relationship between practitioners and people who need care and support.
- 3.4 In order to give people a strong voice in, and real control over, their care and support practitioners will need to tap into the resources that people themselves, their families and the community, have. This will require better access to information and community resources and an increased level of preventative services.
- 3.5 It will also require different types of interaction between practitioners and individuals needing care and support. For example, professionals will need to help people to think about ‘what sort of life they would like and what needs to change to make this happen?’ This will require a shift from thinking ‘*we do to*’ the individual requiring care and support to ‘*we do with*’ the individual who may need care and support or the carer who may need support.

#### Part 1 of the SSWB Act

- 3.6 Part 1 provides a brief overview and Introduction to the Act

#### Part 2 of the SSWB Act General Functions

- 3.7 Central to the Act is the well-being duty. This duty applies to local authorities (or other organisations they have delegated functions to) and their practitioners when, for instance, carrying out assessment or providing information and advice.
- 3.8 Promoting well-being includes focusing on preventing the need for care and support and stopping people’s needs from escalating, as well as providing people with the information, advice and assistance they need to take control over their day-to-day life.
- 3.9 Responsibility for well-being must be shared with people who need care and support and carers who need support. Practitioners must look at what people can contribute in achieving their well-being and

empower them to contribute to achieving their own well-being with the appropriate level of support.

- 3.10 In the Act, well-being is defined with eight common aspects (e.g. suitability of living accommodation or domestic, family and personal relationships) and two more that are specific to either children or adults. While all aspects of well-being in the definition have equal importance, it is likely that some aspects will be more relevant to one person than another. Practitioners should adopt a flexible approach that allows for a focus on which aspects of well-being matter most to the individual, or family, concerned and co-produce solutions with people themselves.

There are other overarching duties that underpin the Act:

- to take note of an individual's views, wishes and feelings;
- to promote and respect their dignity;
- to enable them to fully participate; and
- to have regard to their characteristics, culture and beliefs.

- 3.11 The local authority must take steps to ensure that all care and support is delivered in a way which complies with these duties, The UN Principles for Older Persons, Convention on the Rights of the Child and Convention on the Rights of Disabled People also apply, as well as the European Convention of Human Rights.

- 3.12 Under this part of the Act there is a duty on Local Authorities to:

- Seek to promote the wellbeing of individuals who have a need for care and support and carers who have a need for support.
- Local Authorities and Local Health Boards to carry out and produce a population needs assessment for those people who may have a need for care and support or carers for support.
- to develop and have in place a range of preventative services
- to develop and encourage the use of social enterprises to deliver preventative services
- Provide an Information and advice service.
- Maintain registers of sensory impaired people and children with a disability.

### **Progress update for Part 2 in RCT**

#### *Population Needs Assessment*

- 3.13 Work is ongoing to develop the population needs assessment and as there are strong links to the requirements within the Wellbeing of Future Generations (Wales) Act and therefore Cwm Taf are managing both assessments as a single project. Whilst the requirements in the

Population Needs analysis are significant this is currently on track for completion in 2017

*Preventative Services*

- 3.14 It is envisaged that the population needs analysis will further clarify the requirements for preventative services across the borough more effectively (for people who need care and support) but it is recognised that the development of community capacity to provide effective alternatives to statutory care will take some years to establish
- 3.15 To date the Cwm Taf region have made progress as follows all of which emphasise preventative services
- Agreed a Joint Statement of Intent for commissioning older peoples services (Endorsed by RCT Cabinet in February 2016)
  - Agreed a joint Carers Strategy (to be reported to RCT Cabinet in September 2016 for endorsement following consultation)
  - Developed a joint Statement of Intent for commissioning Learning Disability services (for endorsement by RCT Cabinet in September for public consultation)
  - Made progress to develop a Joint Statement of Intent for commissioning Children and Young Peoples services (joint workshop planned for September 2016)

*Support to third sector, Social enterprise and co-operatives*

- 3.16 Work undertaken through the Intermediate Care Fund and RCT together has improved dialogue and funding capacity for the sector. Further work is required to formalise the way social enterprise can be promoted by the local authority

*Information advice and assistance*

- 3.17 A major emphasis of part 2 is the development of information and advice for people who may have a need for care and support and the development of a range of preventative services to support early intervention and people's wellbeing.
- 3.18 We anticipate that the development of an effective approach to the provision of Information Advice and Assistance for both children and adults will require a transitional period but the following progress has been made
- We have commissioned the Dewis Cymru Directory of services for the Cwm Taf Region. Dewis Cymru is a directory of information about well-being in Wales that can support people to think about what matters most to them and access information about local

organisations and services that can help them. The Directory was launched in the region on the 28<sup>th</sup> of June - please see the website for further information on <https://www.dewis.wales/>

#### In Children's Services

- Children's services have implemented a new workflow to ensure Act compliance. All new contacts are now directed to the MASH, who hold a conversation with the individual to identify what matters to them and whether there is a need for the provision of information, advice and assistance or the investigation of safeguarding concerns.

The staffing structure within MASH has been increased to meet this further requirement, with the creation of an additional Senior Practitioner and Social Worker post

- The new Assessment and Eligibility Determination template which meets the requirements of the Act 2014 went live in ICS on the 14<sup>th</sup> April 2016 and is being used by practitioners across Children's Services.

#### In adult services

Information Advice and Assistance is provided via the First Response and Single Point of Access Service.

- New eligibility criteria and assessment processes have been implemented and staff have been trained to support implementation of the new Act.
- A proportionate assessment is now undertaken for advice and assistance with individual outcomes recorded at the Single Point of Access and a copy sent to the individual on request.
- Links with third sector community services continue to be developed and are accessed via the community coordinators and Communities First. These pathways to existing community services are supporting people to meet their outcomes without the need for statutory services or following a short period of Reablement.
- Further restructuring of these services will be undertaken over the coming months to ensure appropriately trained and experienced staff are sited at the "front door" to adult services in compliance with the requirements of the Act.

#### *Disability Registers*

- 3.19 The requirement for a Register of people with sight or hearing impairment and for children who are disabled or have a physical or mental impairment has been met in RCT

### **Part 3 of the SSWB Act Assessing the needs of individuals**

- 3.20 The SSWB Act creates a **right to an assessment** where it appears that the individual may have needs for care and support. The duty to assess applies to adults and children who are ordinarily resident in the area regardless of their level of need or of the financial resources of the adult or child or any persons with parental responsibility for the child. The aim is to streamline assessments through a **single process** for children, adults and carers (while recognising the different needs of children and adults) to ensure greater consistency of practice across Wales.
- 3.21 The purpose of an assessment is to work with an individual, carer and family to understand their capacity and resources and the **personal outcomes** they want to achieve, as well as the barriers preventing them achieving the outcomes, and what contribution the individual and their family or the wider community can make to achieving those outcomes.
- 3.22 The intention is that such assessments will be centred on 'what matters to the person' and to be proportionate to the situation.
- 3.23 The code of practice details 5 elements to the duties of the local authority
- assess and have regard to the person's circumstances;
  - have regard to their personal outcomes;
  - assess and have regard to any barriers to achieving those outcomes;
  - assess and have regard to any risks to the person or to other persons if those outcomes are not achieved; and
  - assess and have regard to the person's strengths and capabilities.

### **Progress update for Part 3 in RCT**

- 3.24 Both Children and adults services have over the last few years been moving to the position of outcome focussed assessment in line with the principles and spirit of the SSWB Act as it was understood at the time.
- 3.25 Both service areas have reviewed their procedures and guidance for assessment as follows



### In children's services

Within children's services a range of guidance for staff has been developed, this includes guidance on Part 3 Assessment and Part 4 Meeting Needs. All guidance can be found at:

<http://inform/en/socialcareonline/childrensservices/socialservicesandwellbeingact/childrensservicespoliciesandstaffguidance/childrensservicespoliciesandstaffguidance.aspx>

As previously noted the new Assessment and Eligibility Determination template which meets the requirements of the Act 2014 went live in ICS on the 14<sup>th</sup> April 2016 and is being used by practitioners across Children's Services.

### In Adult Services

- As mentioned previously in paragraph 3.18 above, new eligibility criteria and assessment processes have also been implemented and staff have been trained to support implementation of the Act.
- All paperwork to complete assessments with individuals has changed to reflect the requirements of the Act.
- Building on the training devised by the Care Council, Service Managers in Adult Services devised and delivered their own training, using 'live' case examples, in order to illustrate the requirements of the Act to all staff in an accessible and meaningful way that could be translated into practice.
- A range of staff guidance documents have been developed, which includes relevant guidance on Parts 3 and 4 of the Act and is available to all staff on the Council's Intranet. All guidance can at found on the [Adult Services polices page on Social Care Online](#).

### **Part 4 of the SSWB Act Meeting the needs**

#### 3.26 This part of the SSWB Act

- determines the point at which the authority has a legal duty to provide or arrange care and support.
- sets eligibility criteria that will apply to all people – children, adults and carers.
- sets out the requirements of a care and support plan.
- sets out the circumstances required by a local authority when making direct payments.

- 3.27 This part of the SSWB Act also provides a single and national eligibility framework for adults and children. The determination of eligibility flows from, and is a product of, the assessment process
- 3.28 Following assessment a judgement must be made about whether the assessed need is eligible based on the national eligibility criteria for adults, children and carers

#### **Progress update for Part 4 in RCT**

- 3.29 The main implication for RCT was a move away from the previous local eligibility criteria for adults and children to the single national eligibility criteria
- 3.30 This change in practice for our assessment will take time to bed in as it requires a cultural change to a more collaborative approach between practitioners and people who require care and support, whilst continuing to assess for risk and identifying safeguarding concerns.
- 3.31 It is acknowledged that whilst the training programme and the development of revised staff procedures and guidance has been completed staff will require continued and ongoing support to develop their confidence in applying the new framework
- 3.32 The Direct Payments scheme in RCT had been fully reviewed and updated in the past 2 years and following minor adjustment has been compliant with the requirements of the SSWB Act from the outset

#### **Part 5 of the SSWB Act Financial Assessment**

- 3.33 The charging and financial assessment framework introduced by the SSWB Act, is intended to make charging more consistent, fairer and more clearly understood by everyone.
- 3.34 The framework is based on principles that local authorities must take into account when deciding whether to charge a person and in setting the level of any charge they make. The overarching principle is that people who are asked to pay a charge should only be required to pay what they can afford.

#### **Progress update for Part 5 in RCT**

- 3.35 Existing Residential and Non-residential Charging Policies for adult social care services have been updated to ensure compliance with the Act. This includes the development of a new Deferred Payment Policy for those cases where the property value of individual's house forms part of their residential care assessment. This allows time for the property to be sold and the Council now has the ability to charge interest on the outstanding debt.

- 3.36 The Act requires a softer approach to recovery of social care bad debts and a new process in conjunction with Legal and Credit Management has been introduced.
- 3.37 Awareness sessions have been provided to all care management staff in adult social care services on the financial charging changes within the Act.
- 3.38 The Welsh Government has indicated that there could further changes made to their financial assessment guidance, including residential care capital limits; national weekly cap on non-residential charges and war pension disablement pension disregards.

### **Part 6 of the SSWB Act Looked After and Accommodated children**

- 3.37 This part of the act;
- provides for the interpretation of references to a child or young person looked after by a local authority
  - requires local authorities to secure sufficient accommodation in their areas for the children they look after and to accommodate children without parents or who are lost or abandoned or are under police protection, in detention or on remand
  - provides for the functions of local authorities in relation to the children they look after
  - provides for the circumstances in which local authorities may or **must** provide support for young people
    - leaving, or who have left, local authority care
    - formerly accommodated in certain establishments
    - formerly fostered
    - with respect to whom special guardianship orders are or were in force
    - provides for the placement of children in secure accommodation
    - requires the assessment by local authorities of children who are accommodated by health authorities or education authorities or in care homes or independent hospitals and the provision of visits and services to those children

### **Progress update for Part 6 in RCT**

- 3.38 Work to update existing staff procedures and guidance has been completed to ensure staff are supported to understand the changes and apply them in practice.

- 3.39 As with the requirements in Part 4 it is acknowledged that whilst the training programme and the development of revised staff procedures and guidance has been completed staff will require continued and ongoing support to develop their practice and confidence in applying the new framework
- 3.40 The management focus in this area of children's services continues to emphasise challenge, improved decision making and supporting positive outcomes for children

### **Part 7 of the SSWB Act Safeguarding**

- 3.41 Statutory guidance has been issued for Part 7 which applies to all partners and
- 3.42 The SSWB Act introduces legal duties for the first time in relation to adult safeguarding and a duty to investigate (a duty which already exists for children.)
- 3.43 There is a requirement to have regional Safeguarding Boards for adults and children or a single board covering both adults and children. These Boards are required amongst other matters to produce an annual plan and an annual report.

### **Progress update for Part 7 in RCT**

- 3.44 Cwm Taf have established the Regional Safeguarding Boards for both children and adults. Work is progressing to ensure compliance with the guidance on annual plans and reports and engagement with the public. The establishment of the Multi Agency single hub (MASH) is seen as best practice and is in line with the principles of the act.
- 3.45 The most significant change in practice is for adult safeguarding and whilst we are well placed to comply with the requirements it should be noted that we are still awaiting Welsh Government
- guidance and training in relation to the 'adult protection and support order' and,
  - the all Wales adult protection practice guidance

### **Part 8 of the SSWB Act Social Services Functions**

- 3.46 This part of the Act details;
- The role, accountability and governance arrangements for the Statutory Director of Social Services

- The grounds and process for intervention by Welsh Government of a 'failing' Local Authorities in the exercise of its social services functions

### **Progress update for Part 8 in RCT**

Whilst the code of practice updates the role of the Director of Social Services to focus on delivering care and support services in keeping with the principles of the SSWB Act, it does not represent a fundamental change from the existing role as set out in *statutory guidance on the role and accountabilities of the Director of Social Services*, issued in June 2009 which RCT is well placed to fullfill.

### **Part 9 of the SSWB Act Co-Operation and Partnership**

3.47 This part of the act details;

- The duty of Local Authorities and Local Health Boards to establish Regional Partnership Boards and the requirements and responsibilities of those Boards
- The requirements for an Integrated Family Support Service (IFSS)
- The requirements to pool budgets in relation to
  - Family Support Service (IFSS)
  - The exercise of care home accommodation functions
  - Functions that will be exercised jointly following the population needs analysis and preventative services identified in Part 2

### **Progress update for Part 9 in RCT**

3.48 The Cwm Taf Social Services and Wellbeing Partnership Board is in place supported by an Executive Group (MOU is attached as appendix 1)

- The Integrated Family Support Team is operational across the Cwm Taf region and a recommended Legal agreement to govern its pooled fund is due to go to Cabinet in RCT, Merthyr and the UHB in September
- The requirements in relation to pooled budgets for Care Homes will not apply until April 2018 but the planning process has commenced and is on target
- The most immediate requirement on the Partnership for 2016/17 will be to complete the population needs analysis for April 2017 and work is in progress to complete this across the region

### **Part 10 of the SSWB Act Complaints, Representations and Advocacy**

- 3.49 This part of the act details;
- Requirements for receiving and managing complaints and representations relating to a local authorities social services functions
  - ensuring that access to advocacy services and support is available to enable individuals to engage and participate when local authorities are exercising statutory duties in relation to them
  - duty to arrange an independent professional advocate to facilitate the involvement of individuals in certain circumstances.
- 3.50 The availability and use of advocacy is seen as a key building block for assisting people to have voice and control and assisting people to have their views, wishes and feelings understood.
- 3.51 A code of practice has only been issued in relation to advocacy, Welsh Government published revised guidance on complaints in 2014 and will be reviewing this during 2016/17.

### **Progress update for Part 10 in RCT**

- 3.52 The Council already has a well established and regarded complaints process which is compliant with the revised guidance issued in 2014.
- 3.53 We have a wide range of existing advocacy services in place and these have been reviewed and in some places realigned to provide a better fit with the requirements of the Act.
- 3.54 Staff procedures and guidance have been updated for both adult and children's services with regards to the active offer for advocacy

### **Part 11 of the SSWB Act Miscellaneous and General**

- 3.55 This part of the act details
- The duties of LA's to support people in Adults in prisons, approved premises or bail accommodation (secure estate) in Wales who have care and support needs
  - The duties of LA's to support Children in youth detention accommodation, prison or bail accommodation in England and Wales.
  - Interpretation of ordinary residence in relation to the act.

3.56 The SSB Act and code of practice detail the different responsibilities for Local Authorities in relation to adults and children depending on where the prison etc. is situated

- for adults the responsible LA is where the prison etc. is situated,
- for children it is generally where the child was ordinarily resident prior to the placement.

3.57 The code of practice also provides a definition of ordinary residence i.e:

- how to determine the responsible LA to undertake an assessment and
- where someone has eligible care and support needs how to determine the responsible LA to meet those needs

and details how disputes between Local Authorities should be resolved.

### **Progress update for Part 11 in RCT**

3.58 There is no secure estate within the boundaries of Rhondda Cynon Taf and therefore there are no significant implications for us in terms of adult services.

3.59 For children's services the Act has re-enforced existing arrangements.

3.60 The Act helpfully clarifies ordinary residence for us, which, for the vast majority of people will be straightforward and will need to be referred to in relatively few situations e.g. where someone comes to live on a temporary basis in Rhondda Cynon Taf

**LOCAL GOVERNMENT ACT 1972**

**AS AMENDED BY**

**THE LOCAL GOVERNMENT (ACCESS TO INFORMATION) ACT 1985**

**RHONDDA CYNON TAF COUNTY BOROUGH COUNCIL**

**HEALTH & WELLBEING SCRUTINY COMMITTEE**

**8<sup>TH</sup> SEPTEMBER 2016**

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

**IMPLEMENTATION OF THE SSWB ACT – PROGRESS REPORT**

**Background papers:**

**Social Services and Wellbeing Act**

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