

Social Services and Well-being (Wales) Bill

Summary of changes at Stage 2

Introduction

This document sets out some of the key changes made to *the Social Services and Well-being (Wales) Bill* (“the Bill”) during Stage 2 proceedings.

Background

The Bill was introduced by Gwenda Thomas AM, Deputy Minister for Social Services (“the Deputy Minister”), on 28 January 2013 and was remitted by the Business Committee to the Health and Social Care Committee (“the Committee”) for Stage 1 scrutiny.

The Children and Young People Committee also took evidence on the Bill at Stage 1 and communicated its findings to the Health and Social Care Committee. The Health and Social Care Committee published its Stage 1 report in July 2013. The Constitutional and Legislative Affairs Committee also published its report on the Bill in the same month. The Bill was approved at Stage 1 by the Assembly following a debate on its general principles in Plenary on 8 October 2013.

Stage 2 commenced on 9 October 2013. A total of 565 amendments were tabled, including 396 by the Welsh Government. The Committee met to consider and dispose of the amendments on 13 November, 27 November, 5 December and 11 December 2013.

Further information about the Bill (as introduced) is available in a **Bill Summary** prepared by the Research Service.

Amendments agreed at Stage 2

Please note that section numbers refer to the Bill as introduced.

Meaning of well-being

- **Amendment 71** (William Graham) added ‘suitability of living accommodation’ to the meaning of well-being in section 2. This reflected recommendation 6 in the Committee’s Stage 1 report.

Overarching well-being duties

- **Amendments 417-421** to section 4 set out key principles to which a person exercising functions under the Bill must have regard. These include, for example, the individual’s dignity, cultural needs (including language), ability to communicate, and independence. This reflected evidence at Stage 1 about the inclusion of statutory principles on the face of the Bill.

Preventative services

- **Amendment 84** (as amended) (William Graham) also emphasised independent living by including it as one of the purposes of preventative services in an amended section 6.

Information, advice and assistance

- **Amendment 424** added financial information, including information about direct payments, to the information local authorities must provide under section 8.

Assessments

- **Amendments 10-15, 20 and 21** broadened the range of matters which local authorities must take into account when undertaking an assessment of the needs of adults, children and carers, such as the contribution of preventative services, information, advice and assistance to achieving the necessary outcomes. Service user and carer involvement in assessment were also strengthened by these amendments.

Meeting care and support needs

- **Amendments 29 and 30** amended section 21 to dis-apply the duty on local authorities to meet the care needs of an adult where these are being met by a carer. **Amendment 32** to section 23 had a similar effect in the case of children.

Direct payments

- **Amendments 504, 122 (as amended) (Kirsty Williams) and 123 (William Graham)** added payments (including direct payments); aids and adaptations; and occupational therapy respectively to the ways listed in section 20 in which needs could be met.
- **Amendment 139** strengthened provision for direct payments in Part 4 of the Bill which now provides for regulations specifying the steps local authorities must take to ensure potential direct payments users can make an informed choice about receiving services in this way.

Charging

- **Amendments 79 (as amended) (William Graham) and 80 (as amended) (William Graham)** removed from section 54 the power of local authorities to charge for information and advice. This addressed some of the Committee's concerns, as set out in recommendation 25 of its Stage 1 report.

Adoption and fostering

- **Amendments 190-194** made changes to section 65 to enable children to be placed with prospective adopters earlier in the adoption process. The changes also allow the inclusion as prospective adopters of those approved by an adoption agency, removing the need for additional registration with a local authority. These amendments reflect concerns expressed by the Children and Young People Committee.
- **Amendments 202-205** concerned regulations about local authority foster parents. **Amendments 202-204** inserted references to prospective adopters into section 76 which contains powers to make regulations about placing children with local authority foster parents. This allows any such regulations to make provision for prospective adopters as well as local authority foster parents. The amendments are designed to promote a fostering to adopt policy.

Looked after and accommodated children

- **Amendment 207** allows Welsh Ministers to prescribe in regulations under section 81 categories of children with whom local authorities should ensure contact is made, in addition to those who are, or have been, looked after. This would allow additional groups of vulnerable children to be visited, such as young offenders in the secure estate.
- A large number of further Welsh Government amendments to Part 6 of the Bill were agreed which aimed to maintain the rights and entitlements of looked after children. These included **amendments 298-310; and 317-375**.

Duty to report children at risk

- **Amendment 42** amended section 108 to place a duty on the “relevant partners” of local authorities to report children at risk.

Safeguarding

- **Amendment 45** inserted a new section which will require key persons and bodies to have regard to adult and children safeguarding guidance, extending this requirement beyond local authorities.
- **Amendment 46** added probation service providers as adult and children safeguarding board partners under section 111.
- **Amendment 147** added a new section requiring Welsh Ministers to consult on any draft order to combine adult and children safeguarding boards under section 117

Reporting intervention by the Welsh Ministers to the Assembly

- **Amendments 483-486 (as amended) (Elin Jones)** placed a requirement on Welsh Ministers to report to the Assembly any warning notices issued under section 127(1) of the Bill to local authorities which are deemed to be failing or acting unreasonably. Requirements to report to the Assembly progress following interventions under section 128, and directions under sections 129, 130, 131 or 133 were also included.

Co-operation and partnership

- A large number of amendments were agreed which aim to strengthen provision for co-operation and partnership in Part 9 of the Bill, both between local authorities and their partners and within local authorities.

Advocacy services

- During Stage 1 the Deputy Minister made a commitment to table amendments at Stage 2 which would provide Welsh Ministers with powers

to require local authorities to provide advocacy services to certain persons in certain circumstances, and to require local authorities and registered care homes to publicise advocacy services. Welsh Government **amendments 52-54** provided for this and for regulations to allow local authorities to charge for advocacy, but these amendments were not agreed by the Committee. The Deputy Minister undertook to re-visit the issue of advocacy provisions in the Bill.

Provider failure

- **Amendments 155-157** inserted a new section in the Bill which places temporary duties on local authorities to meet the needs of adults or their carers in the event of provider failure. This reflects a wider approach by the four UK nations, which includes agreement on dealing with cross border placements.

Orders and Regulations

- **Amendment 177** adds further sections of the Bill to section 165(5) which lists those orders and regulations which would be subject to the affirmative procedure. This is in response to recommendations 3, 5, and 9 of the Constitutional and Legislative Affairs Committee Stage 1 report on the Bill.

Next steps

An amended version of the Bill has been prepared by clerks in the Policy and Legislation Committee Service and a revised Explanatory Memorandum has been laid by the Welsh Government and published by the Table Office.

Stage 3 began on 12 December 2013 (the day after Stage 2 proceedings were completed). Stage 3 proceedings in Plenary will take place on 4 February and 11 February 2014.



Further information

For further information on the Bill please contact the lead responsible clerk, Helen Finlayson (helen.finlayson@wales.gov.uk).