



## **Social Services and Well-being (Wales) Bill Stage 3 briefing: Carers and professionals**

**January 2014**

The Social Services and Well-being (Wales) Bill has reached its final stage with two days of scrutiny at the Senedd on 4<sup>th</sup> and 11<sup>th</sup> February. Carer Wales very much welcomes the principles of the new Bill which offers a valuable opportunity to consolidate and strengthen the legislation relating to carers in Wales.

The Bill as it stands will repeal all existing carers' legislation;

- the Carers (Recognition and Services) Act 1995
- the Carers and Disabled Children Act 2000
- the Carers (Equal Opportunities) Act 2004 and
- the Carers Strategies (Wales) Measure 2010.

Carers Wales welcomes the high profile of carers throughout the Bill, which for the first time puts carers on an equal footing with those they care for. We are pleased that the Bill builds on the provisions in the existing three Carers' Acts, broadening the definition of a carer and positively strengthening carers' rights to an assessment, care and support. We are particularly pleased to see;

- The removal of the requirement that a carer must be providing "a substantial amount of care on a regular basis" in the new definition of a carer given in section 3 of the Bill
- The duty on local authorities and Local Health Boards to assess the needs of their population for care and support, support for carers and preventative services in section 11
- The single duty on local authorities to assess the needs of a carer for support in section 21
- A duty on local authorities to meet the assessed needs of carers and to provide and keep under review support plans for carers whose needs are 'eligible' in section 33-36 and section 45. Although any services will be dependent on a carer meeting the eligibility criteria which has yet to be decided.

We welcome the high profile carers are afforded throughout the Bill and support the majority of amendments relating to carers put forward at Stage 3. However we have some remaining concerns about how the Bill will work in practice in regards to individual access to preventative services, eligibility criteria, charging and how far carers will be involved in assessments and carer plans. The Bill represents a key opportunity to improve the lives of carers in Wales and much will depend on the development of the regulations, guidance and code of practice.



## **Repeal of the Carers Strategies (Wales) Measure 2010:**

We also remain concerned over the repeal of the Carers Measure, which only came into force in 2012 and placed a specific duty on Local Health Boards, Trusts and local authorities to produce local Carers Information and Consultation Strategies. This provided a clear joint planning mechanism for carers with health as the lead agency. It will be vital that this positive legislation for carers is not diluted, especially as the vast majority of carers deal primarily with health services and have little or no contact with social care.

Currently two options remain at Stage 3 to transfer the provisions made in the Carers Measure into the Bill;

- William Graham AM's amendment 83, which reintroduces a duty on LAs and LHBs to produce local carers strategies and
- Welsh Government amendment 115, which places a responsibility on LHBs to submit any part of the health and wellbeing strategies which relates to carers

Amendment 83 has the merits of retaining specific local carers strategies which, via regulation, LHBs could still lead on and include the same content as the existing strategies.

Amendment 115 does place a specific duty on LHBs and potentially has the benefit of embedding carers into the unified local planning mechanisms. Unfortunately, as it currently stands the amendment is extremely vague and provides no detail on exactly what LHBs will be responsible for reporting on. It will be vital for this to be put on record before support can be given to this amendment. It will be essential that the detailed information contained in the existing Carers Strategies is transferred into the regulations for the new Act and we are calling for Assembly Members to raise this issue and seek assurances from the Welsh Government during Stage 3 of the Bill.

## **Portability of care plans:**

We do not support exclusion of carers from the portability sections of the Bill. Carers are currently exempt from the time limited portability of care plans introduced in the Bill when someone moves from one county to another. One of the key features of the draft Bill is that it aims to provide "equivalent" rights for carers, putting them on a similar legal footing as those they look after. The Health and Social Care Committee's Stage 1 Report, Recommendation 19 states that the Deputy Minister was going to reconsider her position on this and the Committee recommended an amendment to this effect, but currently no amendment has been forthcoming.

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