



Llywodraeth Cymru
Welsh Government

WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE **Safeguarding and Protection of People at Risk**

DATE **18 October 2011**

BY **Gwenda Thomas, Deputy Minister for Children and Social Services**

I would like to update Members on progress with developing our approach to safeguarding and protecting people in Wales.

Collaboration and multi-agency working are pre-requisites to the effective delivery of our responsibilities to safeguard and protect, and above all to the effective discharge of our responsibilities as corporate parents.

Earlier this month, I was pleased to hold the first meeting of my Partnership Forum for Social Services, established to provide national leadership for this programme and encompassing representatives from all of the main political parties at local government level in Wales. It was a good meeting and there was a strong commitment to working together consensually in the best interests of citizens in Wales. The Partnership Forum will play an important leadership role in helping to shape the implementation of our transformation programme for social services in Wales.

We have made clear our intention to bring forward a Social Services (Wales) Bill in 2012 to deliver a coherent Welsh legal framework for social services 'based on the principles that we hold dear in Wales'. The Bill will create a new legal framework for 'people' and will provide a delivery mechanism for implementing key aspects of our safeguarding and protection agenda.

The detail of our proposals will be informed by the considerable evidence we have commissioned in recent years. I am grateful to the Independent Commission on Social Services, the Welsh Safeguarding Children Forum and the Adult Protection Group, and the Health Wellbeing and Local Government Committee amongst others, who have all contributed significantly to the work in this area. The Forum reported to me in August. I know that there has been considerable interest in its report and I have now made arrangements for it to be published.

The Bill will include a statutory framework for protecting people (adults and children). It will consolidate arrangements for children and encompass new duties to investigate, cooperate

and share information in the field of adult protection. It will also include a statutory definition of an adult at risk. I have asked officials to advise me, drawing on the body of evidence available – including the Adult Support and Protection Act (Scotland) 2007 and engagement with stakeholders - on the challenging issues of intervention and enforcement. It is my intention to consult on these issues as part of the formal consultation on our Bill in early 2012, which will also include a review of Welsh Government guidance on restrictive physical intervention.

The Bill's scope will extend beyond social services boundaries and will place new and strengthened duties of cooperation and information sharing on non-devolved agencies and partners in Wales, such as health care settings.

I remain convinced that strong national leadership is required to drive up standards and deliver consistency in outcomes. I will be using the Bill to establish on a statutory footing an independently chaired National Safeguarding Board.

This will be a Board 'with teeth'. One that has executive functions to commission work, which will demonstrate leadership and promote ownership, which can advise on action required to strengthen policy and practice. The Board will comprise expert, rather than representative, membership. I am grateful to the Forum for its recommendations in this area, which we will use to inform the development of our legislative proposals.

The *Programme for Government* confirmed my intention to establish the Board in shadow form in 2012. The shadow Board will help me in shaping the precise remit and functions of the statutory Board and the framework which will underpin it.

I intend to use the Social Services Bill to require the establishment of Safeguarding & Protection Boards to replace the current LSCBs and non statutory adult protection committees.

The functions of the Boards will be subject to consultation in 2012, but will encompass the existing statutory functions of LSCBs including developing policies and procedures to co-ordinate work, disseminate best practice, awareness raising and undertaking research and the scope of the adult protection committees.

I have said many times that doing things 22 times is not sustainable. Evidence presented by CSSIW and other inspectorate bodies earlier this month again suggested that LSCBs are not working as effectively as we had hoped. The rationale for fewer boards is considerable. As is the case for placing adult protection boards on an equitable footing with those for children.

Both the Independent Commission and the Safeguarding Children Forum saw merit in reconfiguring the current structure of LSCBs to align with the current Local Health Board footprint.

I have decided that the new Safeguarding and Protection Boards should be match the proposed Public Service Delivery footprint of six.

In advance of the legislation, my expectation is that LSCBs will begin planning for the change and move onto a collaborative model as soon as possible. The functions of LSCBs, prescribed in regulation will remain unchanged in the interim. The consultation period around the Bill will enable us to discuss and plan with stakeholders the changes to current adult protection arrangements.

The new arrangements for Safeguarding & Protection Boards, and the arrangements we will also make to strengthen the statutory duty to cooperate, should help ensure that resources and capacity exist to support the work of the Boards. However, experience tells us that such things can not be left to chance. I have therefore asked officials to advise me on proposals to change the law relating to contributions from partners.

On the matter of independent chairs, I am not persuaded by the arguments or evidence presented to me to date. Subject to stakeholder views in response to our formal consultation next year, therefore, I do not propose to stipulate a requirement for the Safeguarding & Protection Boards, other than the National Board, to be independently chaired. This is a matter for determination by the Boards themselves

Sustainable Social Services outlined my progressive agenda for the further professionalisation of the workforce to build on the success of the last 10 years.

The regulation of key professionals and training will continue to drive up standards. We also want to empower staff to work with citizens as the co-creators of the support they need. A good example of this is the Continuing Professional Education and Learning framework, developed and consulted on by the Care Council for Wales. This will support social workers to deepen and broaden their competence and confidence at each point of their career, helping them apply their professional judgement to the challenging work they do.

One of the key *Priorities for Action* in *Sustainable Social Services* is *Reducing Complexity*. I intend to use the forthcoming Social Services Bill to simplify the current law in core areas such as assessment and care planning, reducing the burdens for frontline practitioners and freeing them up to use their professional judgement. I have taken the decision to defer the implementation of the final phase of the 2008 Children and Young Person's Act as regards assessment and care planning. In the light of our distinctive Welsh agenda and forthcoming legislation, the benefits of proceeding with consolidation and more prescription in respect of core social services functions at this time will not be realised.

I am clear that *transformation* and *sustainability* are not about increasing layers of bureaucracy. Our agenda is about empowering professionals to work smarter, it is about hearing – not just listening to – the voice of citizens, and it is about being more joined-up, especially at the right levels.

The Welsh Government will set a strong and clear national direction for safeguarding and protection. All this work will require us to review the current statutory guidance – *In Safe Hands* and *Working Together* – and this will be undertaken when the legal requirements are

in place. I do not however anticipate that we will continue to provide the levels of prescription and guidance that we have in the past.

Formal consultation will take place in early 2012 on our ambitious legislative proposals for social services in Wales, prior to the introduction of the Social Services (Wales) Bill.

I will report further to the Assembly early in 2012.