



Llywodraeth Cymru  
Welsh Government

---

## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

---

<b>TITLE</b>	<b>Policy intent in relation to regulations to be made under the Social Services and Well-being (Wales) Bill</b>
<b>DATE</b>	<b>30 January 2014</b>
<b>BY</b>	<b>Gwenda Thomas, AM Deputy Minister for Social Services</b>

In line with the commitments I have previously made to progress the reform of social services in Wales in a transparent and collaborative manner, I am today sharing with Assembly Members the policy intent surrounding the main regulations which I would propose to make under the provisions of the Social Services and Well-being (Wales) Bill.

I previously agreed to share with Members indication in advance of the policy thinking surrounding use of the subordinate legislation-making powers which will provide the detail of the refreshed framework for Social Services in Wales. The information which I place before Members today delivers on that promise. I understand that Members will be chiefly concerned, quite understandably, with those statements of policy intent relating to assessment, eligibility, and care planning, and other key issues. However, the policy ambit of the Bill goes broader than this, and the range of policy intent statements is similarly extensive. I trust that Members will welcome this.

Members will be well aware of the substantial number of written statements I have provided setting out my thinking on the many policy areas touched on by the Bill. This written statement, and the policy intent document annexed to it, forms a part of this ongoing process of policy development and engagement. In some areas – such as paying for social care – we are working within a fluid situation and need to develop our own policy agenda whilst also being responsive to what is happening in other administrations. In others, we are still in the process of extensive stakeholder engagement which will help inform and develop our implementation plans, and it would be premature to form too fixed a policy intention before the fruits of this activity are ready for consideration. In all areas, we seek to actively listen to and engage with our stakeholders across public services, and the independent and voluntary sectors.

The policy intent statements for each piece or group of subordinate legislation largely speak for themselves. There are, however, a number of headline issues to which I would like to draw Members' attention particularly. All section and part references are to the Bill as amended at stage 2.

## **Local needs assessment**

Section 11, part 2, of the Bill places duties on local authorities and Local Health Boards (LHBs) to work together jointly to assess the extent of needs for care and support (including the needs of carers) in the local authority area, together with the extent to which needs for care and support are not being met, the services required to meet those needs and the range of services needed to prevent, delay or reduce the need for care and support. This new requirement in respect of population assessment will also include a requirement to assess the need for services in the Welsh language. Local authorities will then be able to plan to ensure that service delivery reflects our strategy as set out in '*More than Just Words*', our Strategic Framework for Welsh Language Services in Health, Social Services and Social Care. This planning assessment process is central to the ability to meet need for both individuals and the population as a whole. Section 11 duties are also critical to effective implementation of the shift in focus and planning to include services for prevention and early intervention. I intend that the regulations made under this section will set out the arrangements that local authorities and LHBs will be required to put into effect in their local need assessment of people with care and support needs, including their identification of the need, who should be consulted, the frequency of assessments, and publication of information about care and support assessments and preventative services. These assessment duties are supported by the duties to promote cooperation and integration in planning and delivery set out in sections 152-159 of part 9. In all of this, the social services department will have the frontline responsibility, making the leadership and enabling role of the director of social services a central one.

## **Role of directors of social services**

Section 134(1) of the Bill provides for a local authority to appoint an officer, to be known as the director of social services, for the purpose of its social services functions (as set out in part 8). Under section 134(2), regulations (or a Code of Practice issued under section 135) are required to set out the key competencies for that role which, in turn, are required to secure the delivery of the functions listed in Schedule 2. . These competencies will be linked to the wider requirements of the Bill, particularly around voice and control and well-being. Given the new landscape that the Bill will put in place, there needs to be a focus on the role of the director to achieve the social services functions set out in the Bill which include well-being, planning services for the needs of the population, preventative services, information advice and assistance, eligibility and assessment, safeguarding, collaboration and partnership, promoting social enterprise, and integration between health and social care. The role of the director is to provide leadership in the sector, ensuring that the duties set out in the Bill are fulfilled across the whole local authority. I intend that the regulations will provide clarity and transparency around competencies but I also see a need for a Code of Practice under section 135. I see this Code as an update of the Statutory Guidance on the Role and Accountabilities of the Director of Social Services, which goes considerably wider than competencies.

## **Individual assessment**

Part 3 of the Bill extends the right to an assessment to children, adults and carers who have, or appear to have, a need for care and support. Section 24 enables the Welsh Ministers to make further provision about the carrying out of needs assessments. To ensure there is equity and clarity across Wales in people exercising their new rights, and in local authorities' application of assessments, I intend that regulations will provide a coherent framework to: ensure compliance through supporting the day to day operation of local authorities in the discharge of their duties; and support individuals and the courts in ensuring people's rights and local authorities' administrative procedures have been applied in line with the law and in a fair and consistent manner.

I envisage that regulations will prescribe a set of core requirements for each group; child, adult and carer, reflecting the differing characteristics, circumstances and policy objectives which are central factors that may have an impact on the care and support needs of that individual.

## **Eligibility**

After conducting an assessment for a child, adult or carer (whether that carer be a child or an adult) under sections 16, 18 and 21, if the local authority determines the person has needs for care and support, section 26 of the Bill requires the local authority to determine if that person's needs meet the eligibility criteria. The regulation powers enable the Welsh Ministers to respond to and reflect changes in policy, social care practice and other circumstances over time. My intention is that regulations under section 26 will prescribe the national eligibility criteria/ framework that will apply to a child, adult and carer under Part 4, and which local authorities across Wales must apply. For each category, regulations may prescribe the different needs and circumstances that the local authority must take in account, thus enabling different circumstances to apply to different categories of people, thereby reflecting the effect that their needs have on the individual. For example within the eligibility framework for adults, eligible need may be described differently depending on the person's needs and circumstances, leading to a number of sub-criteria. Similar will apply in relation to children's eligibility. Irrespective of decisions around eligibility criteria, there is a duty on local authorities to meet a person's needs in order to protect them ("passporting"), and I intend to set out in regulations criteria for local authorities to apply in dealing with people in such situations. Members will wish to note that I have undertaken to make these regulations through the super-affirmative process.

Detailed work with stakeholders will start in January 2014 to shape and refine the differing categories and circumstances of persons with eligible needs. These will then be subject to wider engagement in spring 2014 before the final public consultation on the regulations and Code of Practice in 2014/15.

## **Care and Support Plans and Care Plans**

The Bill requires that when a local authority has a duty to a child, adult or carer under sections 28, 30, 33 or 34 of part 4, they must prepare a care and support plan or, in the case of child/adult carer, a support plan. These are people who will have an eligible need – meeting the relevant eligibility criteria set in regulations to be made under section 26(3). The complexity and severity of an individual's needs will determine the scope and detail of the care and support plan, and the range of interventions and professionals who will contribute to the type of support and frequency of reviews. Care and support plans are informed by the assessment of the individual's needs, circumstances, and outcomes to be achieved, and the level of prescription in each group of care and support plans will differ. The plan will also set out an individual's contributions to their care and support and any direct payment arrangements. Differing emphases will be applied in each case. Sections 45 and 46 enable the Welsh Ministers to make further provisions about the preparation and review of care and support plans, as there will be a need to amend the detail in this area over time.

Regulations will ensure that, where practical, professionals work jointly to provide integrated care and support in delivering the outcomes in the plan, and ensure there is regular review of the plans to ensure changing needs/ circumstances and outcomes are reflected and acted upon within the plans. My intent is that regulations, supported by a Code of Practice which local authorities must comply with, will prescribe a set of core requirements for each group; child, adult or carer, with the prescription for each group differing depending on circumstances. The requirement for care and support plans, and for the review of both care and support plans/support plans (in the case of carers), will be set by a combination of the regulations and Code of Practice. Together, I intend that the regulations and the Code of Practice will help to achieve the policy aim of ensuring each individual has a coherent, integrated plan.

## **Portability**

Section 47 of the Bill provides for the portability of care and support and re-assessment for children and adults in relation to whom the local authority has a duty under sections 28 or 30 of the Bill. This section relates to children and adults who have eligible needs or are passported in order to protect them, and the provision aims to assure a level of continuity of care for people with eligible need moving across local authority areas of Wales. Regulations may make further provision with regard to the steps to be taken, the matters to which the 'receiving authority' must have regard and where the duties on portability are to be dis-applied. It is my intent that the regulations and Code of Practice will set out;

- the responsibilities of the sending authority, including the minimum level of information to be shared between the sending and receiving authorities;
- the expectation on the receiving authority to ensure a level of continuity of care, relating to that set out in the care plan, until the receiving authority carries out a review and re-assessment of the person's care and support needs;
- timescales by which the information must be shared; and
- timescales by which the receiving authority must review / re-assess the care package as set out in the plan.

I can give members the assurance that the Code of Practice will be very clear about the expectation on local authorities, in discharging their duties, to ensure portability of care and support for people with needs, and support for those who care for them, when both are moving across local authority boundaries within Wales. This Code of Practice will be underpinned by the right of carers to request an assessment of their own support needs.

### **Charging and financial assessment**

In relation to charging and financial assessment under part 5, policy is still evolving in order to deliver upon my commitment to introduce from April 2016 reform of the arrangements for paying for care. Hence development of the options for this reform will be taking place during 2014 with stakeholder representatives from local government, care recipients and those who represent them, with Welsh Ministers making final decisions in the autumn of 2014 on the way forward. I will be making a separate Written Statement to Members on these plans shortly. However, there are certain key principles which can be set out at this point.

Section 50 of the Bill gives a local authority the power to impose a charge for providing or arranging the provision of care and support under sections 28 to 36 to meet a person's needs, or for putting in place arrangements for meeting those needs. It is long established Welsh Government policy that where a local authority asks a person to pay a charge for care and support, or where they are charged by a local authority for making arrangements to meet needs, that only those with adequate financial means should be expected to pay such a charge. It is also established policy that where this occurs, assessment of that person's financial means should be undertaken in a consistent manner to ensure equality of treatment of individuals. It is therefore my intention through the regulations to be made under the Bill to reiterate these policies as part of our future policy on paying for residential and non-residential social care.

As a result regulations under section 55 of the Bill must make provision in connection with a local authority's duty to carry out a financial assessment where it thinks it would impose a charge to meet a person's needs for care and support. Existing regulations and statutory guidance made under present legislation identify particular forms of financial resources a person receiving care and support may have, and set out whether these should be regarded as income or capital, and how each should be treated within a financial assessment. It is my intention through the regulations to be made under section 55 of the Bill to maintain such provisions as part of my reform of the arrangements for paying for care. Consideration will therefore be given in formulating that reform as to exactly what forms of income and capital should be taken into account or disregarded within a financial assessment to ensure equality and consistency of treatment of those who are subject to it. As is the case currently, I also intend to make provision in regulations to allow a local authority, in certain situations, not to exercise its duty to carry out a financial assessment of a person where it thinks it would impose a charge to meet their needs for care and support (for example where low level care and support is being provided for which a small fixed charge is made and undertaking a full financial assessment would not be appropriate, or where an urgent or unexpected need for care and support arises at short notice).

Following a financial assessment, local authorities must make a determination under section 57(1) of the Bill as to a person's ability to pay a charge. Under existing legislation, regulations and statutory guidance identify particular levels of income and capital that a person receiving care and support may have and how these should be treated in a determination of a person's ability to pay a charge for their care and support. I intend to maintain this provision in regulations to be made under the Bill.

As part of the development of our future arrangements for paying for care I have already confirmed that we will be maintaining the principle of a Wales wide weekly maximum charge for non-residential services. Consideration will also be given to the application of other aspects of the regulation making powers under section 52(1). This will include, for example, whether a maximum charge should be set for specified care and support, or set for a specified period, or set for putting in place arrangements for needs to be met.

Regulations under section 53 may also make provision that disapplies the charging power. This reflects the current charging legislation, under which charging can be disapplied in a number of cases. It is my intention to continue to disapply charging where it is appropriate to do so, and consideration will be given to the situations, persons and specified types of care and support in relation to which charges should not be imposed.

### **Review of charges**

Where charges may be made, it is important that clear and consistent arrangements are in place to allow a person to query or challenge care and support charges imposed on them. Regulations under section 53 will enable a review system to be put in place for all instances where a charge has been levied. This will ensure that a person who has been assessed as required to pay for care and support can have the charge reviewed should they consider it to be incorrect or inappropriate.

Under the present regulations made under the Social Care Charges (Wales) Measure 2010, a review process is in place for charging decisions made in relation to the provision of non-residential social services. It is my intention to maintain this provision under regulations to be made under the Bill and to extend it to all other instances where a charge is imposed. This is so that a person can have a charge or charging decision reviewed by a local authority where it relates to the provision or arrangement of care and support under the Bill, or to putting in place arrangements for care and support.

### **Deferred payments**

It is our policy that where a person is asked to pay a charge for the care and support they receive, or for arrangements to meet their needs, and their property is taken into account, they should not be required immediately to sell that property to meet this charge. Instead, they should have the ability to delay this until a more appropriate time.

Under present regulations, local authorities are required to operate a deferred payment scheme for those with an interest in a property who are required to meet the costs of their residential accommodation and care. I intend to maintain and strengthen this provision

under regulations to be made under section 60 of the Bill, enhancing the operation of such agreements, allowing them to be tailored to meet a person's circumstances and extending this provision to other instances where a charge is imposed.

## **Direct payments**

It is Welsh Government policy to provide greater choice and control to those who develop needs for care and support, thus giving them a greater say over the way in which these needs are met. One of the key ways in which this can be achieved is to provide them with a direct payment to arrange for that care and support themselves. My officials have been working with the Direct Payments Overview Group (which represents local authority, disability and carer organisation stakeholders) on a set of principles on the future provision of direct payments under the provisions of the Bill. These principles cover good practice areas of direct payments such as eligibility and choice, provision of information, support, reviews and outcomes, and the value and calculation of direct payments. The principles have been agreed by the Welsh Ministers and will be used to inform the development of the regulations and Code of Practice on direct payments under the Bill.

As well as maintaining and improving the current operation of direct payments in Wales, regulations to be made under sections 41, 42 and 43 in part 4 of the Bill would aim to increase the take up of direct payments by ensuring that more individuals with care and support needs are aware of this option and what it would mean for them, and supported to make an informed choice. In particular, the regulation making power will require the Welsh Ministers, via the regulations and code of practice, to set out how such arrangements should operate in future by specifying both:

- the steps that local authorities should take to ensure that those with care and support needs are aware of the option of receiving a direct payment, what this entails and how this might benefit them; and
- the support that should be provided to a person with care and support needs, both in making a decision whether to have a direct payment and in managing a payment where they have chosen to have one.

## **Looked after children**

Part 6 of the Bill includes regulation-making powers relating to assessment; care and support plans; the review of plans and cases; and the placement of and visits to children who are looked after by local authorities. Each of this set of regulation making powers is inextricably linked to the others. Together, they will provide for a consistent and coherent approach to supporting looked after children. They will deliver children's rights and entitlements as part of an effective corporate parent framework; one that empowers looked after children to achieve improved well-being outcomes that enhance their life chances.

Against that backdrop, sections 74 and 75 of the Bill place express duties on the Welsh Ministers to bring forward regulations on the detailed arrangements that local authorities must follow in the preparation of care and support plans, whilst the framework for their

review is set out under sections 90 to 93. The regulation making power is required to set out the Welsh Ministers' expectations of the matters that local authorities must take into account in supporting looked after children to achieve improved well-being outcomes. I intend that regulations and Code of Practice will prescribe a set of core requirements for looked after children which will ensure a consistency of approach with the core processes under Part 4 whilst recognising the specific circumstances and needs of looked after children, and reinforcing the Corporate Parenting responsibilities owed to these children.

Supporting this, it is my intention that regulations under section 78 will make provision about placements and settings other than with parents, those with parental responsibility or those with a Residence Order. These will place duties on local authorities to accommodate, safeguard and promote a child's welfare and set out the arrangements to be made by local authorities in connection with the health and education of children so placed.

Recognising that some children may need out-of-area placements, I also intend that the regulations made under section 78 will impose requirements for local authorities to follow when placing children outside the authority area, and ensuring the child's well-being in doing so. These will stipulate that the local authority must not place a child outside the area in which they usually reside unless it is satisfied that there is no placement within the area that meets the child's needs or that a placement outside of area is more consistent with their welfare.

Section 83 enables regulations made under section 78 to make further provision about looked after children, in relation to placements with local authority foster parents. I intend to use this discretionary power to the same effect as the current regulation making powers, reflecting in essentials the requirements of the current Fostering Services (Wales) Regulations. I will also seek to make regulations regarding the approval of local authority foster parents.

Local authorities are under a duty to ensure visits to, and contact with, looked after children and others under section 88. We know that children who are detained or remanded to the secure estate are likely to experience a shortfall in their well-being outcomes by virtue of their detention and may require support to re-integrate into the community and to prevent further episodes of offending. I therefore intend that regulations and a Code of Practice will prescribe a set of core requirements for the representative that will place duties on local authorities to support specified groups of children whilst in custody and to plan for their release. This work will reflect the Welsh Government Green Paper "*Proposals to improve services in Wales to better meet the needs of children and young people who are at risk of entering, or are already in, the Youth Justice System*".

The local authority has a duty under section 90 of the Bill to appoint an independent reviewing officer (IRO) for each child's case. The duties of that individual are set out under sections 91, 92 and 93. Here, I intend that regulations and a Code of Practice will prescribe a set of core requirements for the IRO to promote the well-being outcomes for looked after children by undertaking reviews and challenging the local authority, as the Corporate Parent, to ensure looked after children are supported through the outcomes identified in their care and support plan. The key outcome of this function will be to ensure that work to



implement the agreed actions set out in the child's care and support plan is carried out in a timely and appropriate manner.

The Bill also gives a local authority duties under section 97 and 98 to appoint a Personal Advisor, to assess the need for advice, assistance and support and to prepare a Pathway Plan for children and young persons who are entitled to support as a result of them being, or having been, looked after children.

The purpose of a Personal Advisor is to support young persons who are, or have been, looked after. Section 98 requires that a Personal Advisor must carry out an assessment to determine what advice, support and assistance the young person needs whilst they are looked after and once they cease to be looked after. Such assessments must be recorded within a Pathway Plan. Again, there is an imperative to ensure a consistency of approach with both the core processes under Part 4, and the care planning and review arrangements under Part 6. I therefore intend to make regulations setting out my expectations of the functions of a Personal Advisor, and the matters to be contained within the assessment and Pathway Plan of children and young people entitled to support under this section.

## **Safeguarding**

The safeguarding regulations under part 7 of the Bill form a homogeneous group. As members will know, I established the Safeguarding Advisory Panel in July 2013 to provide expert advice to the Welsh Government on strengthening safeguarding arrangements for adults and children in Wales. The panel has already undertaken a detailed process of engagement with organisations and professional staff in the public, independent, private and third sectors, and this work will continue. Alongside key strategic meetings, a series of workshops have been held and a national safeguarding event, which I was pleased to attend. The Panel's first report was provided to me in November and focused on the regulations which will need to be produced as a result of the Bill. I intend to publish this report shortly. From reference to the statements of policy intent for this group, members will see that the work in this area has been heavily informed by the recommendations of the Panel, and I thank them, and the stakeholders who have supported the Panel, for their valuable input to date.

## **Authorised officers for adult protection and support orders**

Section 117 of the Bill provides for new Adult Protection and Support Orders, enabling social services to apply to the courts for an order to enter a property to speak with someone they think could be at risk, without interference from others in the house who might obstruct access, to ascertain whether a person is making decisions freely. An 'authorised officer' is a person authorised by the local authority for the purposes of applying for and exercising adult protection and support orders. There are complex human rights issues to be addressed with regard to these orders, so any intervention must be appropriate: statutory guidance will provide the detail for the consistent and appropriate execution of orders. To ensure that only practitioners with sufficient skills and training carry out this role, for example those with experience of dealing with neglect or domestic violence, regulations provide for the Welsh

Ministers to set restrictions on who may become an ‘authorised officer’. An ‘authorised officer’ will be required to be in the employment of a relevant partner, as defined in section 152. In keeping with the recommendations of the Safeguarding Advisory Panel, we intend to carry out a training programme for ‘authorised officers’ so that practitioners have specific and sufficient skills to carry out their role. Regulations will seek to reflect the skills needed to be an effective ‘authorised officer’.

### **National Independent Safeguarding Board**

Section 122 of the Bill provides for the establishment of a National Independent Safeguarding Board to ensure strategic leadership on a national level in Wales. The board’s duties are to support the effectiveness of safeguarding arrangements, report on the adequacy of safeguarding, and make recommendations to the Welsh Ministers on how these could be improved.

In keeping with the key principle of the people model that runs through the Bill, the national board will consider safeguarding arrangements in relation to both children and adults. In line with the recommendation of the Health and Social Care Committee’s Stage 1 scrutiny report, and of my Safeguarding Advisory Panel, regulations will however provide that the board may take forward explicit work streams in relation to children and adults separately where appropriate to reflect the often different needs and circumstances based on age.

Regulations will also be clear on the role of the national board to:

- Receive, collate and share information and best practice;
- Focus on early identification; and
- Encourage partnership working between the national and safeguarding boards, and key organisations in Wales that have safeguarding responsibilities.

Along with the associated guidance, the regulations will also make clear the relationship between the national board, the Welsh Ministers and safeguarding boards as well as the relationship of the national board with individual agencies.

Regulations will also require the national board to ensure that the views of service users and practitioners are effectively incorporated into its work. This may be achieved by holding an annual public engagement event and meetings with the chairs of safeguarding boards and we will be giving further thought, with stakeholders and service users, to how we might give effect to this requirement. Detailed requirements around the national board’s annual report to the Welsh Ministers will also be specified, with a focus on evidencing activity, engagement and improvement.

### **Safeguarding Boards**

Section 124 provides for the establishment of Safeguarding Children and Adults Boards in particular areas. This is to enable multi-agency safeguarding partnerships to form new larger Safeguarding Children and Safeguarding Adults Boards for the purpose of cooperation, thus ensuring the most effective framework possible to support the high levels

of collaborative working required to ensure effective safeguarding and protection. This section sets out the bodies that are required to be Safeguarding Board partners and requires that, following consultation with those partners, the Welsh Ministers specify a lead partner for safeguarding boards from the bodies specified in the Bill. Regulations under this section will address the tenure, responsibilities and handover arrangements for the lead partner. There will also be provision for other persons or bodies to be specified as safeguarding partners, and for boards to include other local representation.

I also intend to regulate, under section 125, to set out the procedures safeguarding boards must follow in relation to their business, how Boards should work with the National Independent Safeguarding Board and other existing local partnerships to improve safeguarding arrangements, standards that safeguarding boards must achieve to ensure that they are being effective and details of how users of services can participate in their work.

Regulations made under section 126 may ensure safeguarding boards' annual plans and annual reports include required content and demonstrate the board's effectiveness in protecting children and adults within its area. My intention in regulating, reflecting the advice of the Safeguarding Advisory Panel, is to ensure that annual plans are a useful and practical tool for evaluation and accountability purposes and demonstrate how safeguarding boards are being effective in safeguarding and protecting children and adults at risk.

Whilst, presently, any body may make payments towards the upkeep of their Local Safeguarding Children Board, in practice the local authority has tended to provide the majority, if not all, of the funding. Evidence suggests that a lack of adequate funding and suitable "buy in" from partners limits their capability to fulfil their responsibilities. The Safeguarding Advisory Panel will consider how equitable and consistent funding of Boards across Wales can be achieved, and how regulations under section 128 might give effect to that.

Section 129(2) allows regulations to be made regarding the functions of safeguarding board partners relating to the safeguarding boards on which they are represented. Evidence suggests that, although most of the current Local Safeguarding Children Boards are working adequately, improvements need to be made to the relationships between statutory board members, particularly in the area of communication and information sharing. My intent here is to ensure that statutory safeguarding board partners understand fully the role they play on the boards and the functions they need to fulfil. I intend that this will ensure full compliance and understanding between board partners and strengthen safeguarding arrangements for both adults and children.

## **Merger of Safeguarding Boards**

As members will know, the Bill provides the statutory framework to deliver the Welsh Government's commitment to integrate social services to support people of all ages, thus promoting an equitable approach to the provision of services. The Welsh Government is committed to removing the notion that adults and children have competing needs and priorities based on age. The power to merge boards contained in section 130 reflects the

people model inherent within the Bill, and also the arrangements that will exist at national level. I should stress, however, that mergers will only happen when it can be demonstrated that to do so will improve safeguarding arrangements for everyone. There is no current policy intention to go down this route, and there will be full and extensive consultation were any active steps to be taken to merge boards. As a further assurance to members, and in response to concerns expressed about this provision, I have also agreed that this power would be exercisable only through the super-affirmative procedure, and the Bill, at section 131, now provides for this.

### **Partnership working and collaboration**

Effective partnership working can improve outcomes for service users and access to services, avoid service fragmentation, improve the utilisation of resources through multi-disciplinary team working and help better manage demand for services. However, as members may recognise, whilst relevant legislation has been in place since the Health Act 1999, the formation of and nature of partnership working has been slow and variable across Wales. My policy intent in relation to part 9 is to ensure the establishment of effective partnership working to enable the provision of improved services to better meet demand and the needs of people across Wales. Therefore the Bill contains, at section 156, a regulation power which I intend will drive the establishment of effective partnership arrangements to ensure improved services, care and support. This power goes beyond the existing powers in section 36 of the NHS (Wales) Act 2006 and the Local Government Measure 2009 as there would be no need to evidence inadequate exercise of functions or lack of co-operation prior to regulating. The regulations will enable specific partnership arrangements to be made between local authorities or with local health boards and can set out which local authority or local health boards take part in the partnership arrangements, specify the form and responsibility, operation and management of partnership arrangements including the appointment and establishment of individuals or teams, and make provision for the sharing of information. I intend that this will encompass provision for Integrated Family Support Services.

### **Pooled budgets**

Similarly, the progress towards funding and pooled budgets to support partnership working has been slow and variable across Wales. Pooling resources can support transparency and lead to improved information on the true costs of service provision. It can also enable partnerships to allocate and utilise resources to respond more effectively to need and service demand. Section 157 relates to funding for partnership arrangements and provides a regulation power which can require local authorities and local health boards to establish a pooled fund as part of their partnership arrangements. This supports improved ownership and can enable a better response to meet the increasing demand on services by maximising the skills, knowledge and expertise of multi-disciplinary team working and avoiding duplication. I intend, through these regulations, to ensure the most effective use of resources by local authorities and local health boards, by supporting pooling of their budgets for the provision of specific services in their local area.

### **Partnership Boards**

Partnership boards play a vital role in the oversight and governance of partnership arrangements. They offer an opportunity to involve local stakeholders and to enhance local community and democratic accountability. With the move towards pooled budgets and resources it is even more important to ensure effective governance and accountability arrangements are in place. Such boards are the vehicle through which partners can manage and oversee the progress and performance of the partnership. The aim of the regulations I propose to make under section 158 is to permit the establishment of partnership boards and ensure appropriate membership and appropriate governance arrangements of such boards.

### **The National Adoption Service**

Members will be aware that section 160 of the Bill provides powers for the Welsh Ministers to direct local authorities to make joint arrangements for adoption services. This will enable the Welsh Government to achieve our policy ambitions in relation to a National Adoption Service (NAS) should local government actions to deliver a NAS prove ineffective. The direction-making power would give the Welsh Ministers a range of options as to how they chose to establish a National Adoption Service, should additional action be needed to fulfil our intention.

We are all in agreement on the case for change and that the time for this is now; I am encouraged by the collaboration and partnership working I have witnessed and expect this to be translated into real pace and progress. . We must not lose sight that for far too long children have been drifting in care. Therefore, if I am not satisfied with the implementation plans I am provided with by local government I will not hesitate to initiate the use of the powers provided in this Bill.

### **Social enterprise**

Returning to part 2, Section 13 of the Bill places a duty on local authorities to promote social enterprises, co-operatives, user-led services and the third sector. The regulation enables provision to be made to clarify the details within this section, the overall purpose of which is to provide a lever whereby local authorities work with a wider range of providers on new service models; particularly in under-developed areas in social care.

This section connects to the wider Bill by supporting the development of new models of service, early intervention and prevention, and promoting an approach which will enable a shift in the development, design and delivery of services. It is intended to promote “how” this will be done, with a key aspect being strengthening the voice and control of citizens in relation to the new arrangements under the Bill.

In conclusion, I am confident that this statement provides Members with a useful overview of the Welsh Government’s policy intentions with regard to the implementation of the Bill and I hope that it will aid Members’ consideration of the Bill. I will be pleased to answer any questions you may have as a result of today’s statement.