

# BRIDGEND COUNTY BOROUGH COUNCIL

## REPORT TO THE ADULT SOCIAL CARE OVERVIEW AND SCRUTINY COMMITTEE

7 FEBRUARY 2017

### REPORT OF THE CORPORATE DIRECTOR, SOCIAL SERVICES AND WELLBEING

#### IMPLEMENTATION OF THE SOCIAL SERVICES AND WELLBEING (WALES) ACT 2014

#### **1. Purpose of Report**

- 1.1 The purpose of this report is to update the Committee on the progress made implementing the Social Services and Well-being (Wales) Act 2014 which came into force on the 6th April 2016. Whilst the Act covers both adult and children, this report will focus on progress made with adults.

#### **2. Connection to Corporate Improvement Plan / Other Corporate Priority.**

- 2.1 This report links to the following improvement priorities in the Corporate Plan:
- Helping people to be more self-reliant;
  - Smarter use of resources.

#### **3. Background.**

- 3.1 The Social Services and Well-being (Wales) Act 2014 provides the legal framework for improving the wellbeing of people who need care and support, and carers who need support, and for transforming social services in Wales.

- 3.2 The Act seeks to:

- Transform the way in which social services are delivered, primarily through the promotion of people's independence and giving them a stronger voice and control;
- Promote partnership working in social care;
- Enhance the preventative role of social care and health, setting out overarching wellbeing duties to reduce or delay the need for care and support.

- 3.3 This can be seen as part of the wider wellbeing agenda, in particular the opportunity to explore and support people to achieve individual wellbeing, either prior to, or instead of, becoming eligible for social care services. Local Authorities are charged with providing or arranging preventative services, developing new models of practical responses, based on social enterprise co-operative models as well as user led and with the third sector.

3.4 The Act also strengthens Local Authorities' duties so that:

- when assessing an individual, the Local Authority must consider not only the individual's needs and the outcome/s the person wishes to achieve but also the strengths and capacity of the individual, their family and others who may support them;
- Irrespective of whether the individual has an eligible need, they will have access to information, advice and (where necessary) assistance as well as a range of preventative options and other opportunities in the community;
- There is better access to good information, advice and assistance to engage the citizen, with links to the resources available in the community to enable people to exercise their voice, choice and control and make informed decisions;
- There is a wide spectrum of proportionate community-based support which citizens who have needs can access without having to rely on a complex assessment and care package;
- There is more targeted help to assess individuals and families with significant and enduring needs, and to organise and secure the care and support they require.

3.5 A report was submitted to Cabinet 15<sup>th</sup> March 2016, which outlined in more detail the requirements of the Act and progress at that time.

#### 4. **Current situation / proposal.**

##### **Legal Framework.**

4.1 The Directorate is now working to the new framework of social care legislation and has updated all the relevant documentation and Directorate guidance in relation to the required codes of practice issued during 2016 that underpin the legislation. Training has been undertaken by the Directorates training and workforce development team to ensure a working understanding of both the principles of the Act and the codes of practice which must be adhered to.

4.2 The Act is made up of 11 parts. These are briefly summarised below with an update in terms of what development changes have been undertaken and the changes to working practice.

4.3 **Part 1 Introduction** – this provides a brief overview and introduction to the Act, setting out definitions underpinning the rest of the Act.

4.4 **Part 2 General Functions** – this part of the Act details overarching duties in respect of well-being outcomes, strategic and operational duties in respect of preventative services.

4.4.1 There are overarching duties that underpin the Act:

- to take note of an individual's views, wishes and feelings;
- to promote their dignity;
- to enable them to fully participate; and

- to have regard to their characteristics, cultures and beliefs

4.4.2 The local authority must take steps to ensure that all care and support is delivered in a way which complies with the duties under the UN Principles for Older People (1991) and the UN Convention on the Rights of the Child as well as the European Convention on the Rights of Disabled People and the European Convention of Human Rights.

4.4.3 Under this part of the Act the following duties apply, and local authorities must:

- 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 Health Boards to carry out and produce a population needs assessment for those people who may have a need for care and support of carers for support;
- to develop and have in place a range of preventative services;
- to develop and encourage the use of social enterprise to deliver preventative services;
- provide an information and advice service;
- maintain registers of sensory impaired people and children with a disability.

4.4.4 **Population Assessment** - Local Authorities and Local Health Boards are required to work together on a regional basis to produce an evidence base in relation to care and support needs and carers' needs. The first population assessment must be produced by April 2017.

4.4.5 There is a Western Bay Regional Steering Group overseeing the work of three regional subgroups, who are working on engagement, data collection and editorial activity. Bridgend sits on each of the subgroups and chairs the data subgroup. There are ten topic areas' to be populated for example learning disability/autism, mental health, sensory impairment and carers. This has been done using data unit wales catalogue and other sources such as the Health Boards joint strategic needs assessment, and information gained through case work with people and third sector partners. An engagement plan has been developed and Miller Research jointly commissioned to undertake the required engagement activity. The information generated through this activity is being edited and collated into a final report which will be considered by the Regional Partnership Board at the end of January 2017 and subsequently will be reported to the Health Board and the three Local Authority Councils.

4.4.6 **Preventative services** - local authorities must provide or arrange for the provision of a range and level of preventative services which they consider will prevent people's needs for care and support and stop needs from escalating. Authorities should promote well-being in delivering universal services. The approach and work outlined below, illustrates Bridgend's approach to the promotion of people's wellbeing and the partnership approach to the identification and development of community based work and responses.

- 4.4.7 Bridgend County Borough Council along with other statutory and third sector partners continues to be involved in ongoing work around partnership, prevention and planning. A range of community resources are being identified developed and supported by a range of partners for example Health, Police and Fire Service, voluntary and community groups, and councils, Examples of resources identified through this include:
- the safer at home kit provided by the fire service
  - a travel training pack being developed by Arriva trains.
- Resources such as these and others maximise the potential for promoting people's wellbeing by identifying and supporting people to access non statutory resources which support their wellbeing and divert the need for statutory services.
- 4.4.8 Each of the partner organisations in the Western Bay region is already providing or commissioning a range of preventative services, and describing these services will be a significant part of the population assessment along with identifying what additional services are needed in order to adequately prevent needs arising or escalating. The framework includes key principles which might provide the context for prevention and wellbeing.
- 4.4.9 Since the last report to Cabinet in March 2016, there have been a number of developments. These include the extension of the local community coordinator with three areas now covered, namely, Ogmore, Llynfi and Garw valleys. The developed community hubs provide a place where members of the public can get information, advice, assistance and signposting to local support networks in the community. These hubs have walk in access with a range of different hours during the weekdays and evenings. The use of the internet is also being explored and developed in order to make information more widely accessible. The hubs are within geographically central areas and a range of written information leaflets have been made available. Work is currently underway following resources secured through Western Bay to promote the hubs locally through visible signs and promotional leafleting. Funding has been secured to provide further equipment and resources in the hubs which will increase the response they can provide to people who want to know about local opportunities and resources which can maximise their personal wellbeing in their own community.
- 4.4.10 Referral networks have been set up and an analysis undertaken to identify what this means to the Authority in the first year. The first hub is currently being developed in Maesteg at the Cwm Calon Localised day service and will be rolled out to the other localised services in 2017 in terms of supporting people's wellbeing using community resources.
- 4.4.11 Programmes such as later life have been developed to support the physical resilience of older people and combat the effects of frailty. Later Life connects older people who are at risk of reduced independence with community based group activities that improve physical and mental wellbeing, preventing the need to access higher levels of care. It also seeks through building skills, knowledge and confidence amongst older people to reduce the risks of frailty and minimise the fears of falls. Programmes include:

- Delivery of movement and activity in a care setting
- Mentoring and training of care staff to sustain activity in a care setting
- Events focused on older people and their wellbeing
- Building capacity in local organisations to offer regular activity e.g. community facilities, leisure centres, libraries etc.

Partnerships with Halo leisure, and work with two local social enterprises have also enabled the Authority to develop community responses which can support people's wellbeing.

- 4.4.12 A report was submitted to the Scrutiny Committee on the 15<sup>th</sup> November 2016 giving a more detailed report of the work undertaken and planned with regard to prevention, wellbeing and community coordination.

**Co-production and community capacity building - support to third sector, social enterprise and co-operatives**

- 4.4.13 There is work ongoing linked to the Corporate Plan to build capacity in the third sector as part of the community visioning approach to support the work required. It is recognised that there needs to be genuine engagement of the third sector if the approach is one of co-production. The three areas being currently looked at in terms of developing the strategy and approach as collaboration with the third sector, Town and community councils and a higher level third sector engagement. A Bridgend association of voluntary organisations (BAVO) stakeholders' group have developed an agreement to work with the Authority to progress an ongoing collaborative approach to this work.

- 4.4.14 A community visioning approach will need to be adopted in order to develop and generate the ongoing collaboration needed to generate significant change and identify and maximise potential capacity.

**Information advice and assistance**

- 4.4.15 A major emphasis of Part 2 of the Act is the development of information and advice for people who may have need for care and support and the development of a range of preventative services to support early intervention and people's wellbeing.

- 4.4.16 In Adult Social Care, work has progressed with Western Bay colleagues to develop an integrated information, advice and assistance response service which is in line with Western Bay Optimum model for the development of Common Access Points to Community Integrated Services. Bridgend has an agreed operational model for the common access point. The recruitment of a multi-disciplinary team is underway: an Occupational Therapist has been seconded, the social work post starts in February and a job description has been agreed for a band 6 nurse post. The mental health link worker has been in place since September 2016.

- 4.4.17 Welsh Government has attended a regional meeting to undertake a stock-take on where the Authorities are across the western bay region. The 3 Councils for voluntary services have mapped wellbeing and prevention resources and migrated the information to InfoEngine platform. A library of

mental health self-help information has been produced which will be migrated into DEWIS.

4.4.18 The Directorate is in the process of commissioning an Information Brokerage Service to support people in Bridgend reach their potential through provision of wide ranging information. The service will promote early intervention and prevention, which may include signposting to community based support, activities, facilities and opportunities to ensure that the people of Bridgend are better supported to achieve wellbeing through achieving their personal outcomes linked to what matters to them. The Service is a key element of the Council's ongoing strategy of helping people become more self-reliant so they may live as independently as they are able. The advertisement closes on February 3rd and it is envisaged that the service will be mobilised in time to be operational by April 1 2017. The service will be for one year in the first instance.

4.4.19 The contact assessment point has recently increased staffing capacity in order to make the response more resilient. A working group is developing a new model which will include the development of new pathways and responses to new enquiries and existing managed care. This will strengthen our ability and our response to people making an initial enquiry in line with the requirement to work differently.

#### **Dewis Bridgend's Information website development and implementation**

4.4.20 Over 50 staff attended a workshop/presentation on the 8<sup>th</sup> June 2016. An implementation group has been set up, and meets monthly to progress the implementation. The information below outlines the work progressed and overseen and managed through the regular meetings to date and ongoing planned work. This will be further updated by the meeting planned for February.

4.4.21 A range of information has been and continues to be uploaded to the system which is now live. A link has been created from the recording system used for recording by practitioners (welsh community care information system) to the DEWIS system. Work has commenced with the Early Help and Customer contact centre to develop their use of the systems. Partners are beginning to upload their information onto the system with developments ongoing with ABMU and within the GP clusters.

4.4.22 Nationally, work is being developed to develop the Children and Young People information pages on the system for families and professionals. Work is also ongoing to develop a Dewis app for smartphones with the aim of this being implemented in April 2017. Agreements have been made to develop links between other websites, which means that local information held by our third sector can be uploaded onto Dewis as this partnership develops. Work ongoing includes publicising the system within the local Bridgend area. A formal launch with partners is planned for this spring.

4.5 **Part 3, Assessing the Needs of Individuals** – The Act has created a right to an assessment where it appears the individual may have needs for care and support. The underlying approach of this part of the Act is for an

assessment to be undertaken in partnership with an individual using a more simple approach which reduces unnecessary bureaucracy. Assessments will be proportionate and need to focus on what matters to a person and how they can use their own strengths and resources to do things. There is a code of practice which details the five elements of the duties of the local authority in terms of the response to people who contact us for possible assistance. It has also introduced a significant legal change as carers have an equal right to an assessment.

- 4.5.1 Work has been ongoing across adult social care teams to work in a person centred, outcomes focused way. There have been a significant number of codes and guidance issued throughout 2016 from Welsh Government and work had been undertaken to develop practice guidance and training resources. This supports teams to understand the required change and adapt their practice and delivery in line with the requirements set out in the codes and legislation. Guidance (under the National Assessment and Eligibility Tool) on Recording Measurement of Personal Outcomes was issued in November 2016. This provides a framework for recording and measuring progress against personal outcomes during the care and support process for individuals. This will require practitioners to both record and for us to report outcomes in line with the requirements set out.
- 4.5.2 To support this, the organisation has a number of forums and meetings which allow the time necessary to explore and develop with operational managers the implementation of the changes in day to day practice. Examples include the changing the culture group and more recently at an operational management level the development of action learning work which will be used to both drive and support the necessary practice change at a team level. The overarching management group for this development work is the remodelling adult social care (RASC), where progress is reported and ongoing change. The Directors quarterly extended managers meetings are also used in order to develop ideas and share best practice in relation to the requirements and changes of the SSWB Act. This will also inform training and workforce development planning at both a local and Western Bay level.
- 4.5.3 In relation to developing the local authority response to carers, there is an ABMU Carers partnership, which has developed and agreed its vision in line with the requirements of the Act. This partnership work has produced in consultation with carers, valuing carers compact and a transition plan which will support the changes from working to the Carers (Wales) Measure 2010 to the SSWB Act. The compact is a signed formal agreement with ABMU for working together for the benefit of carers. This requires the gathering of information an analysis of what it tells us in order to inform plans. A scorecard has been developed in order to measure and evidence progress made against the plan.
- 4.5.4 In terms of evidencing both approach and the standards of practice, the Directorate is in the process of revising quality assurance in consultation with a range of colleagues. The overarching aim is to be able to regularly identify what the Directorate is doing well, what needs to change and what the workforce training and development needs are. The intention of the new

policy is to bring together the range of activity the Directorate undertakes to give a better picture of where the Directorate is and inform change programmes.

4.6 **Part 4, Meeting the needs of individuals** – This part of the Act sets out duties to respond to identified needs and determine whether those needs are eligible for managed care services. Local authorities have a duty to explore innovative ways of meeting people’s needs, for example through direct payments. A significant change is that direct payments can be used to purchase care and support direct from the local authority. It also sets out the requirements of a care and support plan and a single national eligibility framework for adults and children, which is determined by the assessment of need requirements.

4.6.1 It is widely recognised that the move away from the previous eligibility requirements to an approach to proportionate assessments which involve a more collaborative approach to working with people and their carers requires a range of work to change previous policy and procedure. A significant level of work has been undertaken in order to develop the processes and recording necessary to compliance and the requirements around reporting performance. There are a number of approaches in place to support and develop the level of change which the Act and codes require as outlined above under part 3.

4.6.2 The Directorate is currently drawing together the responses received from people who have received an assessment of their needs and a support response and there will be learning from this which can be used to inform how to develop the Authority’s approach and response to working with people in line with the Act. The information will inform the performance indicators reported to Welsh Government and the comments and written feedback need to be collated in a way which ensures that the Directorate can share and use them to inform the ongoing development of responses from providing information, advice and assistance to commissioning service responses.

4.6.3 In 2016/17, the Council undertook a tender exercise for the provision of a Direct Payments support service across the county of Bridgend. It provided an opportunity to review the service specification, and strengthen it in respect of the requirements under the Act. An extract from the new Service Specification that is now in place is shown below:

4.6.3.1 *The Council wishes to appoint a Provider that has a proven ability of delivering a high quality Direct Payments Support Service which will enable, support and encourage people to live independently as long as they are able to. This Service is a key element in the Council’s strategy of helping individuals so that they may live as independently as they are able with a minimum intervention from statutory services.*

4.6.3.1 *The fundamental principle of the Service is that support should be offered in such a way as to enable Individuals to live more independently and actively in their communities and to engage to the fullest with their friends, families*



*and their wider social groups without the need for more intrusive statutory support.*

- 4.6.4 In recognition of the importance of the Direct Payments service, the Council has also commissioned IPC (Institute of Public Care) to help develop a Direct Payments Strategy which will be developed in partnership with pertinent stakeholders, including those individuals receiving direct payments. This work will commence in January 2017.
- 4.7 **Part 5, Charging and Financial Assessment** – This part of the Act identifies the circumstances in which a local authority may charge for providing or arranging care and/ or support including when an authority may charge for preventative services and provision of assistance. It also sets out how charges can be set, paid and enforced. A range of policies staff guidance and public information was agreed by Cabinet in March 2016.
- 4.7.1 The Directorate is currently consulting with citizens on ‘Paying for Care’ which ends on 23/02/17. The purpose of this consultation is to formulate a policy for charging for residential care and updating the non-residential care policy, to comply with the requirements of the Act.
- 4.7.2 Welsh Government is also undertaking a consultation on increasing the capital limit for non- residential services to £30,000, and introducing a full disregard for service users that are receiving War Disablement Allowance. The cap for non- residential care charging is also likely to increase to £70 per week (currently £60 per week).
- 4.8 **Part 6, Looked After and Accommodated Children** – Part 6 of the Act largely re-enacts the provisions in part 6 of the Children Act 1989 relating to looked after children and the various extensive duties on local authorities to meet the care and support needs of ‘looked after’ children and care leavers.
- 4.9 **Part 7, Safeguarding** – Safeguarding is a theme that runs throughout the Act. A new duty to report is introduced for relevant partners in relation to safeguarding children. The Act also introduces a new statutory framework for adult safeguarding and this includes a new duty for relevant partners to report adults who may be at risk. This will enable authorised officers of the local authority to apply to the court for an adult safeguarding and support order if there are significant concerns that an adult is at risk. This will confer a power of entry so that the authorised officer can speak to an adult at risk, but not a power to remove. New structures for safeguarding boards are mandated, with board areas and lead partners prescribed through regulations. Western Bay established safeguarding boards for both children and Adults 2 years ago and they have now aligned their work plans to incorporate the new requirements for safeguarding set out in the Act.
- 4.9.1 Welsh Government has commissioned ADSS to lead a piece of work to update the policy and procedures for both Working Together and In Safe Hands.
- 4.9.2 Whilst the Deprivation of Liberty Safeguards (DoLS) does not come under part 7 of the Act, it is an area of work where safeguards have been

introduced through a legal framework in order to prevent breaches of the European Convention on Human Rights following the ‘Bournewood’ judgement. It has been introduced, in law, to protect individuals who lack mental capacity by providing a legal framework and rights and ensure that the care or treatment they receive is in their best interest.

4.9.3 The Law Commission is reviewing the legislation on the Deprivation of Liberty Safeguards recognising that Councils across the country are not coping with the increase in numbers of referrals post “P v Cheshire West & Cheshire Council” judgement and after concluding that the current system was “deeply flawed”. The Commission undertook public consultation in 2015 which informed an interim report published in 2016. They intend to publish a final report along with draft legislation early this year. They propose to introduce a Protective Care Scheme that aims to cut bureaucracy and introduce more human rights protections into mainstream care management This is a complex piece of legislation and it is not known at this stage how this will operate in practice.

4.9.4 However, until the legislation changes the Directorate is left with the current process of DoLS and a large numbers of referrals to process. There were a number of actions that the service undertook to manage the DoLS pressure. This includes identifying DoLS on the Corporate Risk Register, a position statement report was presented to Corporate Management Board (CMB) and a budget pressures bid was submitted for 2017/2018.

- Numbers of DoLS referrals received in Bridgend

• YEARS	• NUMBER OF DoLS REFERRALS RECEIVED
• 2013/2014	• 12
• 2014/2015	• 325*post Cheshire West judgement referred to in 4.9.3
• 2015/2016	• 443
• 2016 to date	• 306

- Clearing the Backlog of DoLS referrals

There is currently a backlog of 150 referrals. However CMB have been very supportive in identifying additional resources to enable the Safeguarding Manager to spot purchase independent Best Interest Assessors to begin to clear the backlog. This will take approximately 4/5 months. Over the past 3 years 25 Best Interest Assessors (BIAs) have been trained, it is planned that these BIA assessors need to undertake a minimum of 5 assessments per year.

240 referrals have been authorised to date (plus 150 above = 390) all these will need to be renewed within the 12 months period (continual rolling programme). A risk matrix was developed to allocate the most urgent referrals first and then work chronologically through the remainder. 1 full time BIA has been seconded into the Safeguarding Team from September 2015 for 2 years & 1 part time BIA seconded in February 2016. Discussions are ongoing within the Council in relation to additional resources from budget pressures to manage the ongoing requirements.

- **Court of Protection Applications**

8 applications have been submitted to the Court of Protection for people with a learning disability in supported living environments. These Court of Protection applications will also need to be reviewed year on year. There are an additional 10 applications currently being processed for the Court of Protection and there is a plan in place to progress more applications each month. There are currently 158 people which require applications to the Court of Protection. 1 full time social worker has been seconded into the Safeguarding Team from the learning disability team to undertake the Best Interest assessments and additional resources have been bid for to process these applications and renewals every year.

- **Support from Legal Services**

Completing and submitting an application to the Court of Protection is a complex process. Legal services have professional oversight of all applications and liaise with the Court of Protection.

4.10 **Part 8, Social Service Functions** – Part 8 of the Act specifies the Social Services functions of Local Authorities. Local Authorities must appoint a Director of Social Services who must demonstrate competencies specified by Welsh Ministers. This part of the Act also provides for grounds for intervention by Welsh Ministers in the exercise of Social Services function, where a local authority is deemed to be failing.

4.11 **Part 9, Co-operation and Partnership arrangements** – Statutory guidance requires regional partnership boards to prioritise integration of certain areas: older people with complex needs and long term conditions (including dementia), integrated family support services, learning disabilities, children with complex needs and carers (including young carers). In addition, the guidance now requires the establishment of pooled funds in specific areas: the exercise of care home accommodation functions, the exercise of family support functions and functions that will be exercised jointly as a result of an assessment carried out under section 14 of the Act.

4.11.1 The establishment of the Regional Partnership Board (RPB) and the terms of reference for the board was agreed in the three local authority Cabinets and the ABMU Health Board in July 2016. The Western Bay Regional Partnership Board first formal meeting took place on 24th November, 2016. A report provided an update on the progress of the principal Programme activities by work stream as well as a summary of overarching programme activities, including the Position Statement for Western Bay, the Regional Citizen Panel, the Western Bay Regional Trade Union Forum and communication.

4.11.2 An action plan of the Programme's key priorities and projects is currently being developed, and will present to future RPB for endorsement.

4.11.3 Work is ongoing at a regional level in order to effectively plan and provide a sufficient range and level of care and support services informed by the population assessment. This assessment is required by the 1<sup>st</sup> April 2017. The Population Assessment Steering Group oversees work by three

subgroups - Data Analysis, Communication and Engagement and Editorial. The Groups have involved all three Local Authorities, the Health Board and CVC partners representing the third sector.

- 4.11.4 The Population Assessment is a fundamental requirement of the Regional Partnership Board and will need to be reviewed by the Board in January before being taken through the Health Board's Board and each of the three Councils. The Population Assessment will inform the Area Plan to be developed and adopted by the regional Project Board. This will capture and identify the key areas of regional integrated health and social care working and will inform future funding decisions.

#### **Pooled Funds**

- 4.11.5 The Partnership Arrangements (Wales) Regulations 2015 require the establishment of pooled funds in relation to:

- The exercise of care home accommodation functions;
- The exercise of family support functions;
- Functions that will be exercised jointly as a result of an assessment carried out under section 14 of the Act or any plan prepared under section 14A.

#### **Pooled Fund for Care Homes for Older People**

- 4.11.6 The duty for the establishment of pooled fund for care homes comes into force on 6 April 2018. The Regional Care Homes Subgroup has assumed responsibility for overseeing the development of the pooled fund for care homes required by the Social Services & Wellbeing (Wales) Act by April 2018. Key colleagues have been identified in each Local Authority area and initial discussions have taken place regarding the scope of the pooled fund. The National Commissioning Board is currently undertaking a pilot in Gwent exploring the process of developing a care homes pooled fund and local approaches will be informed by the outcomes of the nationally led work which was due to be completed by the end of the 2016.

#### **Pooled Fund for Intermediate Care Services**

- 4.11.7 Three pooled funds for the Intermediate Care Services were established in October 2015 for Bridgend, Swansea and Neath Port Talbot localities. The three local authorities Cabinets approved entering into the overarching partnership agreement in accordance with Section 33 of the National Health Service (Wales) Act 2006 for the provision of intermediate care services between each local authority and Abertawe Bro Morgannwg University Local Health Board (ABMU HB) for Adult and Older People's Services in October 2015.

- 4.12 **Part 10, Complaints, Representations and Advocacy Services** – this part of the Act has three chapters – complaints and representatives, complaints about private social care and palliative care and advocacy services. There are significant changes to ensure that people are able to access advocacy support as part of the assessment process.

- 4.12.1 The changes required in relation to representations and complaints have been fully implemented and staff guidance developed and introduced. In

addition e-module learning tools are being developed. Since April 2016 a complaints awareness e:learning module has been launched and is now available to be accessed by staff. Whilst this is not mandatory, managers have been asked to encourage their staff to complete it and levels are being monitored. The Directorate is developing a further e: learning module aimed at senior managers and the effective handling of representations and complaints. This module will be mandatory for the relevant managers. The Directorate now plans to work towards development of a further e:learning module which will be aimed at senior managers and effective handling of representations and complaints. Publicity material has also been updated to reflect the changes to the complaints procedure and is made available to service users and the public in the form of an information leaflet. This is also available on the BCBC website. Publicity material has also been translated into Welsh to ensure that the requirements of the Welsh Language Standards are met. With regard to advocacy support, complaints publicity material (including the BCBC Website) includes advice to complainants that they can request assistance with making their complaint or representation (this will include advice and referral to advocacy providers where required by the complainant).

4.12.2 The Code of Practice for assessing needs requires the Authority to ensure that individuals are empowered to express their needs and are able to fully participate in the process as equal partners.

**Advocacy.**

4.12.3 BCBC has reviewed advocacy services in both children's and adult's services. There is existing provision for adults with a learning disability through a third sector contract, and working arrangements are in place with other local providers to ensure appropriate advocacy is accessible in the case of individuals experiencing barriers though mental health or mental capacity. Statutory advocacy for children is more developed than for adults and BCBC currently has a contract with Tros Gynnal Plant. However, consultation with stakeholders in Bridgend has identified that while the most vulnerable people within services are able to access an independent professional advocate (IPA) there is a limited level of co-ordination in ensuring that everyone who is eligible for social services is able to access an IPA service as defined under the new legislation.

4.12.4 In order to address this gap in provision, a Welsh Government funded initiative, the Golden Thread Advocacy Programme (GTAP), has supported BCBC to engage local stakeholders with the purpose of developing a robust and fully compliant service model. A stakeholder workshop was facilitated by GTAP in October 2016 with representation from children's and adults' advocacy providers as well as other services that offer representation and support to individuals and groups in the local community. The stakeholders themselves have helped to co-design a 'Hub & Spoke' service model that will be tested through a 12 month Pilot Scheme for adults services, while children's advocacy is currently being reviewed for re-alignment with a National Approach for Children's Advocacy (and is being considered for future commissioning at a Western Bay regional level).

4.12.5 Work currently ongoing to further develop statutory response includes the following:

- Development of an Advocacy Directory for Bridgend to include all levels of advocacy available, including IPA. This will be a feature of the Information, Advice & Assistance service in Bridgend and will help those involved in the referral process.
- Maintaining support for existing providers of advocacy including informal community support services and more formal peer/professional advocacy for learning disabilities and maintain referrals into IMCA/IMHA as required.
- Development of a Pilot Scheme of complimentary IPA services through working relationships with up to 3 IPA providers (or consortia working in partnership) with the ability to provide:
  - 1) an Advocacy Hub (referral and information) function;
  - 2) a specialism IPA service based on specialist client support/communication needs; and
  - 3) a fully accessible IPA service to ensure that as many people as possible are able to access an IPA as needed.
- Co-ordinate a Steering Group to oversee the implementation of the Pilot Scheme and to develop robust monitoring and evaluation criteria.

4.13 **Part 11 Miscellaneous and General** –This part of the Act includes various miscellaneous and general provisions, one of which is a new duty in respect of adults with care and support needs who are in the secure estate in Wales. This duty exists regardless of their place of ordinary residence in Wales or elsewhere before their detention, and a change in how existing responsibilities for the care and support of children in the secure estate whether detained in England or Wales) are fulfilled. There is also a requirement for the provision of information advice and assistance, and where appropriate the consideration for the need to access advocacy in order to support effective participation in decisions around an individual's wellbeing. This has significant implications for Bridgend as it currently has the biggest prison population in Wales, and will take responsibility for assessing and meeting the 'care and support' needs of prisoners whether they are from Wales, England or another nationality. The local authority must also consider in partnership with others how to deliver preventative services needed by those in the secure estate.

#### **Local implementation – workforce update**

4.14 The Western Bay Workforce Development Group accessed funding from Social Care in Partnership (SCiP) & CCW to commission Rhoda Emlyn Jones who delivered a series of workshops (June 3<sup>rd</sup>& 27<sup>th</sup>, July 12<sup>th</sup> 2016) across Western Bay, to support providers and commissioning/contracting teams to understand the concept of outcomes and how they can be achieved. Three, one day workshops took place for home care providers (10 delegates), residential care managers (12 delegates) and commissioners and contracting officers (15 delegates). The expectation is that delegates will share their learning possibly through the Community of Practice sessions with other providers or in a Western Bay Workshop which will contribute to the Act's principle of co-production. The benefits and outcomes of this programme so far are;

- A common understanding between provider and commissioner about outcomes leading to clarity in expectations
- An understanding of co-production
- Sharing of learning with peer groups

4.15 Following on from the delivery of the awareness level training 'Getting in on the Act', the Social Care Workforce Development (SCWD) team has coordinated the roll out of the core training modules:  
 Module 1 – Introduction and General Functions  
 Module 2 – Assessing and Meeting the Needs of Individuals  
 Module 3 – Looked After and Accommodated Children  
 Module 4 – Safeguarding.

In total there have been 716 staff attendances.

4.16 The SCWD team has also developed a session called 'Caring with Pride' targeted at the direct care workforce within the local authority. This session combines learning about the Social Services and Wellbeing (Wales) Act with learning centered on the new Code of Professional Practice for Social Care, which was developed by the Care Council for Wales. To date 330 staff has attended these sessions.

4.17 A 'Train the Trainer' package has been developed on a Western Bay basis to be delivered to managers, senior staff and trainers within the Independent and Third sectors. The package is based on the resources developed by the Care Council for Wales for the direct care workforce and again combines with the Code of Professional Practice for Social Care. This has been rolled out across the region.

4.19 A review of training offered by the SCWD team has been undertaken and packages have been refreshed to ensure compliance with the Act.

4.20 Tros Gynnal & Age Cymru will provide support on a Western Bay basis to roll out the advocacy training, co-delivering with in-house trainers; following a 1 Day Train the Trainer Workshop which took place on 24<sup>th</sup> October with 14 attendees.

## **5. Effect upon Policy Framework and Procedure Rules.**

5.1 There is no effect upon the policy framework and procedure rules.

## **6. Equality Impact Assessments.**

6.1 The Social Services and Wellbeing (Wales) Act, by its very nature, will in part be providing support and care to the most vulnerable in our communities and should also have a positive impact on those people with protected characteristics.

6.2 An Equality Impact Assessment has been undertaken for each part of the Act by Welsh Government. There are no negative impacts cited. In undertaking the assessments, the Government stated that there is a clear

and unequivocal commitment to an inclusive approach is set out within the statutory Code of Practice. The Act promotes equality, improvements in the quality of services and the provision of information people receive, and a shared focus on prevention and early intervention.

## **7. Financial Implications.**

7.1 The Social Services and Wellbeing (Wales) Act 2014 sets a whole range of new challenges and service user entitlements which will have to be met at a time of severe financial restraints for local government and social services. Whilst there are no specific additional resources from the Welsh Government for this purpose, apart from the transitional/transformational funding which was detailed in the last report, in the Local Government Settlement, the Cabinet Secretary for Finance and Local Government indicated that he was providing an additional £25 million through the settlement in recognition of the importance of strong local social services to the long-term success of the health service in Wales and in recognition of the growing pressures which social services face. Bridgend's allocation was in the region of £1.112 million, and this has been included within the Medium Term Financial Strategy to meet other identified social services pressures.

7.2 Local authorities should remain very cautious about whether there will be sufficient resources available to meet increased commitments and expectations in the face of growing demand for services. It is essential that the Council takes account of the budget pressures that will be experienced by the Social Services Directorate as a direct consequence of the Act from the beginning of the next financial year.

## **8. Recommendation.**

8.1 It is recommended that the Committee note the content of this report and the progress made to date to implement the Social Services and Well-being (Wales) Act.

Susan Cooper  
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## **10 Background documents**

- Report to Cabinet 15<sup>th</sup> March 2016 Social Services and Wellbeing (Wales) Act 2014.
- Report to Scrutiny 15<sup>th</sup> November 2016 Prevention, Wellbeing and Local Community Coordination