



## Social Services and Well-being (Wales) Bill

February 2013

On the 28<sup>th</sup> January 2013 the Welsh Government introduced the draft Social Services and Well-being (Wales) Bill to the National Assembly for Wales for consideration and further scrutiny.

Assuming that the Bill receives Royal Assent at the end of the 2013, the Welsh Government intends that implementation will commence in 2015-2016.

Key factors affecting this timescale are:

- that the accompanying subordinate legislation is made in 2014-2015 and
- that training and transitioning takes place in 2015,

The principles behind the Bill are to:

- Develop sustainable social services in Wales
- Give the people who use social services, **including carers**, a strong voice and real control over the services they may receive by focussing on the personal outcomes that people wish to achieve
- Enable earlier intervention and prevention for carers and for people who need care and support in order to improve their well-being

Carers Wales very much welcomes the principles within the new Bill which are rooted in putting the real needs of people at the heart of social services.

In contrast to the draft Care and Support Bill for England, the Wales Bill brings together social care services for children, adults and carers. One of the key features of the Wales Bill is that it aims to provide “equivalent” rights for carers, putting them on a similar legal footing as those they look after. One key exception is that care plans will be portable for services users who move from one local authority to another but this “portability” will not apply to carers. All other UK statutes continue to treat these groups of people separately.

### Summary of key points:

- Social services will exist to maintain and enhance the wellbeing of “people in need”. This definition will include both children and adults.
- The integration of adult and children’s social services.
- Improve the identification and assessment of people who may need help.



- A single duty for local authorities to undertake carers' assessments and the removal of the requirement that a carer must be providing "a substantial amount of care on a regular basis" before they can be assessed.
- A duty on local authorities to provide and keep under review support plans for carers whose needs are 'eligible'.
- Ensure assessments focus on the outcomes people want to achieve.
- A duty for local authorities, helped by the Local Health Boards, to provide information, advice and assistance to help people understand how the care and support system works, what services are available locally, and how to access the services.
- The introduction of a portable assessment of need so that if people move from one local authority area to another, they will still be entitled to similar services until the new authority can review their situation. Carers are exempt from this portability, primarily because services are generally provided to the person they look after.
- Introduction of a new national eligibility framework. This should mean that the level at which people are entitled to receive support from social services will be consistent across Wales.
- Extend the duty on social services and the NHS to collaborate in the delivery of integrated services, including the use of pooled budgets, as well as partnership working and also working with others and in other ways to work to reduce bureaucracy.
- There will be a greater focus on preventative services.

Supporting carers is a key element of the Welsh Government's health and social care agenda and contained within the Bill are specific sections on the duties to meet and assess the needs for carers.

The Bill states:

- A local authority must assess a carer's needs for support if it appears to the authority that a carer may have need for support (whether currently or in the future)
- The assessment must take into account the extent to which the carer is able, and will continue to be able to provide care and the extent that the carer is willing and will continue to be willing to do so
- In carrying out the assessment the local authority must seek to identify the outcomes that the carer wishes to achieve and assess whether and to what extent the provision of support could contribute to achieve the outcomes
- When carrying out the assessment the local authority must have regard to:
  - Whether the carer works or wishes to do so
  - Whether the carer is participating in or wishes to participate in education, training or any leisure activity

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