

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

February 2013

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Enquiry no: 13/0271

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Social Services and Well-being (Wales) Bill

February 2013

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Social Services and Well-being (Wales) Bill

1. Introduction

Introduction date: 28 January 2013

Member in charge: Gwenda Thomas AM, Deputy Minister for Social Services

Assembly Committee undertaking Stage 1 scrutiny of the Bill: Health and Social Care Committee

Stage 1 reporting deadline: 21 June 2013

The *Social Services and Wellbeing (Wales) Bill*¹ ('the Bill') aims to facilitate the implementation of the Welsh Government's social services policies and to consolidate and clarify social care law in Wales within a specifically Welsh legal framework.

This paper includes some historical background information about the current proposal, including details of consultations held by the Welsh Government and others in relation to social care in Wales to date. It also provides an overview of the Bill's main objectives and provisions, and summarises some initial reactions to the Bill's publication.

¹ [Social Services and Wellbeing \(Wales\) Bill](#) [accessed 7 February 2013]

2. Timeline

The content of the Bill is informed by a number of consultations and reviews conducted by the Welsh Government and other bodies over the past few years. These are summarised below.

2.1. *Developments in the third Assembly (2007-2011)*

In **November 2009**, the Independent Commission on Social Services in Wales was established by the Deputy Minister for Social Services, Gwenda Thomas AM. The Commission was tasked with considering how best social services and social care can meet the needs of the citizens of Wales over the next decade.² It published its findings in its **November 2010** report, *From Vision to Action*.³ The Deputy Minister also commissioned a Social Work Workforce Task Group which produced a report in **December 2010**.⁴

A commitment to bring forward social services legislation was included in the Welsh Labour manifesto for the **May 2011** Welsh General Election. The manifesto stated that:

Using our new legislative powers we will introduce a Social Services Act to simplify the web of legislation that currently regulates social care in Wales in order to make access to services much easier and more understandable to those who need them. This will be based on a thorough review of the current legislative and regulatory framework for social work and social care services.⁵

2.2. *Developments in the fourth Assembly to date*

In light of the reviews conducted on social care services in 2009 and 2010, the Welsh Government published *Sustainable Social Services: A Framework for Action*⁶ on **2 June 2011** which set out the Welsh Government's vision for social services in the context of increasing demand for, and rising expectations of services.

This paper was followed in **March 2012** by a formal Welsh Government consultation on the *Social Services (Wales) Bill* which closed on **1 June 2012**.⁷ A total of 275 responses were received and a summary of the views expressed were collated in a Consultation Report.⁸

One of the the consultation document's proposals related to the establishment of a new national adoption service for Wales. The Assembly's Children and Young

² Independent Commission on Social Services in Wales, *Home* [accessed 8 February 2013]

³ Independent Commission on Social Services in Wales, *From Vision to Action*, November 2010 [accessed 8 February 2013]

⁴ Welsh Government, *The report of the Social Care and Social Work Workforce Task Group* December 2010 [accessed 8 February 2013]

⁵ Welsh Labour, *Welsh Labour Manifesto: Standing Up for Wales*, April 2011, page 56 [accessed 8 February 2013]

⁶ Welsh Government *Sustainable Social Services for Wales: A Framework for Action (2011)* [accessed 8 February 2013]

⁷ Welsh Government, *Social Services (Wales) Bill Consultation Document* 12 March 2012 [accessed 8 February 2013]

⁸ Welsh Government, *Consultation Report – Summary of Responses: Social Services (Wales) Bill* [accessed 8 February 2013]

People Committee held an inquiry into adoption and published its report on the issue in **November 2012**.⁹ In the subsequent plenary debate held on **16 January 2013**, the Chair of the Committee, Christine Chapman AM, stated that:

The committee's first recommendation relates to the proposals in the social services (Wales) Bill consultation document for the establishment of a national adoption service. The evidence that we received suggested overall support for the concept of a national adoption service, from agencies and parents alike. As a result, the committee was unanimous in its view that the direct service delivery role of the national adoption service should be significantly strengthened from that currently set out in the social services (Wales) Bill consultation document. We believe that a national adoption service should have a central delivery role for a range of adoption services, including the recruitment and assessment of prospective adopters, and should employ staff at a central and regional level. It should also have a role in facilitating the matching of adopters and children at a national level, including hosting a national adoption register for Wales. We also felt strongly that the national adoption service should not be owned by local authorities, as set out by the Deputy Minister for children in current proposals. I am, therefore, disappointed that the Deputy Minister has not accepted this recommendation in its entirety.¹⁰

In response, the Deputy Minister addressed some of the points raised:

The new service will address current concerns without losing the undeniable strengths of the existing system, thereby achieving change without detriment. The committee is already aware that I am looking forward to receiving the operational model being developed jointly by the Welsh Local Government Association and the Association of Directors of Social Services. I expect that the model presented will achieve the step change that we have all identified as necessary, and one we can develop further through a strategic group. Within their model, I expect to see a strong emphasis upon partnership with the voluntary and independent sectors, and to see the benefits that these sectors can bring to adoption more generally.

I shall consider and reflect on the viability of this model. If I am not sufficiently satisfied that the proposed model will enable the national adoption service to tackle current inconsistencies in service delivery, I will then consider directing local authorities to discharge the service in a different way, in accordance with the new powers in the social services and wellbeing (Wales) Bill.¹¹

The work of the Welsh Government in developing social services legislation was also informed by reviews conducted by the Law Commission of England and Wales on adult social care law¹² in **May 2011** and by the Family Justice Review for England and Wales¹³ in **November 2011**.

⁹ National Assembly for Wales, *Children and Young People Committee: Report of Inquiry into Adoption*, November 2012 [accessed 25 February 2013]

¹⁰ National Assembly for Wales, RoP, *Plenary: The Children and Young People's Inquiry into Adoption*, 16 January 2013 [accessed 12 February 2013]

¹¹ Ibid

¹² Law Commission, *Adult Social Care*, May 2011 [accessed 8 February 2013]

¹³ Ministry of Justice, *Family Justice Review Final Report* November 2011 [accessed 8 February 2013]

The Law Commission report on adult social care law highlighted the large number of statutes and structural and policy changes since the passing of the *National Assistance Act 1948*,¹⁴ which ‘remains to this day the bedrock of adult social care’.¹⁵ The report also made a number of recommendations, some of which are reflected in the Bill, including those concerning the scope of social care services and assessment and eligibility for them.

2.3. *The situation in England*

On **11 July 2012**, the then Secretary of State for Health in the UK Government, the Rt. Hon Andrew Lansley MP, published a White Paper and a draft *Care and Support Bill*, which would apply only in England.¹⁶ In publishing the draft proposals the Secretary of State said that:

Too often people who need care don’t know who or where to go to, don’t know what care they will get and don’t know how it will be paid for. Our plans will bring the most comprehensive overhaul of social care since 1948 and will mean that people get the care and support that they need to be safe and to live well so they don’t reach a crisis point.¹⁷

The draft Bill sets out the UK Government’s proposals for adult social services in England and addresses some of the recommendations in the Law Commission for England and Wales’ report on adult social care. Its other aims include:

- Changing the legal framework for care and support.
- Establishing Health Education England as a non-departmental public body.
- Establishing the Health Research Authority as a non-departmental public body.
- Creating a London Health Improvement Board.¹⁸

A Care and Support Bill for England is expected in spring 2013.

On **4 February 2013**, the Secretary of State for Education, the Rt. Hon Michael Gove MP, introduced the *Children and Families Bill*¹⁹ It received its first reading in the House of Commons shortly afterwards on **7 February 2013**. The Bill includes a number of provisions relating to adoption services.²⁰ Specifically, Section 3 of the Bill has a similar intention to the parts of the *Social Services and Wellbeing (Wales) Bill* relevant to adoption. In particular, the Section provides the Secretary

¹⁴ *National Assistance Act 1948* (Chapter 29)

¹⁵ Law Commission, *Adult Social Care*, May 2011, page 1 [accessed 8 February 2013]

¹⁶ Department of Health, *Government announces care and support reforms*, 11 July 2012 [accessed 8 February 2013]

¹⁷ *Ibid*

¹⁸ National Assembly for Wales, Research Service, *Queen’s Speech 2012*, May 2012, Chapter 4.2 [accessed 8 February 2013]

¹⁹ *Children and Families Bill*

²⁰ For further information about the Bill see House of Commons Library, *Research Paper RP13/11: Children and Families Bill*, 15 February 2013 [accessed 21 February 2013]

of State with a power to require local authorities in England to commission adopter recruitment services from one or more other adoption agencies.²¹

Certain provisions in the Bill relate to adoption services in Wales and are therefore subject to a Legislative Consent Motion ('LCM') in the Assembly.²² The provisions on which consent is sought are Section 6 (relating to the dis-application of the Adoption and Children Act Register to Wales) and Section 15 (relating to the preparation of a care plan).

The Welsh Government laid a LCM in relation to the Children and Families Bill on **12 February 2013**. The memorandum which accompanies the LCM provides reasons why the Assembly should provide consent for the UK Parliament to legislate on its behalf in this instance:

Family law and proceedings are not devolved and it is the Welsh Government's view that this UK Bill represents the most appropriate and proportionate vehicle to enable the provisions on family justice reforms to apply in relation to public bodies in Wales. It will also ensure there is a consistent approach across England and Wales in the family justice courts handling of family law cases, and local authorities and Welsh Family Proceeding Officers (Cafcass Cymru) handling of cases in relation to public and private law proceedings

Local authorities' functions for adoption of children are devolved. The new provisions in the Children and Families Bill provided a timely opportunity to legislate to dis-apply the pre-existing provisions in relation to Wales.²³

²¹ House of Commons, [Children and Families Bill: Explanatory Notes](#), 4 February 2013, paragraph 5 [accessed 12 February 2013]

²² For further information about Legislative Consent Motions, see National Assembly for Wales, Research Service, [Quick Guide: Legislative Consent Motion](#), November 2011

²³ Welsh Government, [Legislative Consent Memorandum: Children and Families Bill](#), 12 February 2013, paragraphs 13 and 14 [accessed 12 February 2013]

3. The Bill

3.1. *Policy aims and objectives*

The Bill aims to provide a legal framework for the policy aims of the Welsh Government in relation to social services. These are set out in the Welsh Government's previous policy and consultation documents (which are outlined in the previous chapter), along with the Bills accompanying Explanatory Memorandum. They include:

- **Maintaining integrated social services:** To improve the well-being of people who need care and support within a framework that includes both adults and children, and their carers.
- **Increasing consistency of services:** To improve access to and provision of social services across Wales.
- **Consolidating Welsh social care legislation:** To simplify and clarify duties in relation to children, adults and carers to aid the efficient delivery of social services and reduce the time and resources required to navigate the current legal framework.
- **Empowering service users:** To give them a stronger voice and greater control over services.
- **Strengthening the safeguarding and protection of adults and children.**
- **Promoting partnership working in social care:** To extend co-operation between local authorities and between local authorities and other bodies, including NHS providers. Joint working provisions in the Bill would also facilitate the reform of adoption services.
- **Enhancing the preventative role of local authority and health services and setting out overarching well-being duties for them and their partners:** To avert or delay the need for care and support and to promote the well-being of people who need care and support and carers who need support.

The Welsh Government originally planned to include reforms to the inspection and regulation of social services in the Bill but has now decided²⁴ to make these the subject of a separate Bill to be introduced in this Assembly, which would be preceded by a White Paper in 2013.

3.2. *Provisions*

The Bill contains 169 Sections, divided into eleven Parts, and three Schedules. Each Part is summarised below.

²⁴ Welsh Government, Gwenda Thomas (Deputy Minister for Children and Social Services) [*Post-Consultation Update on the Social Services \(Wales\) Bill*](#) Cabinet Written Statement, 28 June 2012 [accessed 24 January 2013]

Part 1 (Introduction) provides an overview of the Bill and definitions of key terms, including a new, broader definition of ‘well-being’.

Part 2 (General Functions) sets out the overarching duties placed on local authorities, Local Health Boards and others around the ‘well-being’ of people who need care and support and carers who need support. This Part requires local authorities and Local Health Boards to assess the extent of need and the services required to meet needs in their areas. This Part also requires local authorities to;

- Provide or arrange preventative services which would aim to benefit a much broader range of people than those who are eligible for care and support following an assessment.
- Promote social enterprises, co-operatives, user led services and the third sector, to develop new models of delivery.
- Providing information, advice and assistance to the public regarding care and support services and how to access them.
- Establish registers of blind, deaf and disabled children.

Part 3 (Assessing the needs of individuals) covers the assessment of adults, children and carers and provides a single right to assessment with different emphases for each group.

It includes requirements that assessments should be proportionate to the circumstance and should identify the outcomes individuals and /or parents and carers etc. of children wish to achieve and the extent to which care and support will help to achieve them. In the case of carers an assessment must also identify work, training or education needs, developmental needs in the case of young carers, and willingness and ability to care. The current requirement that a carer must be providing ‘substantial’ and ‘regular’ care would no longer apply.

This Part also provides for the integration of assessments across service areas, for example with health services assessments.

Part 4 (Meeting needs) relates to meeting the needs of adults, children (who are not looked after by the local authority) and carers, including through direct payments. Ways of meeting needs however are not set out in the Bill, the aim being to allow flexibility and innovation.

The assessment process is followed by determination of eligibility for services which would be undertaken within a new national eligibility framework, although a need for protection from abuse or neglect can override eligibility criteria. Such a framework is not set out on the face of the Bill but left to be prescribed in regulations. Local authorities would retain discretion to provide services for people falling outside the eligibility criteria.

Local authorities are not required to meet the care and support needs of adults with sufficient means to pay for their own services, unless they request it.

This Part also makes provision for direct payments with regulation making powers to determine their scope and administration. In particular, this Part will make the purchase of local authority services with direct payments possible.

This Part also sets out that those with eligible needs should have a care and support plan which will, except in the case of carers and plans drawn up using discretionary powers, be 'portable' across local authorities in Wales.

Part 5 (Charging and financial assessment) covers the charges local authorities may make for social services and provides regulation-making powers to set out the circumstances for charging and maximum charges that may be made.

In particular, this Part requires local authorities that provide or arrange care and support for an individual to carry out a financial assessment of the person's resources, and regulations will set out criteria for determining liability for charges.

Local authorities may charge for preventative services and for information, advice and assistance, subject to regulations, but would no longer be required to charge for residential care.

Part 6 (Looked-after and accommodated children) mainly reflects current duties placed on local authorities by Part 3 of the *Children Act 1989* in relation to 'looked after' children (who are not the subject of a formal care order), care leavers and accommodated children..

Under those enactments, local authorities have a duty to provide accommodation to children who require it, to safeguard and promote the wellbeing of looked-after children, promote educational achievement and meet their care and support needs.

The Bill provides that 'out of area placements' will be subject to certain requirements, to be set out in regulations. Provision is also made under this Part for fostering children, including the approval of local authority foster parents and arrangements with fostering agencies.

This Part also provides for contact between looked after children and parents/relatives etc., and for independent visitors and Independent Reviewing Officers. It also sets out categories of care leavers and their respective entitlement to, and levels of, support.

The circumstances and limitations on the use of secure accommodation are set out in this Part, which may also be provided for in subsequent regulations made by Welsh Ministers.

Part 7 (Safeguarding) provides a new legal framework for the protection of adults at risk including a duty on local authorities to investigate suspected abuse and respond accordingly. It provides powers of entry to allow access to a person suspected of being at risk. It also abolishes an existing power under section 47 of the *National Assistance Act 1947* to remove a person in need of care from their home.

This Part in addition sets up a new National independent Safeguarding Board to monitor and improve safeguarding arrangements. It also provides for children's safeguarding boards and new adult safeguarding boards, including arrangements for possible future mergers of children and adult boards.

Part 8 (Social services functions) sets out the statutory function of social services, which are contained both in existing legislation and in this Bill. These functions are set out in Schedule 2, which may be altered by the Welsh Ministers through subsequent regulations.

This Part also requires the appointment of Directors of Social Services in all local authorities, although two or more may share a Director, and includes powers to issue codes of practice with which local authorities must act in accordance. It also includes powers for Welsh Ministers to intervene in local authorities that are failing to fulfil their social services functions.

Part 9 (Well-being outcomes, co-operation and partnership) places a new duty on Welsh Ministers to publish and lay before the Assembly 'national outcome statements' setting out the outcomes of the provision of care and support. Codes of practice will be issued to help achieve the specified outcomes and may impose requirements on local authorities, including standards, measures and targets.

This Part also includes provision for co-operation between local authorities and other bodies, as listed in the Bill, and requirements on local authorities to promote the integration of health and social care services. Partnership arrangements between local authorities and between them and Local Health Boards may be prescribed through regulations.

This Part in addition provides for joint arrangements for adoption services to facilitate a national adoption service.

Part 10 (Complaints and representations) provides for the procedures relating to complaints and representations about social services, including children's services. Regulation making powers included in this Part also allow Welsh Ministers to prescribe support (e.g. advocacy) to be provided to people making complaints and representations, and the groups of service users who may receive support. Arrangements are also set out regarding representations about children in need, looked after children and care leavers.

This Part also includes new powers for the Public Service Ombudsman for Wales to investigate complaints about privately purchased social care and palliative care.

Part 11 (Supplementary and general) includes supplementary matters such as the recovery of costs between local authorities and a definition of 'ordinary residence'. This Part also makes general provision for varying the effects of the Act using statutory instruments and sets out which statutory instruments will be subject to the affirmative resolution and which will be subject to the negative resolution. A list of terms and definitions used in the Bill is included in this Part.

4. Financial implications

The Regulatory Impact Assessment ('RIA') contained in the Explanatory Memorandum ('EM') presents a summary table of the costs and benefits over a 10 year period associated with the implementation of the Bill.²⁵

The table highlights a net present value (NPV) of £2.1 million made up of:

- One off training costs of £12.2 million to implement the changes in the Bill made up of £1.8 million for training costs of staff and £10.5 million of opportunity costs as a result of these same staff members being away from their desks whilst receiving training. The £12.3 million is discounted by 3.5 per cent to give a net present value of £12.2 million.²⁶
- Recurring benefits of £14.3 million made up of £2 million of reduced administrative burdens of staff; £80,000 from a reduction in complaints and £80,000 from reduced litigation. The benefits are deemed to occur after year 2 of the Bill for eight years (i.e. £2.2 million x 8 years = £17.6 million discounted).

The RIA states that there are other costs and benefits which either cannot be quantified at this stage or will be assessed when the detailed regulations are known. As many of the detailed provisions contained in the Bill will be provided in secondary legislation, it is not possible at this point to provide a total cost of implementing the Bill, as supported by the following statement in the RIA:

This result suggests that the additional benefits of implementing the Bill will outweigh the additional costs of implementation. However, it should be noted that this is a simple comparison based upon what we currently know. A number of areas where the Bill is anticipated to impact will be investigated when specific regulations are drafted. **The impact of such regulations will therefore invariably affect the overall NPV result presented in this RIA (e.g. costs may increase and not be adequately compensated by an equivalent increase in benefits). Further costing work therefore needs to be undertaken at such point in time when the detail of regulations that will follow under the Bill have become clearer.**²⁷

²⁵ National Assembly for Wales, Social Services (Wales) Bill, [Explanatory Memorandum](#), paragraph 174 [accessed 18 February 2013]

²⁶ Ibid, paragraph 175

²⁷ Ibid, paragraph 177

5. Reactions

In her legislative statement on the Bill to Assembly Members in plenary on 29 January 2013, the Minister for Health and Social Services, Lesley Griffiths AM, gave an overview of the Bill's aims and objectives:

This Bill gives effect to the policy in 'Sustainable Social Services for Wales'. It has at its heart two key policy objectives. The first is to improve the wellbeing of people who need care and support, as well as carers who need support, and the second objective is to reform social services law to create, for the first time, a legal framework for social services in Wales that has been made in Wales.²⁸

In relation to the subordinate legislation provisions included in the Bill, the Minister stated that:

The Bill is enabling in nature and Members will see that there remains much work to be done to build the detail of the system through subordinate legislation. We want this work to be undertaken collaboratively and with real engagement from those who have experience of, or work in, this field. The Deputy Minister's cross-party partnership forum, together with the citizen panels that she has established, will be key to driving the work programme.²⁹

Responding on behalf of the Welsh Conservatives, William Graham AM, stated that:

The Welsh Conservatives offer their broad support for this Bill. We were a little concerned by the Deputy Minister's previous statement that it was cost neutral. We will wait and see how this is rolled out over the next few years in order to see whether that is, in fact, true.³⁰

He added that:

We agree that this Bill is both needed and timely and we trust that it will transform the way in which social services are delivered, primarily through promoting people's independence and giving them a stronger voice. On that, we ask the Minister to consider again the process of independent advocacy and whether that can be strengthened during the passage of the Bill.³¹

Similar issues as to whether provisions relating to independent advocacy could be added to the Bill later in the Assembly's legislative stages were raised by the Labour backbencher Julie Morgan AM and the Conservative Member, Darren Millar AM.³² In response to such concerns, the Minister stated that:

In relation to advocacy, we are looking at a range of issues, and there will be consultation on regulation. As we go through the scrutiny process, that is something that we can look at.³³

²⁸ National Assembly for Wales, Plenary, *RoP: The Introduction of the Social Services and Well-being (Wales) Bill*, 29 January 2013 [accessed 8 February 2013]

²⁹ Ibid

³⁰ Ibid

³¹ Ibid

³² Ibid

³³ Ibid

Lindsay Whittle AM, speaking on behalf of Plaid Cymru, welcomed the Bill but added:

... only time will tell whether it has achieved the necessary outcomes to empower service users and their carers, to improve preventative services, to make sure that budgets are deployed more effectively and efficiently, and, above all, to develop social care in Wales that will stand as a model for others to follow.³⁴

Speaking on behalf of the Welsh Liberal Democrats, Kirsty Williams AM, stated that:

With regard to the eligibility criteria, of course it is impossible to tell, from the way in which the legislation is currently drafted, who will be eligible for a social service, because that is not on the face of the Bill. The Government is, in effect, asking Assembly Members to vote for a piece of legislation when we are not clear as to whom the legislation will affect, and what the effect of the legislation will be on individual constituents. That is a pretty big ask for the Welsh Government. It is certainly a big ask for my Members to vote on a piece of legislation when we are not clear what the effects will be on any one individual. I hope that the Government will reflect on that as the legislation goes through its various stages in the Assembly. The Welsh Liberal Democrats do not want to be obstructive, but I do not think that it is too much to ask the Government to tell us what the effects of this legislation will be on individuals and where the eligibility criteria will be set.³⁵

She added that the financial information contained in the accompanying explanatory memorandum 'is practically non-existent'³⁶ and that:

Given that the whole premise of the White Paper was that there is currently not enough money in the system, it seems that the whole premise of this legislation and the new duties that are being placed on local authorities by this legislation will cost them nothing extra. That simply cannot be the case. Again, I would urge the Government and ask the Minister to provide a greater explanation on the statement that she made to the media this morning, I believe, that this Bill would be cost-neutral. These are new duties being placed on people, and new expectations of them, and yet there is no clarity here on how that will be funded.³⁷

In response to these points, the Minister stated that:

You asked for the Government to reflect on some of the issues that you raised. We can look at those as we go through scrutiny. The Deputy Minister, certainly, will be keen to look at those. There is further work that needs to be done around it. We need to make sure that it has futureproofing. We have said that this is a Bill for a generation. The regulations will be widely consulted upon. There will be a lot of consultation with stakeholders, as well as the scrutiny going through the Assembly ...

The foundations for the changes have been made through the protection of social services budgets, and we will reduce regulation and bureaucracy with this. There is a huge complex

³⁴ National Assembly for Wales, Plenary, *RoP: The Introduction of the Social Services and Well-being (Wales) Bill*, 29 January 2013 [accessed 8 February 2013]

³⁵ Ibid

³⁶ Ibid

³⁷ Ibid

web of social services legislation in Wales at the present time, and this Bill will bring the majority of that legislation together.³⁸

A number of external stakeholders also responded to the Bill's publication. The Chair of the Care Council for Wales, Arwel Ellis Owen, welcomed the Bill adding that:

We particularly welcome the step change in the role of social workers and social care managers and workers, with a shift in emphasis on processes to working with people to make the changes necessary to improve their situation.³⁹

MS Society Cymru also welcomed much of the Bill's content but stressed that 'people living with MS want the freedom to plan their own care' and that the Welsh Government should aim to 'bring greater choice, control and independence into the social care system'.⁴⁰

Speaking just prior to the Bill's introduction, Mary Van den Heuvel from Leonard Cheshire Disability, commented on proposals relating to the national eligibility criteria, stating that the Welsh Government's proposals:

.. could mean an end to a postcode lottery of provision, with different local authorities setting different thresholds for the care they are willing to provide.⁴¹

She also stated however that:

But with this comes a big question – at what level will eligibility for social care be set?

... It is likely we will have to wait for regulations to find out the finer details which could mean the difference between 'Mrs Jones' accessing the support she needs in the way she wants, or falling foul of eligibility criteria and being left with no support at all. Let's hope it's the former rather than the latter.⁴²

Comments relating to the national eligibility criteria provisions in the Bill were also made by the Welsh Director of Scope, Ian Thomas:

The decision that the Welsh Government take on eligibility will affect thousands of disabled people living in Wales. The choice between 'moderate' and 'substantial' levels of eligibility will determine whether thousands of people will receive the basic care and support they need.

Times are tough for everyone but being able to eat, wash and leave your home is not a luxury. We urge the Welsh Government to give disabled people the support they need by setting the eligibility at a 'moderate level'. Without this, the independence of thousands will suffer.⁴³

³⁸ Ibid

³⁹ The Guardian, [Welsh Social Care Bill unveiled](#), 29 January 2013 [accessed 8 February 2013]

⁴⁰ Wales Online, [Social Services to be "transformed" under Welsh Government plans](#), 29 January 2013 [accessed 8 February 2013]

⁴¹ Bevan Foundation, [Will Wales' Social Services Bill delight or disappoint](#), 28 January 2013 [accessed 8 February 2013]

⁴² Ibid

⁴³ Wales Online, [Social Services to be "transformed" under Welsh Government plans](#), 29 January 2013 [accessed 8 February 2013]

While Age Cymru welcomed many aspects of the Bill they stated that ‘it does not go far enough’, adding that:

Age Cymru want to see advocacy services provided as a right to adults at risk of abuse.

Adults at risk of harm are amongst the most vulnerable, disenfranchised members of our communities in Wales, and we must ensure that they have a voice and are safeguarded from abuse. This is why Age Cymru strongly urges the Welsh Government to rectify this omission.⁴⁴

General reservations about the Bill’s content were also made by Robin Moulster, the Welsh manager of the British Association of Social Workers:

There are many important issues contained which will help to provide better services across Wales, but the government have tried to include a lot, and there is a risk that they are including too many things.⁴⁵

He added that:

Wales needs to get away from a tickbox mentality ... Unless there is a real commitment for organisations to allow and encourage relationship-based social work services, these aims will never become reality ... There are good bits in the bill, but it will only work if the culture is right.⁴⁶

Upon its introduction, the Bill was referred by the Assembly’s Business Committee to the Health and Social Care Committee which will now consider the general principles of the Bill at Stage 1 of the legislative process. The Committee is currently undertaking a consultation on the Bill which will close on 15 March 2013.⁴⁷ The Committee is due to report on the Bill’s general principles by 21 June 2013, ahead of the subsequent Stage 1 debate and vote in plenary.

⁴⁴ Wales Online, [Social Services to be “transformed” under Welsh Government plans](#), 29 January 2013 [accessed 8 February 2013]

⁴⁵ The Guardian, [Welsh Social Care Bill unveiled](#), 29 January 2013 [accessed 8 February 2013]

⁴⁶ Ibid

⁴⁷ National Assembly for Wales, Health and Social Care Committee, [Public Consultation: Social Services and Wellbeing \(Wales\) Bill](#), 1 February 2013 [accessed 8 February 2013]