

Number: **WG25080**



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Executive summary

Social Services and Well-being (Wales) Act 2014 –
Consultation on the code of practice in relation
to Advocacy under Part 10 and related parts of
the Act

Date of issue: **8 May 2015**

Action required: Responses by **31 July 2015**

The Social Services and Well-being (Wales) Act 2014

The Social Services and Well-being (Wales) Act 2014 forms the basis for a new statutory framework for social care in Wales.

Ministers have made it clear that they wish the core elements of this framework to be in place for April 2016, when the Act will be implemented.

The framework will consist of three main elements, the Act itself, regulations made under the Act, and codes of practice/statutory guidance. These three elements work together to form the framework within which social services will operate from April 2016.

The process of making codes and regulations under the Act

The regulations, codes and statutory guidance have been developed through a consultative process with key stakeholders and are now presented to stakeholders across Wales for their input.

The consultation on and laying of the Regulations to be made under the Act will be conducted principally in two tranches. The first tranche was made available for a 12-week public consultation starting in November 2014. This second tranche consultation exercise will run from May to July 2015. The intention is to lay this second tranche of regulations before the Assembly in November 2015, which will provide the health and social care sector the maximum amount of time to adjust to the new requirements ahead of implementation in 6 April 2016.

What the second tranche of regulations and codes of practice covers

The second tranche will create a system that secures outcomes for looked after and accommodated children, drives regional collaboration, and puts in place a system of charging, financial assessment and paying for care. It will also support the provision of advocacy.

Coverage of the codes of practice under the Act

The statutory Advocacy Code of Practice specifies when local authorities must consider the advocacy needs of an individual together with the range of circumstances where an individual may face additional risks or barriers that can heighten their needs for advocacy support.

Access to advocacy support, can ensure that adults, carers and children and their well-being outcomes are at the centre, giving them a voice in, and control over reaching those outcomes. It supports people to achieve their own well-being and contributes to measuring the success of this care and support.

The Code(s) of Practice issued under Tranche 1 clearly articulated that:

- local authorities must take a person's views, wishes and feelings into account when identifying, assessing and supporting people to achieve personal well-being outcomes;
- local authorities must have regard to the importance of providing appropriate support to enable a person to make decisions about their well-being and participate in decisions that affects their lives;
- local authorities must ensure that people are involved as much as possible in their care and support, including signposting and supporting advocacy services where appropriate.

The Advocacy Code of Practice complements those other Codes by setting the over-arching framework within which the needs of adults, carers and children for advocacy are identified and supported at key stages of their journey toward the well-being outcomes that matter to them.

The Code sets out the requirements on local authorities to secure advocacy support. It reinforces and builds upon the duties under the Act to ensure a person's views, wishes and feelings are taken into account, appropriate support is provided and adults, carers and children are involved as much as possible in their care and support. The Advocacy Code of Practice therefore sets out:

- a clear recognition of the benefits of advocacy;
- the range of advocacy available to people;
- the key points when people's need for advocacy must be assessed;
- the circumstances / environment that impact on people's need for advocacy;
- when independent advocacy must be provided;
- the circumstances when it is inappropriate for certain people to advocate;
- the arrangements for publicising advocacy services; and
- charging.

The Code recognises the benefits of the different forms of advocacy support that are available, including the role played by family, friends and wider support networks as well as by professionals.