

2015 No. (W.)

SOCIAL CARE, WALES

**The Partnership Arrangements
(Wales) Regulations 2015**

EXPLANATORY NOTE

(This note is not part of the Regulations)

Sections 166 to 169 of the Social Services and Well-being (Wales) Act 2014 make provision for partnership arrangements between local authorities and Local Health Boards.

These regulations set out the requirements for each Local Health Board and the local authorities within the area of each Local Health Board to take part in partnership arrangements for the carrying out of specified health and social services functions; the regulations also make provision, amongst other things, for the operation and management of the partnership arrangements, the establishment of regional partnership boards and the establishment and maintenance of pooled funds.

Regulations 2 to 7 describe the Local Health Boards and the local authorities which are to take part in partnership arrangements. They also require the establishment of six regional partnership boards and require the partnership arrangements to be carried out under the direction of a specified regional partnership board.

Regulation 8 and Schedule 1 describe the functions of Local Health Boards and local authorities which are to be carried out by the partnership arrangements.

Regulations 9, 10 and 11 provide for the objectives of the regional partnership boards, together with membership and reporting requirements.

Regulation 12 provides for the sharing of information between partnership bodies, integrated family support teams and regional partnership boards.

Regulation 13 enables each partnership body to delegate functions to another partnership body for the purposes of the partnership arrangements.

Regulations 14 to 17 contain specific provision in relation to partnership arrangements for carrying out family support functions (as specified in Schedule 4) and the establishment of integrated family support teams. These arrangements are intended to provide continuity with current arrangements under Part 3 of the Children and Families (Wales) Measure 2010.

Regulation 18 requires pooled funds to be established and maintained in relation to specific functions of partnership bodies.

Draft Order laid before the National Assembly for Wales under section 196(6) of the Social Services and Well-being (Wales) Act 2014, for approval by resolution of the National Assembly for Wales.

W E L S H S T A T U T O R Y
I N S T R U M E N T S

2015 No. (W.)

SOCIAL CARE, WALES

**The Partnership Arrangements
(Wales) Regulations 2015**

Made ***

Laid before the National Assembly for Wales ***

Coming into force ***

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 166(1)(b), (2) to (5), 167(3) and 168(1) and (2) of the Social Services and Well-being (Wales) Act 2014 **(1)**.

A draft of these Regulations was laid before the National Assembly for Wales under section 196(6) of that Act and has been approved by a resolution of the National Assembly for Wales.

Title, commencement, application and interpretation

1.—(1) The title of these Regulations is The Partnership Arrangements (Wales) Regulations 2015.

(2) These Regulations come into force on 6 April 2016 and apply in relation to Wales.

(3) In these Regulations—

“the Act” means the Social Services and Well-being (Wales) Act 2014;

“family support functions” means the functions specified in regulation 14;

(1) 2014 anaw 4

“partnership arrangements” means the partnership arrangements which are required to be made by partnership bodies in accordance with regulations 2 to 7;

“partnership bodies” are those bodies which are required by regulations 2 to 7 to enter into partnership arrangements;

“regional partnership boards” means the boards required to be established by partnership bodies in accordance with regulations 2 to 7;

“specified functions” means the functions specified in regulation 8.

Partnership arrangements under the direction of Gwent regional partnership board

2.—(1) Partnership arrangements for carrying out the specified functions must be made by the following bodies—

Aneurin Bevan University Health Board

Monmouthshire County Council

Newport County Borough Council

Torfaen County Borough Council

Blaenau Gwent County Borough Council

Caerphilly County Borough Council.

(2) These bodies must together establish a partnership board in respect of the partnership arrangements required to be made by this regulation, to be known as Gwent regional partnership board.

(3) The partnership arrangements required to be made by this regulation must be carried out under the direction of Gwent regional partnership board.

Partnership arrangements under the direction of North Wales regional partnership board

3.—(1) Partnership arrangements for carrying out the specified functions must be made by the following bodies—

Betsi Cadwaladr University Health Board

Flintshire County Council

Wrexham County Borough Council

Isle of Anglesey County Council

Gwynedd County Council

Denbighshire County Council

Conwy County Borough Council.

(2) These bodies must together establish a partnership board in respect of the partnership arrangements required to be made by this regulation, to be known as North Wales regional partnership board.

(3) The partnership arrangements required to be made by this regulation must be carried out under the direction of North Wales regional partnership board.

Partnership arrangements under the direction of Cardiff and Vale regional partnership board

4.—(1) Partnership arrangements for carrying out the specified functions must be made by the following bodies—

Cardiff and Vale University Health Board

Cardiff County Council

Vale of Glamorgan County Borough Council.

(2) These bodies must together establish a partnership board in respect of the partnership arrangements required to be made by this regulation, to be known as Cardiff and Vale regional partnership board.

(3) The partnership arrangements required to be made by this regulation must be carried out under the direction of Cardiff and Vale regional partnership board.

Partnership arrangements under the direction of Western Bay regional partnership board

5.—(1) Partnership arrangements for carrying out the specified functions must be made by the following bodies—

Abertawe Bro Morgannwg University Health Board

Swansea County Council

Bridgend County Borough Council

Neath Port Talbot County Borough Council.

(2) These bodies must together establish a partnership board in respect of the partnership arrangements required to be made by this regulation, to be known as Western Bay regional partnership board.

(3) The partnership arrangements required to be made by this regulation must be carried out under the direction of Western Bay regional partnership board.

Partnership arrangements under the direction of Cwm Taf regional partnership board

6.—(1) Partnership arrangements for carrying out specified functions must be made by the following bodies—

Cwm Taf University Health Board

Rhondda, Cynon, Taff County Borough Council

Merthyr Tydfil County Borough Council.

(2) These bodies must together establish a partnership board in respect of the partnership arrangements required to be made by this regulation, to be known as Cwm Taf regional partnership board.

(3) The partnership arrangements required to be made by this regulation must be carried out under the direction of Cwm Taf regional partnership board.

Partnership arrangements under the direction of Mid and West regional partnership board

7.—(1) Partnership arrangements for carrying out the specified functions must be made by the following bodies—

Hywel Dda University Health Board

Pembrokeshire County Council

Carmarthenshire County Council

Ceredigion County Council.

(2) Partnership arrangements for carrying out the specified functions must be made by the following bodies—

Powys Teaching Health Board

Powys County Council.

(3) The bodies listed in paragraphs (1) and (2) must together establish a partnership board in respect of the partnership arrangements required to be made by this regulation, to be known as Mid and West regional partnership board.

(4) The partnership arrangements required to be made under this regulations must be carried out under the direction of Mid and West regional partnership board.

Specified functions

8. The functions to be carried out in accordance with the partnership arrangements are the functions described in Schedule 1.

Objectives of regional partnership boards

9.—(1) The objectives of a regional partnership board are—

- (a) to ensure that the partnership bodies work effectively together to—

- (i) respond to the population assessment carried out in accordance with section 14 of the Act, and
 - (ii) implement the health and well-being strategies for each of the local authority areas covered by the board;
- (b) to ensure that the partnership bodies provide sufficient resources for the partnership arrangements, in accordance with their powers under section 167 of the Act;
 - (c) to promote the establishment of pooled funds where appropriate.
- (2) In this regulation—
- “health and well-being strategy” means the strategy which is required by section 40 of the National Health Service (Wales) Act 2006⁽¹⁾.

Membership of regional partnership boards

10.—(1) Membership of a regional partnership board must include the following—

- (a) At least one elected member of a local authority which established the regional partnership board;
- (b) At least one member of a Local Health Board which established the regional partnership board;
- (c) The person appointed as director of Social Services under section 144 of the Act in respect of each local authority which established the regional partnership board, or his or her nominated representative;
- (d) The Chief Executive of the Local Health Board which established the regional partnership board, or his or her nominated representative;
- (e) At least one person who represents the interests of third sector organisations in the area covered by the regional partnership board;
- (f) At least one person who represents the interests of care providers in the area covered by the regional partnership board;
- (g) One lay person appointed by the Welsh Ministers by public appointment.

(2) A regional partnership board may co-opt such other persons to be members of the board as it thinks appropriate.

(3) The partnership bodies may pay remunerations and allowances to members of regional partnership

(1) 2006 c.42

boards (including the lay person appointed by the Welsh Ministers).

(4) For the purpose of this regulation—

“third sector organisation” has the same meaning as in section 16(2) of the Act;

“care provider” means a person registered under Part 2 of the Care Standards Act 2000⁽¹⁾ in respect of an establishment or agency (within the meaning of that Act)

Reports

11.—(1) Regional partnership boards must prepare a report on the extent to which the board’s objectives in regulation 9 have been achieved and submit this report to the Welsh Ministers.

(2) The first report must be prepared and submitted by 1st April 2017.

(3) Subsequent reports must be prepared and submitted annually.

Information sharing

12.—(1) For the purposes of carrying out the functions being carried out by the partnership arrangements, a partnership body must share information with—

- (a) any of the other partnership bodies;
- (b) the regional partnership board.

(2) For the purpose of carrying out the specified family support functions, an integrated family support team must share information with—

- (a) any of the partnership bodies;
- (b) the regional partnership board.

(3) For the purposes of achieving its objectives, a regional partnership board must share information with any of the partnership bodies.

(4) The duty in paragraphs (1), (2) or (3) does not apply if this is incompatible with any of the body’s other duties, including its duties under the Data Protection Act 1998⁽²⁾ and the Human Rights Act 1998⁽³⁾.

Delegation of functions

13.—(1) A local authority may carry out any of the specified functions on behalf of any of the other

(1) 2000 c.14

(2) 1998 c.29

(3) 1998 c.42

partnership bodies taking part in the same partnership arrangements.

(2) A Local Health Board may carry out any of the specified local authority functions described in Table 1 of Schedule 1 on behalf of any of the local authorities taking part in the same partnership arrangements.

Family support functions

14. Family support functions are the functions specified in Schedule 2.

Establishment of integrated family support teams

15.—(1) The partnership bodies for each of the partnership arrangements must establish a team for the purpose of the exercise of family support functions.

(2) A team established under this regulation is to be known as an integrated family support team.

(3) The partnership bodies may assign family support functions to the integrated family support team.

(4) An integrated family support team must contain staff with suitable skills and experience having regard to—

- (a) the categories of cases which can be referred to it, and
- (b) the need of professional staff for administrative support.

Assignment and exercise of family support functions

16.—(1) An integrated family support team must carry out the family support functions that are assigned to it.

(2) The functions of an integrated family support team are to be carried out under the direction of the regional partnership board.

(3) The family support functions of an integrated family support team are to be carried out in respect of a family referred to it by the local authority.

(4) A function exercised under these regulations is exercisable concurrently by the integrated family support team and the body upon whom the function is conferred.

Arrangements for referral of cases to the integrated family support teams

17.—(1) A partnership body may refer a family to an integrated family support team if it reasonably believes or suspects that—

- (a) a parent of a child in that family (or a prospective parent)—
 - (i) is dependent on alcohol or drugs,
 - (ii) is a victim of domestic violence or abuse,
 - (iii) has a history of violent or abusive behaviour, or
 - (iv) has a mental disorder; and
- (b) as a consequence of one or more of these circumstances, the child is or will be in need of care and support and either—
 - (i) the child will be unable to remain with the family if family support services are not provided,
 - (ii) where the child is looked after, the child will be unable to return to live with the family if family support services are not provided, or
 - (iii) the child is or will be at risk of abuse, neglect or other harm if family support services are not provided.

(2) For the purposes of this regulation, “family” includes each of the following—

- (a) a child, the parents of the child and, if the authority thinks it is appropriate, any other individual connected with the child or the parents;
- (b) individuals who are about to become parents of a child and, if the local authority thinks it appropriate, any other individual connected with the individuals who are about to become the parents of that child.

(3) A child with needs for care and support may include a looked after child.

(4) In this regulation—

“abuse” includes both sexual activity without consent and unreasonable behaviour liable to cause serious psychological harm; abuse is “domestic abuse” if it is from an individual who is associated with the victim; and “abusive” is to be interpreted accordingly;

“child with needs for care and support” means a child who the local authority has determined has needs for care and support, following an assessment under section 21 of the Act;

“looked after child” has the same meaning as in section 74 of the Act;

“mental disorder” means any disorder or disability of the mind;

“parent”, in relation to a child, includes any individual—

(a) who is not a parent of the child but who has parental responsibility for the child, or

(b) who has care of the child;

“violence” means violence or threats of violence which are likely to be carried out and “violent” is to be interpreted accordingly; violence is domestic violence if it is from an individual who is associated with the victim.

(5) For the purposes of the definition of “parent” in paragraph (5)—

(a) “parental responsibility” has the same meaning as in section 3 of the the Children Act 1989⁽¹⁾;

(b) in determining whether an individual has care of a child, any absence of the child at a hospital, children’s home or foster placement and any other temporary absence is to be disregarded.

Establishment and maintenance of pooled funds

18.—(1) Partnership bodies for each of the partnership arrangements are required to establish and maintain pooled funds in relation to—

(a) the exercise of their care home accommodation functions;

(b) the exercise of their family support functions.

(2) In this regulation—

“care home accommodation functions” means—

(a) the functions of a local authority under sections 35 and 36 of the Act, where it has been decided to meet the adult’s needs by providing or arranging to provide accommodation in a care home;

(b) the functions of a Local Health Board under section 3 of the National Health Service (Wales) Act 2006 in relation to an adult, in cases where—

(i) the adult has a primary need for health care and it has been decided to meet the needs of the adult by arranging the provision of accommodation in a care home, or

(ii) the adult does not have a primary need for health care but the adult’s needs can only be met by the local authority arranging for the provision of accommodation together with nursing care;

(1) 1989 c.41

“care home” has the same meaning as in the Care Standards Act 2000.

Mark Drakeford

Minister for Health and Social Services, one of the Welsh Ministers

Date

SCHEDULE 1 Regulation 8

Functions to be carried out by partnership arrangements

Table 1

Local authority functions

Function

1. Social Services functions contained in Schedule 2 to the Act, except—

- (a) the functions in Part 5 of the Act (charging),
- (b) section 144 of the Act (directors of social services),
- (c) section 1 and 2 of the Adoption Act 1976⁽¹⁾,
- (d) section 114 and 115 of the Mental Health Act 1983⁽²⁾,
- (e) Parts VII to X and section 86 of the Children Act 1989

2. The functions under section 7 of the Disabled Persons (Services, Consultation and Representation) Act 1986⁽³⁾

3. The functions of providing, or securing the provision of recreational facilities under section 19 of the Local Government (Miscellaneous Provisions) Act 1976⁽⁴⁾

4. The functions of local housing authorities under Part I of the Housing Grants, Construction and Regeneration Act 1996⁽⁵⁾; and under Parts VI and VII of the Housing Act 1996⁽⁶⁾

5. The functions of local authorities under section 126 of the Housing Grants, Construction and Regeneration Act 1996

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- (1) 1976 c.36
 - (2) 1983 c.20
 - (3) 1986 c.33
 - (4) 1976 c.57
 - (5) 1996 c.53
 - (6) 1996 c.52

6. The functions of waste collection or waste disposal under the Environmental Protection Act 1990(1)

7. The functions of providing environmental health services under sections 180 and 181 of the Local Government Act 1972(2)

8. The functions of local highway authorities under the Highways Act 1980(3) and section 39 of the Road Traffic Act 1988(4)

9. The functions under section 63 (passenger transport) and section 93 (travel concession schemes) of the Transport Act 1985(5)

Table 2

Local Health Board functions

Function

Section 117 Mental Health Act 1983 (*after care*)

Section 82 National Health Service Act 2006(6)
(*cooperation between NHS bodies and local authorities*)

Section 1 National Health Service (Wales) Act 2006
(*duty to promote health service*)

Sections 2 and 3 of the National Health Service (Wales) Act 2006 (*powers to provide health services*), including rehabilitation services and services intended to avoid admission to hospital but excluding surgery, radiotherapy, termination of pregnancies, endoscopy, the use of Class 4 laser treatments and other invasive treatments and emergency ambulance services

Section 10(1), (2), (3), (4) and (5) National Health Service (Wales) Act 2006 (*Arrangements with other bodies*)

Section 38(6) National Health Service (Wales) Act 2006 (*duty to make available services provided by a person employed in the health service to enable local authorities to discharge functions*)

SCHEDULE 2 Regulation 14

Family support functions

Table 1

Local authority functions in relation to children

Function

Extent

- (1) 1990 c.43
- (2) 1972 c.70
- (3) 1980 c.66
- (4) 1988 c.52
- (5) 1985 c.67
- (6) 2006 c.43

Parts 3 and 4 of the Act (<i>assessing and meeting needs for care and support</i>) Section 117 Mental Health Act 1983 (<i>After- care</i>)	In so far as they relate to meeting the needs of children who have been assessed under section 21 of the Act as having needs for care and support and for their families.
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Table 2

Local authority functions in relation to adults

<i>Function</i>	<i>Extent</i>
Parts 3 and 4 of the Act (<i>assessing and meeting needs for care and support</i>) Section 117 Mental Health Act 1983 (<i>After- care</i>)	In so far as they relate to meeting the needs of persons over the age of 18 who have been assessed under section 19 of the Act as having needs for care and support because they are dependent on alcohol or drugs, or because they are victims of domestic violence or abuse, have a history of violent or abusive behaviour or because they have a mental disorder.

Table 3

**Local Health Board functions in relation to
children**

<i>Function</i>	<i>Extent</i>
Section 117 Mental Health Act 1983(<i>After- care</i>) Section 82 National Health Service Act 2006 (<i>Co-operation between NHS bodies and local authorities</i>) Section 1 National Health Service (Wales) Act 2006 (<i>Duty to promote health service</i>) Section 2 National Health Service (Wales) Act 2006 (<i>General powers</i>) Section 3(1)(c),(d), (e) and (f) National Health Service (Wales) Act 2006 (<i>Provision of certain services</i>) Section 10(1), (2), (3), (4) and (5) National Health	In so far as they relate to the provision of health services or facilities for, or treatment of children who have been assessed under section 21 of the Act as having needs for care and support, including the assessment of need for such services or facilities.

Service (Wales) Act 2006
*(Arrangements with other
bodies)*
Section 38(6) National
Health Service (Wales)
Act 2006 *(Duty to make
available services
provided by a person
employed in the health
service to enable local
authorities to discharge
functions)*

Table 4

Local Health Board functions in relation to adults

<i>Function</i>	<i>Extent</i>
Section 117 Mental Health Act 1983 <i>(After-care)</i>	In so far as they relate to the provision of health services or facilities for, or treatment of persons who are dependent on alcohol or drugs, or who are victims of domestic violence or abuse, have a history of violent or abusive behaviour or who have a mental disorder, to include the assessment of need for such services or treatment.
Section 82 National Health Service Act 2006 <i>(Co-operation between NHS bodies and local authorities)</i>	
Section 1 National Health Service (Wales) Act 2006 <i>(Duty to promote health service)</i>	
Section 2 National Health Service (Wales) Act 2006 <i>(General powers)</i>	
Section 3(1)(c),(d), (e) and (f) National Health Service (Wales) Act 2006 <i>(Provision of certain services)</i>	
Section 10(1), (2), (3), (4) and (5) National Health Service (Wales) Act 2006 <i>(Arrangements with other bodies)</i>	
Section 38(6) National Health Service (Wales) Act 2006 <i>(Duty to make available services provided by a person employed in the health service to enable local authorities to discharge functions)</i>	