

Part 2 - Code of Practice and guidance on the exercise of social services functions and partnership arrangements in relation to part 2 (General Functions) of the Social Services and Well-being (Wales) Act 2014

including Well-being, Population Assessment, Prevention, Promotion of Social Enterprises and Provision of Information, Advice and Assistance

Issued under Sections 145 and 169 of the Social Services and Well-being (Wales) Act 2014

(Short title :Code of Practice on General Functions)

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Preamble

1. Chapters 1, 2A and 3 - 5 of this code of practice (with the exception of chapter 2B, as noted below) are issued under section 145 of the Social Services and Well-being (Wales) Act 2014 ("the Act"). Chapter 2B, comprising paragraphs 117 to 126 is statutory guidance issued under section 169 of the Act, to which local authorities and Local Health Boards must have regard.
2. The Social Services and Well-Being (Wales) Bill received Royal Assent on 1 May 2014 to become an Act of the National Assembly of Wales. The Act comes into effect on 06 April 2016.
3. The Social Services and Well-being (Wales) Act 2014 is available at: <http://www.legislation.gov.uk/anaw/2014/4/enacted>

4. Local authorities, when exercising their social services functions, must act in accordance with the **requirements** contained in this code. Section 147 (Departure from requirements in codes) does not apply to any **requirements** contained in this code. In addition, local authorities must have regard to any **guidelines** set out here.
5. In this code and statutory guidance, a **requirement** is expressed as “must” or “must not”. **Guidelines** are expressed as “may” or “should/should not”.
6. **Part 2** of the Social Services and Well-being (Wales) Act 2014 contains provisions relating to the general functions of a local authority, including assessment of the needs of a population for social care and other services such as those that promote well-being, and the promotion of social enterprises, co-operatives, user led services and the third sector. In addition, this part covers how persons exercising functions under the Act should ensure they meet their duties to promote the well-being of people who need care and support and carers who need support, how local authorities must provide a range of preventative services, and how local authorities should discharge their duties in relation to the provision of a service for providing people with information and advice relating to care and support; and assistance in accessing care and support.
7. The Welsh Government has sought to support implementation through a process that fully engages our stakeholders. Central to this approach has been the establishment of technical groups made up of representatives with the relevant expertise, technical knowledge and practical experience to work with officials on the detailed policy necessary to develop the regulations and Code of Practice which in turn will deliver the policy aspirations underpinning the Act. This code is one of the outcomes of that exercise of co-production.

Chapter 1: Well-being and overarching duties

Introduction

8. Social services are at the heart of Welsh public life, supporting people at times of difficulty, as well as in the long term. They enable people to achieve well-being.
9. This chapter sets the context for the whole approach taken with the Social Services and Well-Being (Wales) Act 2014 and its associated draft regulations and codes of practice. That context is a focus on the well-being, on rights and entitlements, on empowering people to have a new relationship with social services. It is about supporting people who deliver social services, empowering them to co-produce solutions with people themselves.
10. This parallels the approach to prudent healthcare, with its focus on outcomes, doing no harm, carrying out the minimum appropriate intervention, and promoting equity between people and professionals. To secure the transformative changes in the health and social care systems in Wales, all partners must work together, in a new relationship between people and professionals. The Welsh Government has published its prudent healthcare at:
<http://wales.gov.uk/topics/health/nhswales/prudent-healthcare/?lang=en>
11. Well-being outcomes underpin the whole system, linking through to the role that early intervention and prevention can play in promoting well-being, to how people can be empowered by information, advice and assistance, by being involved in the design and delivery of services. This Code puts in place a system where people are full partners in the design and delivery of care and support. That gives them clear and unambiguous rights and responsibilities.
12. People - children, adults and carers, their families and their communities are rich assets and are at the centre of this legal framework. Working with people will be key to delivering well-being and unlocking the potential for creativity which will make better and more effective use of all of the available resources.
13. A strong voice and real control is central to the legislative framework we are putting in place. This optimises everyone's opportunity for well-being and an appropriate level of independence. Everyone, adult or

child, can be given a voice – an opportunity – a right – to be heard as an individual, as a citizen, to shape the decisions that affect them, and to have control over their day to day lives.

14. In defining what is meant by well-being, providing clarity and transparency about rights and responsibilities, securing an approach based on co-production at an individual and at organisational and strategic levels, this chapter sets in place a strong framework for all of the codes and regulations.

15. The chapter applies to local authorities in relation to their social services functions. However there will be implications for partner bodies, including local health boards, the third and independent sectors and for people who need care and support and carers who need support in Wales.

16. This chapter covers:

- Definition of well-being
- Promoting well-being
- Other overarching duties: general
- Other overarching duties: UN Principles and Convention
- Monitoring well-being

Context and purpose of this code of practice

17. This chapter provides guidance on the following sections under Part 2 of the Social Services and Well-being (Wales) Act 2014:

- section 5, in setting out how local authorities should ensure they meet their duty to seek to promote the well-being of people who need care and support and carers who need support,
- section 6, in relation to how local authorities should comply with the general overarching duties set out in the Act,
- section 7, in having regard to the UN Principles and Convention, and
- section 8, in having regard to the well-being outcomes to be achieved.

18. There are no regulations made under these sections, however a statutory statement of the well-being outcomes to be achieved will be issued by the Welsh Ministers under section 8. This will be laid before

the National Assembly for Wales on commencement of the Act in April 2016.

19. This statement will be an essential part of the statutory framework that sets out the outcomes that are to be achieved, in relation to the well-being of people who need care and support and carers who need support.
20. This code has been developed through consultation with partners and people who need care and support and carers who need support.
21. This code should be read alongside the Code of Practice issued under all of the parts under the Social Services and Well-being (Wales) Act 2014.

Definition of Well-being

22. The well-being definition in section 2 of Part 1 of the Act sets out a clear and consistent definition in legislation that applies to people who need care and support and carers who need support.
23. Section 2 defines “well-being” in relation to all areas of a persons life and is defined in relation to a person to any of the following aspects-
 - a) Physical and mental health and emotional well-being;
 - b) Protection from abuse and neglect;
 - c) Education, training and recreation;
 - d) Domestic, family and personal relationships;
 - e) Contribution made to society;
 - f) Securing rights and entitlements;
 - g) Social and economic well-being;
 - h) Suitability of living accommodation.

In relation to a child, “well-being” also includes-

- a) physical, intellectual, emotional social and behavioural development;
- b) “welfare” as that word is interpreted for the purposes of the Children Act 1989.

In relation to an adult, “well-being” also includes-

- a) Control over day to day life;
- b) Participation in work.

24. Under section 5 of the Act, any person exercising functions **must** seek to promote the well-being of people who need care and support and carers who need support.

25. This overarching duty to promote well-being applies to all persons and bodies exercising functions under this Act, including the Welsh Ministers, local authorities, local health boards and other statutory agencies.

26. In order to discharge their duty under section 5, local authorities need to understand the well-being outcomes people wish to achieve. Local authorities **must** have regard to the well-being outcome statements that underpin the definition of well-being, under each aspect. These outcome statements set out the well-being outcomes that people who need care and support and carers who need support should expect to achieve in order to lead fulfilled lives. These outcome statements are:

- a) Well-being (**I know and understand what care, support and opportunities are available to me and I get the help I need, when I need it, in the way I want it**);
- b) Physical and mental health and emotional well-being (**I am happy and I am healthy**);
- c) Protection from abuse and neglect (**I am safe and protected from abuse and neglect**);
- d) Education, training and recreation (**I can learn and develop to my full potential and I can do the things that matter to me**);
- e) Domestic, family and personal relationships (**I belong and I have safe and healthy relationships**);
- f) Contribution made to society (**I can engage and participate and I feel valued in society**);
- g) Securing rights and entitlements (**My rights are respected, I have voice and control, I am involved in making decisions that affect my life, my individual circumstances are considered, I can speak for myself or have someone who can do it for me and I get care through the Welsh language if I need it**);
- h) Social and economic well-being (**I am supported to work, I have a social life and can be with the people that I choose, I do not live in poverty and I get the help I need to grow up and be independent**);
- i) Suitability of living accommodation (**I have suitable living accommodation that meets my needs**).

27. It is likely that a person may wish to achieve an outcome in more than one aspect of well-being. All of these aspects of well-being have equal

importance, however every person is different and some aspects may be more important to some people and they may require care and support in helping them to these.

Promoting Well-Being

Definition of promoting well-being

Promoting well-being means that local authorities **must** be proactive in seeking to improve those aspects of well-being relevant to people who need care and support, and carers who need support, when exercising social services functions for a person. Well-being is set out in the definition of well-being and well-being outcomes statements.

28. Well-being **should** inform the local authorities broader and more strategic functions, such as providing or arranging preventative services under section 15 and the carrying out of a population assessment under section 14. Local authorities **must** use information on people's well-being and the barriers to promoting people's well-being to develop proposals and inform a population assessment (see code issued for Part 2 on population assessment).
29. Promoting people's well-being must include a focus on delaying and preventing the need for care and support to stop people's needs from escalating. To keep people living as independently as possible for longer, local authorities **should** promote well-being in delivering universal services to all people in its local area (see code issued for preventative services under section 15).
30. In order for people to determine the outcomes they wish to achieve and make informed decisions about how best to manage their well-being, they need to understand what is available to them. Local authorities **must** put in place a system that provides people with the information, advice and assistance that they need to take control over their day to day life (see chapter 5 on information, advice and assistance).
31. People are best placed to determine the well-being outcomes they wish to achieve. Local authorities **must** ensure that people have greater voice and control over the care and support that they receive by actively involve individuals in making decisions about their lives. This

approach will strengthen the requirement for people centered services including involving people in contributing directly to their own well-being. (See codes issued under Part 3 and Part 4 for Assessment and Care Planning).

32. Local authorities **must** promote people's well-being when carrying out any of its functions in relation to a person who has needs for care and support; this includes those people who do not have needs which meet the eligibility criteria but who do have needs for care and support which may be met in other ways (for example, by the provision of information advice and assistance and preventative well-being services).
33. An assessment of the needs of an individual for care and support, or support in the case of a carer, may include providing advice and assistance or developing a care and support plan, or a support plan for carers. In all circumstances, local authorities **must** promote people's well-being and be flexible in the approach to securing those aspects of well-being that are more important to a person. Local authorities **must not** consider what services a person will fit to, but instead **must** ensure that the services people receive are individual to support people to achieve their personal well-being outcomes (see code issued for Part 3 on assessment).
34. In carrying out an assessment of need, local authorities **must** have conversations with people to identify what matters to them and the personal well-being outcomes they wish to achieve. These will be different for each person. Individuals will wish to achieve different aspects of well-being, dependent on their circumstance, and these make up personal well-being outcomes. Local authorities **must** consider the personal well-being outcomes that an individual wishes to achieve and how the local authority may support them to achieve these (see code issued for Part 3 on assessment).
35. Local authorities **must** consider carers' needs for support, and take action to arrange provision, through a carer's assessment where appropriate. In carrying out an assessment of carers needs for support, local authorities **must** consider the personal well-being outcomes that a carer wishes to achieve, (see code issued for Part 3 on assessment).
36. In developing a care and support plan (or support plan for carers), local authorities **must** work with people to identify personal well-being outcomes and agree realistic, observable and achievable milestones to be reached in order to realise each outcome and monitor and track

progress towards achieving personal well-being outcomes (see code issued for Part 4 on care planning).

37. Well-being is everyone's right and everyone's responsibility. Local authorities **must** look at what people can contribute in achieving their well-being, their roles and responsibilities must be recoded in a care and support plan. This will involve building on people's resources, including people's strengths, abilities and families and communities, (see code issued for Part 4 on care planning).
38. The integration of services must be based around people to secure well-being outcomes. Services make distinctive contributions to support people to achieve well-being. Local authorities **must** work with all of its functions within that local authority and other relevant partners that are identified as essential to help people to achieve their well-being (see section 162 of the Act on cooperation and partnerships).

Other overarching duties: general

39. Section 6 of the Act places general duties on any persons exercising functions under the Act to comply with the overarching duties stated in subsections (2)(3) and (4) of section 6 when exercising functions in relation to:
- a. an individual who has, or may have, needs for care and support
 - b. a carer who has, or may have, needs for support, or
 - c. an individual in respect of whom functions are exercisable under Part 6 (looked after children etc).
40. These overarching duties apply when the individual may have needs for care and support or a carer may have needs for support, even if it has not been established that the person has such needs.
41. Any persons providing care and support must ascertain and have regard to an individual's views, wishes and feelings; this is an integral process in understanding and assessing the well-being outcomes, what matters to people and needs for care and support. Local authorities **must** take people's views, wishes and feelings into account when identifying, assessing and supporting people to achieve personal well-being outcomes, particularly where these impact on the decisions about care and support and where people have previously expressed any views, wishes and feelings and are no longer able to do so.

42. Any persons providing care and support must have regard to the importance of promoting and respecting the dignity of an individual. In order to discharge this overarching duty, 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, particularly where the person's ability to communicate is limited for any reason. People are best placed to determine what matters to them, and make decisions about 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.
43. Any persons providing care and support must have regard to the characteristics, culture and beliefs of the individual (including, for example, language). This will be individual to each person, for example, some people may have spiritual or religious beliefs, which may be of significant importance to them. Local authorities **must** consider peoples individual circumstances and ensure that these are reflected when promoting their well-being.
44. For many Welsh speakers being able to use their own language allows them to communicate and participate in their care as equal partners. Local authorities **should** make sure Welsh language services are built into planning and delivery and that Welsh language services are offered to Welsh speakers without them having to request it. The Welsh Government has established a Strategic Framework for Welsh Language Services in Health, Social Services and Social Care ("More than just words"), this is available at: <http://wales.gov.uk/topics/health/publications/health/guidance/words/?lang=en>
The Framework outlines six key objectives that all organisations (including local authorities) need to work towards. This includes the objective of implementing a systematic approach to Welsh language services as an integral element of service planning and delivery.
45. When exercising functions under the Act in relation to an adult falling within that set at paragraph 1, local authorities **must** have regard to the importance of beginning with the presumption that the adult is best placed to judge the adults well-being. This must be embedded in practice so that people are engaged in conversation to determine what matters to them and the well-being outcomes they want to achieve. Local authorities **must not** make any judgments based on preconceptions of a person's circumstance and **must** have regard to the importance of promoting the adult's independence where possible.

46. When exercising functions under the Act in relation to a child falling within that set at paragraph 1, local authorities **must** have regard to the importance of promoting the upbringing of the child by the child's family, in so far as doing so is consistent with promoting the well-being of the child. In addition, local authorities must have regard to the views, wishes and feelings of persons with parental responsibility for a child under the age of 16, in so far as this is consistent with promoting the well-being of the child and in so far as this is reasonably practicable. In assessing and delivering care and support, local authorities **must** work with children's parents to develop a care and support plan that looks to promote a child's upbringing with their family, consistent with safeguarding needs and the child's wishes and feelings (see safeguarding code issued under Part 7).

Other overarching duties: UN Principles and Convention

47. For many Welsh speakers being able to use their own language allows them to communicate and participate in their care as equal partners. Local authorities **should** make sure Welsh language services are built into planning and delivery and that Welsh language services are offered to Welsh speakers without them having to request it. The Welsh Government has established a Strategic Framework for Welsh Language Services in Health, Social Services and Social Care ("More than just words"), this is available at:

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The Framework outlines six key objectives that all organisations (including local authorities) need to work towards. This includes the objective of implementing a systematic approach to Welsh language services as an integral element of service planning and delivery.

48. Section 7 of the Act places duties on persons exercising functions under the Act to have due regard to the United Nations Principles for Older Persons and the United Nations Convention on the Rights of the Child.

49. When exercising function under the Act in relation to adults who need care and support and carers who need support, local authorities **must** have due regard to the United Nations Principles for Older Persons as adopted by the General Assembly of the United Nations on 16th December 1991. The UN Principles for Older Persons can be seen at: <http://www.un.org/documents/ga/res/46/a46r091.htm>.

There are 18 principles, grouped into 5 themes: independence, participation, self-fulfillment, care and dignity.

50. When exercising functions under the Act in relation to children who need care and support and child carers who need support and persons in respect of which functions are carried out under Part 6 (looked after and accommodated children), local authorities **must** have due regard to Part 1 of the United Nations Convention on the Rights of the Child. This duty does not apply to Welsh Ministers as they already have a duty to have due regard to the UNCRC in accordance with the Rights of Children and Young Persons (Wales) Measure 2011. Information about the UNCRC and the Children's Rights Scheme published by the Welsh Government can be accessed at:

<http://wales.gov.uk/topics/childrenyoungpeople/rights/uncrc/?lang=en>

Monitoring Well-Being

51. Section 8 of the Act provides that the Welsh Ministers must also specify outcome measures by reference to which the achievement of the well-being outcomes is to be assessed.

52. The national outcomes framework for people who need care and support and carers who need support has been published. This will evidence whether well-being is achieved.

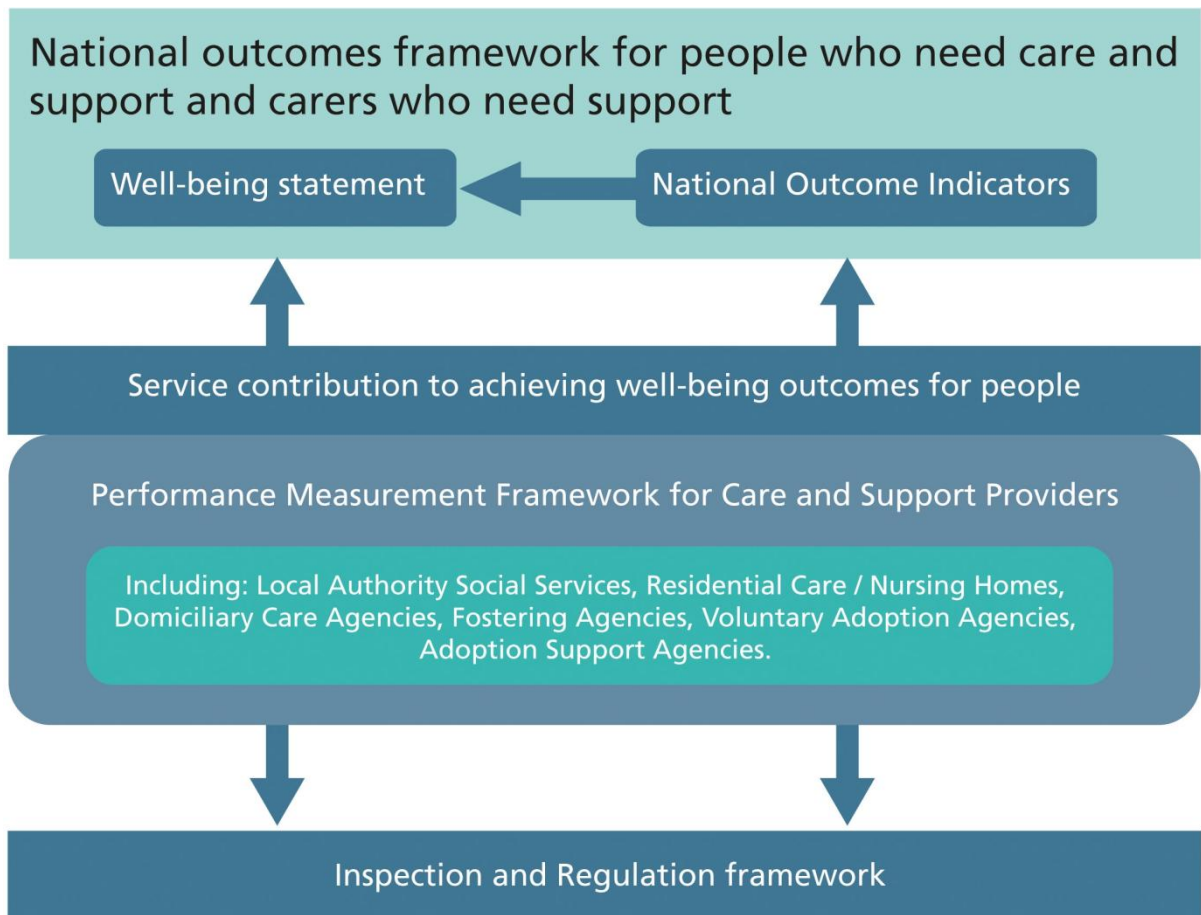
53. The national outcomes framework will provide greater transparency on whether care and support services are improving well-being outcomes for people in Wales using consistent and comparable indicators.

54. The national outcomes framework for people who need care and support and carers who need support can be seen at:

<http://wales.gov.uk/topics/health/socialcare/well-being/?lang=en>

55. A performance measurement framework for care and support services will underpin the national outcomes framework and evidence the contribution that services are making in supporting people to achieve well-being.

56. The diagram below sets out how well-being for people who need care and support and carers who need support will be monitored and how we will monitor whether services are contributing towards achieving well-being.



57. The performance measurement framework will be made up of quality standards and measures, by reference to which performance in achieving those quality standards can be assessed.

58. Local authorities **must** comply with the quality standards and the performance measures set in the Code of Practice on achieving well-being issued separately in relation achieving the well-being outcome statements

Chapter 2: Population Assessment

Introduction

Aim and scope

59. The purpose of this chapter is to set out:

- the requirement on local authorities and Local Health Boards to undertake an assessment of the extent to which there are people who need care and support and carers who need support; and
- the requirement that the local authorities within a Local Health Board area form a single partnership arrangement with that Local Health Board for the purposes of undertaking this assessment.

60. CHAPTER 2A of this code of practice applies to local authorities in relation to their social services functions. CHAPTER 2B is statutory guidance issued under section 169 of the Act and applies to both local authorities and Local Health Boards. There will also be implications for partner bodies such as the third and independent sectors and for people who need care and support and carers who need support in Wales.

Context

61. This chapter covers section 14 and regulations made under section 14 and under section 166 of the Act. Section 14 of the Act requires that local authorities and Local Health Boards must jointly carry out an assessment of the needs for care and support, and the support needs of carers in the local authority's area. This assessment must also identify:

- the extent to which those needs are not being met;
- the range and level of services required to meet those needs;
- the range and level of services required to deliver the preventative
- services required in section 15 of the Act; and
- how these services will be delivered through the medium of Welsh.

62. Section 14 of the Act also provides the Welsh Ministers with the power to bring forward regulations in relation to how these assessments are undertaken, such as in relation to their timings and review.

63. Section 166 of the Act provides the Welsh Ministers with regulation making powers to require specified partnership arrangements for carrying out social services or Local Health Board functions. These could be partnership arrangements by one or more local authorities and one or more Local Health Boards. To provide for more effective population assessments under section 14 of the Act, partnership arrangements must be put in place so that each Local Health Board and the local authorities in the area of each Local Health Board coordinate the assessment exercise to allow for the production of a combined population assessment report for the Local Health Board area.

Purpose

64. The purpose of this population assessment is to ensure that local authorities and Local Health Boards jointly produce a clear and specific evidence base in relation to care and support needs and carers' needs to inform various planning and operational decisions. This will ensure services are planned and developed to meet the needs of people in an efficient and effective way by public sector partners. It will also underpin resource and budget decisions in order to ensure services are sustainable.

65. This population assessment links to and supports other requirements on local authority social services under the Act. For example this assessment will inform local authorities in meeting the requirement to promote social enterprises contained in section 16 by aiding in the identification of what care and support and preventative services these social enterprises should provide. It will similarly inform the nature of the information, advice and assistance service required.

66. The Act makes clear that this population assessment must be taken into account in the production of health and well-being strategies as provided for by the National Health Service (Wales) Act 2006 and children and young people's plans as required by the Children Act 2004. The Welsh Government will ensure that there continues to be a statutory link to any further legislation relating to the strategic planning function of public authorities. Our expectation is that the population assessment set out in this code of practice will contribute significantly to the development of the elements of any current or future plans and strategies relating to health and social services.

67. The Integrated Medium Term Plans produced by Local Health Boards over a rolling three year period, as required by the NHS Finance

(Wales) Act 2014, set out how resources will be used to address areas of population health need and improve health outcomes; improve the quality of care; and, ensure best value from resources. Population assessments carried out under section 14 of the Act will inform, and be informed by Integrated Medium Term Plans and the local planning areas established following *Setting the Direction* published in 2010.

68. Part 2 of the Housing (Wales) Act 2014 requires local authorities produce a homelessness strategy for the purposes of preventing and responding to homelessness. Given those affected, or at risk of being affected, by homelessness will likely have care and support needs, this population assessment should inform the production of a homelessness strategy.
69. The Care and Social Services Inspectorate Wales and Health Inspectorate Wales will take population assessments produced into account when carrying out inspections of local authority social services departments and Local Health Boards respectively.

Chapter 2A – Undertaking a population assessment of needs for care and support and carers who need support

Production of a population assessment report

70. A population assessment report **must** be produced. Chapter 2B sets out the requirement for the formation of a partnership arrangement for the purposes of undertaking a population assessment. Local authorities and the Local Health Board in a partnership arrangement should combine their population assessment into single report.
71. The local authority and Local Health Board are required formally to approve the population assessment report. This will need to be done by the Board of the Local Health Board and in the case of the local authority will need to be approved by the full Council on submission by the council's executive or board. This will ensure that the information contained within the report is considered at the most senior levels in these organisations.
72. Upon completion, assessment reports **must** be published on the websites of all local authorities and Local Health Boards involved in their production. A copy of the population assessment report **must**

also be sent to Welsh Ministers at the time of publication. This function can be delegated to the lead co-ordinating body (see CHAPTER 2B).

73. The population assessment report should be drafted using accessible language so that it can be considered by members of the public. It is important that the assessment report explains clearly how the local authorities and the Local Health Board have arrived at their decision in relation to the needs identified and the level of services required to meet those needs.

Timetable for undertaking a population assessment.

74. Local authorities and Local Health Boards **must** produce one population assessment report per local government electoral cycle.

75. Population assessments reports should be produced within a timeframe that will inform any wider integrated planning system in a meaningful way. The first population report must be produced by April 2017.

76. Further regulations will prescribe the timeframe for the production and publication of subsequent population assessment reports.

Review of population assessment reports

77. In producing a population assessment report local authorities and Local Health Boards must be forward looking and consider the needs for care and support and needs for carers for the whole period up until the next population assessment is due for publication.

78. However, given that circumstances may change, the partnership arrangement established to carry out the population assessment must keep the population assessment report under review. The population assessment report should be reviewed as required, but at least once mid-way through the population assessment period. If this review identifies a significant change in the needs for care and support or the needs of carers an addendum should be produced and similarly be published and sent to the Welsh Ministers.

Structure of a population assessment report

79. A population assessment report should comprise two sections:

- the assessment of need;

- the range and level of services required.

Section 1: Assessment of need

80. Local authorities and Local Health Boards must jointly assess:

- the extent to which there are people in the area of assessment who need care and support.
- the extent to which there are carers in the area of assessment who need support.
- the extent to which there are people whose needs for care and support (or, in the case of carers, support,) are not being met.

81. To carry out this assessment, local authorities and Local Health Boards will need to make use of a number of sources of information. This information should be obtained with a view to identifying not only the extent of need at the time the population assessment is carried out but also to enable an analysis of future need over the duration of the population assessment period.

82. The Welsh Government requires that local authorities and Local Health Boards provide an extensive range of statistical information in relation to care and support services. These statistics, as well as statistics that local authorities and Local Health Boards produce for their own needs, will be of use in carrying out a population assessment. Existing data repositories, such as Public Health Wales and Data Unit Wales may also be useful or relevant. Registers of sight-impaired, hearing-impaired and other disabled people held by local authorities could inform the assessment of needs for people with these conditions (and be informed by this population assessment).

83. Daffodil is a web-based system developed for the Welsh Government. The system aims to pull together in one place information needed to plan what care services might be required in the future. Information from research and population projections shows potential need for care over the next 20 years for children, adults and older people. Below is a link to this website:

<http://www.daffodilcymru.org.uk/>

84. The Code of Practice on Outcomes issued under section 9 of the Act sets out the performance measurement framework requirements that are part of the National Outcomes Framework. Particular attention should be given to these performance measurements as part of the population assessment so as to ensure that the care and support needs identified align with the requirements of the National Outcomes Framework.
85. Local authorities and Local Health Boards should be innovative in identifying local data sources, research and statistics that could contribute to an assessment.
86. Qualitative information is also essential in informing these assessments. Any population assessment should be a balance of qualitative information that is underpinned by quantitative information. Local authorities should not undertake a population assessment as a purely statistical exercise.
87. In obtaining qualitative information, universities and other local organisations may have undertaken research that may be of use in identifying local need. In addition, national research should be considered that may be relevant to local circumstances. For example, reports by the Joseph Rowntree Foundation, the National Society for the Prevention of Cruelty to Children (NSPCC) and other similar organisations may raise issues or themes that local authorities and Local Health Boards may wish to be aware of and apply to their own assessment area.
88. Practitioners and members of staff within local authorities and Local Health Boards are likely to have informed views on the extent of needs for care and support and the needs of carers in the area. Their experience and expertise should prove an excellent source of information in undertaking an assessment.

Citizen Engagement

89. A core theme of the Act is the principle of 'voice and control'. People play a vital role in securing the best quality of services designed around needs. We all expect to make our own decisions; to control the key issues in our lives. Where these decisions involve others, or where the matter is not entirely in our control we expect our voice to be heard. Care and support services must act in a way that strengthens our voice.

90. People must be involved in the process of undertaking this assessment and have an opportunity to articulate what they perceive the needs in an area are, including the needs of carers, and what services are needed to meet those needs, including in terms of preventative services. CHAPTER 4 of this Code of Practice, on Social Enterprises, sets out how local authorities must involve people in the co-production of the design and operation of services.
91. Engagement must take place with people, including children, who have experience of using care and support services, the parents of children who have care and support needs, and carers. Local authorities and Local Health Boards may also engage directly with children. An effort should also be made to obtain the views of those who would otherwise be hard to reach and marginalised. Engagement should also reflect the diversity of people in the community, including different levels of care and support needs. Local authorities and Local Health Boards must establish a procedure for obtaining people's views. The first part of a population assessment report must set out how the local authorities and Local Health Board have engaged with people in its production.
92. Local authorities and Local Health Boards should be innovative in obtaining the engagement of people and may consider questionnaires and interviews. The quality of input people make to the population assessment will likely be improved by a discussion. A formal panel of people who have experience of using care and support services or care for someone who uses care and support services may therefore be desirable to discuss key issues in the social care sector and the way forward. This could be a new panel established specifically for this task or an existing panel or forum that can be utilised. Local authorities and Local Health Boards may wish to consider specific activities to engage children with care and support needs or who act as carers.
93. When reviewing population assessment reports, local authorities and Local Health Boards should continue to be mindful of the views of people.
94. Local authorities and Local Health Boards should ensure that language used when engaging with people is accessible and not overly technical in order to encourage meaningful public engagement.

Service Provider Engagement

95. Third sector organisations and private sector organisations, such as care home and domiciliary care providers, will also have knowledge and expertise that will significantly inform a population assessment. In undertaking an assessment, local authorities and Local Health Boards must therefore engage with the third and private sector. Given that the nature of third sector and private sector organisations varies significantly across Wales, local determination on the form of this engagement is necessary.
96. The first part of a population assessment report must also set out how the local authorities and the Local Health Board have engaged with service providers in its production.

Individual Assessments

97. Local authorities and Local Health Boards should also be informed by the individual assessment process of care and support needs, or the support needs of carers, (as set out in the code of practice issued in relation to Part 3 of the Act) to understand the extent of care and support needs and carers' needs in an area. Information gathered while undertaking an assessment, as well as the Individual Care and Support Plans, and the Support Plans of carers, will provide a source of information about need in the area. Management information collected by the Information, Advice and Assistance Service on the range and types of 'care and support' queries dealt with, will also provide evidence on which local authorities and Local Health Boards can draw. Whilst there will always be a need to deliver certain bespoke services to achieve an individual's personal well-being outcomes, consideration of individual assessments as part of a strategic population assessment may identify patterns of need that can be met without individual Care and Support Plans.
98. Population assessments undertaken in line with this code of practice will be strategic exercises. However, in gaining a strategic understanding, local authorities and Local Health Boards may have to consider some personal information. Organisations are increasingly reliant on anonymisation techniques to enable wider use of personal data. *Anonymisation: managing data protection risk code of practice* issued by the Information Commissioner's Office explains the issues surrounding the anonymisation of personal data, and the disclosure of data once it has been anonymised. The code describes the steps an organisation can take to ensure that anonymisation is conducted

effectively, while retaining useful data. A link to this code of practice is below.

http://ico.org.uk/for_organisations/data_protection/topic_guides/anonymisation

Welsh Language

99. When assessing the extent to which there are people who need care and support and carers who need support, local authorities and Local Health Boards should establish the Welsh language community profile.

Presenting the assessment findings

100. The evidence gathering exercise will be likely to identify a significant range of care and support needs across the assessment area. Whilst all care and support needs are important and require services to address those needs, to ensure the population assessment report is a helpful strategic tool local authorities and Local Health Boards should structure the evidence around general core themes identified.

101. Local authorities and Local Health Boards are able to decide what the core themes of the assessment findings are. However, section 1 of the population assessment report should include specific core themes dealing with:

- children and young people;
- older people;
- health / physical disabilities;
- learning disability;
- mental health;
- carers who need support; and
- gender-based violence, domestic abuse and sexual violence

102. In relation to each core theme, section 1 of the population assessment report should:

- analyse evidence spatially so as to be able to develop an understanding of where and to what extent the core themes are concentrated or diffuse across the assessment area. An assessment report should, at the least, set out the differences in relation to the core themes across local authorities in the assessment area;
- analyse evidence in terms of age groups where appropriate; and
- set out the extent to which these needs are not being met.

Section 2: The range and level of services required

103. Local authorities and Local Health Boards must jointly assess:

- the range and level of services required to meet the care and support needs of the population and the support needs of carers;
- the range and level of services required to provide preventative services; and
- the actions required to provide these services through the medium of Welsh.

Meeting needs for care and support and support needs of carers

104. In section 2 of the population assessment report local authorities and Local Health Boards must assess the range and level of services required to meet the care and support needs (and the support needs of carers) identified. The population assessment report should specifically include this information in relation to each of the core themes identified in section 1 of the population assessment report.

105. Section 2 should include an assessment of the extent to which needs identified in relation to the core themes could be met by providing services in partnership with the Local Health Board for the

area of the local authority and other local authorities within the area of that Local Health Board. So, for example, it may be that needs of people with learning disabilities in one local authority area could be met with the provision of a service which would serve the needs of people with a learning disability in the areas of two or more local authorities. (Potentially, services could be provided in collaboration with local authorities and/or Local Health Boards outside the partnership arrangement.)

National Outcomes Framework

106. In identifying the range and level of services necessary to meet need, local authorities and Local Health Boards must be informed by the national outcomes framework. The national outcomes framework is made up of the well-being statement, which articulates what the Welsh Government expects for people who need care and support, and outcome indicators to measure whether well-being is being achieved. The national outcomes framework will assist in identifying the range and level of services necessary to meet need by describing success in meeting needs for care and support and carers who need support. The population assessment report should seek to ensure that in identifying the level of services necessary to meet need, it is describing a range and level of service required to reach the standards of the outcomes framework.

Citizens' Engagement

107. In keeping with the principle of Voice and Control, people must be engaged in the process of identifying the range and level of services necessary. This engagement can take place at the same time as identifying the level of needs for care and support and the needs of carers. People must be empowered and enabled to have the confidence to engage in the process.

Service Provider Engagement

108. The services necessary to meet the identified need will be delivered by local authorities and Local Health Boards as well as, to some extent, other organisations in both the private and third sectors. It is therefore necessary for other service delivery organisations to be involved in this work as they will be able to assist in ensuring the range and level of services identified are realistic and sustainable based on a clear understanding of the scope and quality of services available.

109. This engagement can also take place at the same time as identifying the levels of need for care and support and needs of carers with other service delivery organisations.

110. In order for local authorities to fulfil their duty to promote social enterprise, co-operatives, user led services and the third sector they should actively consider how value based organisations can deliver the required services.

Commissioning Services

111. The population assessment report and the services identified as being necessary to meet need should inform the social care commissioning process undertaken by local authorities and enable local authorities to set about securing services in line with that guidance . A link to *Fulfilled Lives, Supportive Communities* Commissioning Framework and Good Practice is below.

<http://wales.gov.uk/topics/health/publications/socialcare/circular/commissioningguidance/?lang=en>

Preventative Services

112. When identifying levels of service necessary to meet need, local authorities must always have regard of the need to deliver preventative services, as required by section 15 of the Act. Section 2 of the population assessment report must set out the assessment of the range and level of preventative services required to achieve the purposes of section 15(2). The assessment should include the extent to which these preventative services can be delivered in partnership with the Local Health Board for the area of the local authority and other local authorities within the area of that Local Health Board. (Potentially, services could be provided in collaboration with local authorities and/or Local Health Boards outside the partnership arrangement.) In considering preventative services, local authorities working with Local Health Boards, should ensure that they identify what matters to people who need care and support and carers who need support. This will help identify what works for people in their particular situation. They should also ensure that there is a clear understanding of the resources available from people and communities.

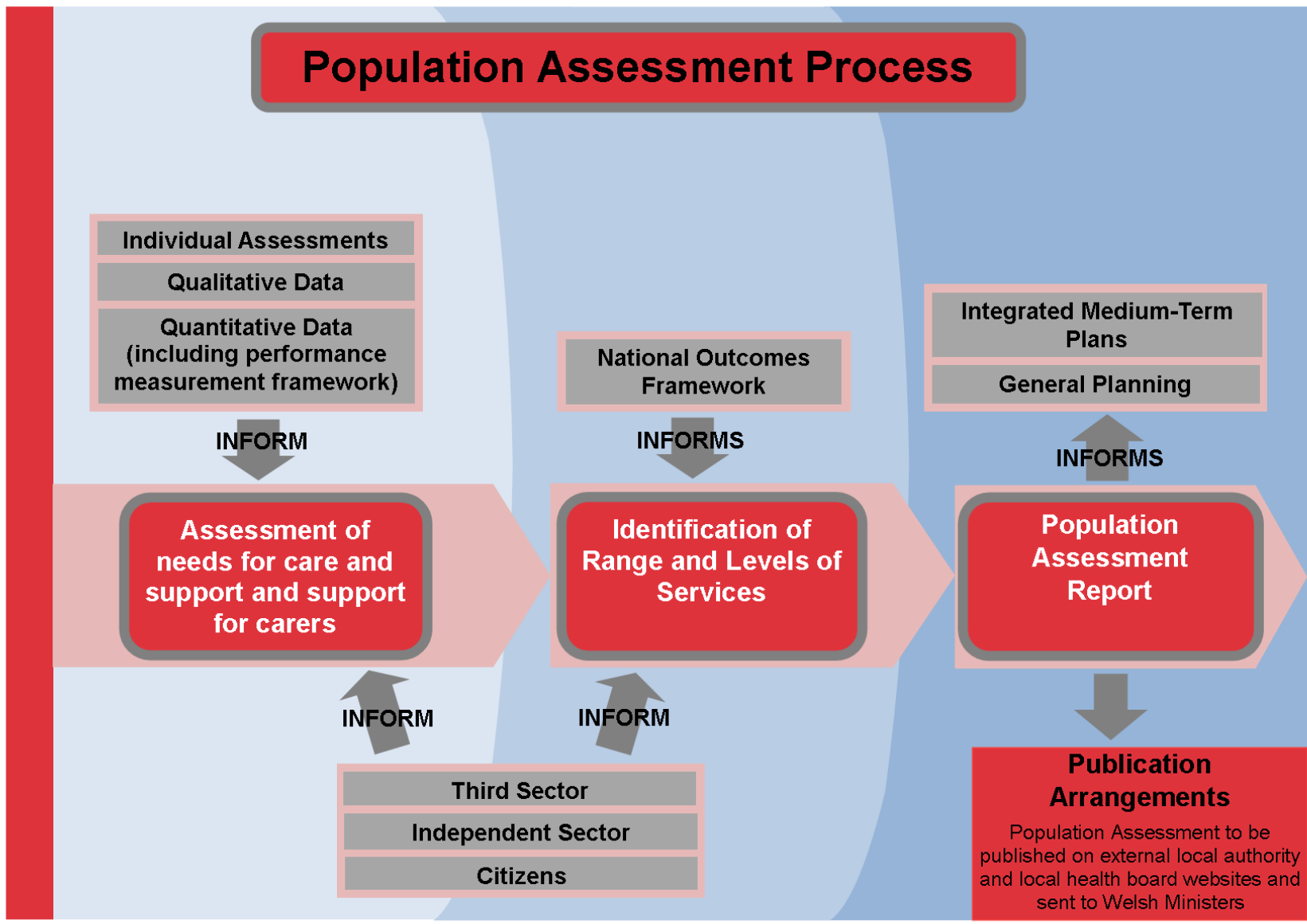
113. Guidance on the provision the provision of preventative service is contained in CHAPTER 3 of this Code of Practice. The nature and

level of preventative services must be designed to meet the needs for care and support and needs for support of carers identified in the population assessment report.

Welsh Language

114. Section 2 of the population assessment report should also identify the actions required to deliver the range and level of services identified as necessary through the medium of Welsh. The Welsh language strategic framework '*More than just words*' aims to improve frontline health and social services provision for Welsh speakers, their family and carers. In keeping with the principles in that framework planning systems must include reference to the linguistic profile of their communities and ensure this is reflected in their service delivery.

115. The following diagram sets out the population assessment process:



Chapter 2B - Formation of a partnership arrangement for the purposes of undertaking population assessment

117. All local authorities in a Local Health Board area **must** form a partnership arrangement with that Health Board to undertake the population assessment and should produce a combined population assessment report.
118. Local authorities and Local Health Boards must produce one population assessment per local government electoral cycle. For the duration of each population assessment period the bodies within the partnership must form a joint committee to take responsibility for the management of the partnership arrangement. Via the joint committee, partners must nominate a lead co-ordinating body. That body will be responsible for co-ordinating and managing the production of the population assessment, but all other bodies must participate in the exercise as required by the co-ordinating body.
119. Local authorities and the Local Health Board in a partnership arrangement should combine their population assessments into single report. A combined population assessment report must contain the population assessment for each of the local authority areas but also combine these assessments to produce an assessment of the needs of the people in the whole of the Local Health Board's area and an assessment of the range and level of services required to meet those needs.
120. The lead co-ordinating body should ensure that the combined population assessment report has a consistent format and demonstrates clearly the extent to which core themes are concentrated or diffused across the partnership arrangement area AND specifically in relation to each local authority area in the partnership arrangement.
121. The lead co-ordinating partner should submit the completed population assessment report to the Welsh Ministers.
122. Local authorities and Local Health Boards must keep population assessment reports under review and revise them if required. The lead co-ordinating body is responsible for managing this review and for submitting any subsequent addendums to the Welsh Ministers.
123. The following seven partnership arrangements for the purposes of undertaking assessment of needs for care and support, support for

carers and preventative services assessment **must** therefore be established:

- i.) Aneurin Bevan University Health Board and the following local authorities: Monmouthshire, Newport, Caerphilly, Torfaen and Blaenau Gwent.
 - ii.) Betsi Cadwaladr University Health Board and following local authorities: Flintshire, Wrexham, Anglesey, Gwynedd, Denbighshire and Conwy.
 - iii.) Cardiff and Vale University Health Board and the following local authorities: Cardiff and the Vale of Glamorgan.
 - iv.) Hywel Da Health University Health Board and the following local authorities: Pembrokeshire, Carmarthenshire and Ceredigion.
 - v.) Abertawe Bro Morgannwg University Health Board and the following local authorities: Swansea, Bridgend and Neath Port Talbot.
 - vi.) Cwm Taf University Health Board and the following local authorities: Rhondda Cynon Taff and Merthyr Tydfil
 - vii) Powys Teaching Health Board and Powys local authority.
124. The partnership arrangements are purely to achieve the purposes of section 14 of the Act in undertaking the assessment described in CHAPTER 2A of this CODE. These partnership arrangements do not include service delivery.
125. We would expect all bodies in the partnership to contribute to any costs involved in the exercise. (Costs should be minimal and mostly consist of staff time, although some costs might be incurred for printing or carrying out citizen engagement).
126. All bodies in the partnership arrangement must share information required to undertake the population assessment. Any personally identifiable information should be shared within the principles of the Wales Accord on the Sharing of Personal Information (WASPI). All Local Health Boards and local authorities in Wales are signatories to the WASPI Accord. A link to WASPI is attached:

<http://www.waspi.org/>

Chapter 3: Preventative Services

Introduction

Context

127. The purpose of this chapter is to set out the requirements on local authorities to provide or arrange a range of preventative services to achieve the various purposes set out below.
128. Section 15 of the Act requires that local authorities must provide or arrange for the provision of a range and level of preventative services which they consider will achieve the following purposes:
- a) Contributing towards preventing or delaying the development of people's needs for care and support;
 - b) Reducing the needs for care and support of people who have such needs;
 - c) Promoting the upbringing of children by their families, where that is consistent with the well-being of children;
 - d) Minimising the effect on disabled people of their disabilities;
 - e) Contributing towards preventing people from suffering abuse or neglect;
 - f) Reducing the need for—
 - i. proceedings for care or supervision orders under the Children Act 1989,
 - ii. criminal proceedings against children,
 - iii. any family or other proceedings in relation to children which them being placed in local authority care, or
 - iv. proceedings under the inherent jurisdiction of the High Court in relation to children;
 - g) Encouraging children not to commit criminal offences;
 - h) Avoiding the need for children to be placed in secure accommodation; and
 - i) Enabling people to live their lives as independently as possible.
129. A local authority **must** have regard to the importance of achieving these purposes in relation to the exercise of all its functions, not just in relation to social services functions. Local Health Boards must also have regard to the importance of achieving these purposes in the exercise of its functions.

130. Section 14 of the Act requires that local authorities and Local Health Boards jointly carry out a strategic assessment of needs for care and support and support needs for carers. That assessment must also assess the range and level of services necessary to deliver preventative services. Chapter 2 of this code set out the requirements on local authorities for undertaking this population assessment.

Purpose

131. Prevention is at the heart of the Welsh Government's programme to transform social services. There is a need to focus on prevention and early intervention in order to make social services sustainable into the future. It is vital that care and support services do not wait to respond until people reach a crisis point.

132. There is a need to strengthen the preventative approach that is already available across programmes and services, building and extending the activity base in order to make sure that services are available when people need them.

133. This is also about people and communities having the information and support they need to identify what matters to them and how they can best put in place arrangements to deliver an approach that meets that local need. There is no one definition for what constitutes preventative activity; it can range from wide-scale measures aimed at the whole population to more targeted individual interventions. In considering how to achieve the purposes of preventative services set out above (a to f) and to promote well-being, local authorities should consider the range of options available.

134. The assessment of the range and level of preventative services that are required to achieve the purposes set out above must be set out in Chapter 2 of the population assessment report of this code. This ensures that the preventative services provided must be informed by the care and support needs identified by the population assessment. Whilst local authorities may choose to provide some types of preventative services themselves, others may be more effectively provided in partnership with other local partners. Further types may be provided by other organisations, for example social enterprises. Increasingly, people themselves will be in a position to develop and deliver user led services. Chapter 4 of this Code sets out requirements for local authorities in relation to the duty under Section 16 of the Act to promote social enterprises, including providing preventative services. A local authority should consider the different routes available and the benefits presented by each.

135. In order to provide or arrange preventative services social services must work across the local authority to ensure the community leadership role is put to best use.

136. Within the local authority, preventing or delaying the development of care and support needs should be closely aligned to other local authority responsibilities, such as housing and leisure. Local authorities must have regard to the importance of achieving the purposes described when carrying out their other functions.
137. Local authorities must make arrangements to promote co-operation in relation to the exercise of its functions relating to people with needs for care and support. This includes meeting the obligations in section 15 of the Act to provide preventative services. A relevant partner, such as the NHS, must comply with a request to co-operate in relation to the delivery of preventative services, unless to do so is incompatible with their own duties.
138. Two or more local authorities may decide that it is more practical to deliver preventative services jointly. This might also aid in the delivery of preventative services with other agencies, such as the NHS.
139. Local Health Boards must also have regard to the importance of achieving the purposes described when carrying out their health functions.

Within the organisation

140. Although there are numerous good examples of preventative services taking place across social services, the requirements in the Act represent an overarching cultural change to the way services are delivered. Local authorities should ensure staff are aware of the benefits of preventative services and are encouraged to consider how they can be delivered. Staff should feel empowered to work with services users to deal with issues preventatively.
141. Regular training in relation to preventative services should allow practitioners to reflect on different practices and learn from each other. Learning should not be limited to within the local authority but should instead involve seeking out best practice in neighbouring local authorities.
142. As well as providing benefits to people, preventative services provide better value for money for the local authority and result in improved sustainability. While it is sometimes difficult to track the financial benefits of delivering preventative services, developing a business model that tracks investments and monitors the financial returns of preventative services could reinforce the preventative approach.
143. Ensuring this culture of delivering preventative services is ingrained across the local authority, and in particular within its social services department so that statutory requirements are met, will

require leadership across the local authority from all Chief Officers, including the Director of Social Services.

144. Local authorities may decide to appoint an individual or team to lead in the identification and establishment of preventative services. Alternatively, a local authority may decide to allocate a specific portion of their budget to preventative services.

Principles

145. Preventative services must be provided in an appropriate and timely manner. However, the pathway to preventative services is not always linear as people's needs fluctuate. For example, someone may need more than one type of support from preventative services and should be able to gain support from eligible and preventative services at the same time to achieve different well-being outcomes.
146. Similarly, people should not be excluded from any preventative services because they have a care and support need that they might not 'recover' from. For example, someone may need support for a short period of time so that they can meet their well-being outcomes but might need further support in the future. It should not matter that a person might need support again if their condition changes or is likely to deteriorate further. A local authority should always look to provide preventative services to individuals at every stage of that person's pathway.
147. Preventative services can be:
- b. universally provided to help people avoid developing needs for care and support
 - c. targeted at individuals who have an increased risk of developing care and support needs
 - d. aimed at minimising the effect of an existing care and support need on a service user.
148. People usually know what will help them. In keeping with the *Voice and Control* service principle that runs throughout the Act, users must be fully engaged in identifying what preventative measures could assist them to achieve their well-being and in planning their delivery. These can be from within their own and their communities' resources.
149. Low level preventative services may have a significant impact. For example, social skills support, developing life skills and befriending can result in substantial improvements to an individual's quality of life. They can also help keep families together by supporting families in caring for their children.

Identifying those who may benefit from preventative services

150. Prevention **should** be a consistent focus for a local authority in meeting people's care and support needs and support needs for carers. However there may be key points in a person's life or in the care and support process where a preventative intervention may be particularly appropriate. Local authorities should put in place arrangements to identify and target those individuals particularly through the information, advice and assistance service and the assessment and care planning process. Part 3 of the Act refers to 19(4)(b)(ii), 21(4)(c)(ii) and 24(4)(e)(ii), which require the local authority to assess whether, and if so, to what extent, the provision of preventative services could contribute to the achievement of personal well-being outcomes or otherwise meet the needs of an adult, child or carer. Further information about the assessment process is available in the code on Part 3 of the Act.

151. People in the following circumstances may benefit from preventative support:

- a) Hospital admission / discharge;
- b) Contact with /use of private care and support;
- c) Bereavement; and
- d) Application for benefits such as Attendance Allowance, or Carer's Allowance;

Helping people access preventative services

152. Chapter 5 of this Code of Practice sets out the requirements on local authorities to deliver an Information, Advice and Assistance Service. To support the effectiveness of the preventative services being delivered there is a need to ensure that people get access to information about these services, and how to access them, through the information, advice and assistance service. Any signposting to a person with care and support needs should be in a manner accessible to that person's needs. This process will require the local authority to keep their directory of services up to date.

153. Some people will require appropriate support to enable them to meaningfully engage with preventative services, including children. Local authorities should ensure that such support is provided while making sure that people are fully engaged with their own solutions.

Reablement

154. Reablement can be a key element of preventative services. Timely, direct access to targeted reablement services helps people to maintain ability in the long term.
155. Reablement is about helping people to do things for themselves (in contrast to the traditional service models in which the carer does everything) to maximise their ability to live life as independently as possible. It is an outcome-focused, personalised approach whereby the person using the service sets their own goals and is supported by a reablement team to achieve them over a limited period. It supports a person's physical, social and emotional needs and aims to reduce or minimise the need for ongoing support after reablement. Reablement seeks to improve the skills and resilience of an individual in their specific situation.
156. To be effective, reablement support should be co-produced between citizens and skilled practitioners. In keeping with the principle of *Voice and Control*, there is a need to work with citizens to calculate accurately the potential of the person and the barriers to improvement to draw up a programme to achieve that person's outcomes.
157. Effective reablement should be delivered in partnership between the local authority and the NHS.

Preventative Services for Children and Families

158. With regard to preventative services for children, the Act draws heavily on the children in need and well-being elements of the 1989 and 2004 Children Acts. There has been no diminution in the rights and entitlements of children. The Act aims to support the principle of supporting families in caring for children with an emphasis on helping parents develop their own ability to manage their problems and keeping families together.
159. Statutory Guidance issued in relation to Part 7 of the Act sets out the requirement for a multi-agency approach to safeguard and promote the well-being of children. This includes ensuring that work is undertaken to prevent children suffering from abuse or neglect and being placed in local authority care.
160. The Welsh Government funds and contributes to a number of initiatives designed to help individuals and families receive appropriate help at the earliest possible opportunity and stop families escalating towards crisis. For instance, Families First is designed to improve outcomes for families, particularly those living in poverty. Local authorities identify the ways in which they can deliver Families First and provide evidence of a contribution to achieving the programme outcomes. This necessitates placing families at the centre of planning and delivery to support families and build resilience. Activities such as

this contribute to the discharging of statutory duties in relation to providing preventative services to children and families.

161. The Welsh Government and Youth Justice Board have jointly published the strategy *Children and Young People First* that sets out the vision and commitment to improve services for children and young people in Wales at risk of becoming involved in, or who are in, the youth justice system. It provides a framework through which the prevention of offending or reoffending by children and young people can be achieved. A link to this strategy is attached below:

<http://wales.gov.uk/topics/childrenyoungpeople/publications/children-and-young-people-first/?lang=en>

Chapter 4: Promoting Social Enterprises, Co-operatives, User Led Services and the Third Sector

Introduction: aim and scope

162. Section 16 of the Act introduces a duty on local authorities to promote:
- a) the development of social enterprises and co-operatives,
 - b) the involvement of service users in the design and operation of care and support and preventative services, and
 - c) the availability of care and support and preventative services from third sector organisations (referred to in this code as “the section 16 general duty”).
163. It is intended that the performance of this duty will increase the diversity of provision available. It will support the vision of increased voice and control for people who need care and support, and for carers who need support, and of better well-being outcomes. It also addresses the aim of delivering more early intervention and prevention services to secure a “front loaded” approach to care and support.
164. This chapter must be read in conjunction with the Act, the Regulations on Social Enterprise and with the Regulations and code of practice on assessment of needs for care and support, and needs of carers for support, and the code of practice on preventative services.

Context

165. This guidance supports what is set out in the Act in relation to social enterprises, co-operatives, user led services and the third sector. It supports the Regulations relevant to this guidance which cover:
166. The activities of a specified description which are or are not to be treated as activities which a person might reasonably consider are activities carried out for the benefit of society for the purposes of deciding whether an organisation meets the definition of “social enterprise” in section 16.
167. Organisations or arrangements which are or are not to be treated as:
- a) Social enterprises;
 - b) Co-operative organisations or arrangements; or
 - c) Third sector organisations
168. What does and does not constitute a section of society, for the purposes of deciding whether activities are carried out for the benefit of society.

169. The guidance is set out under five main headings which are key areas to secure the performance of the section 16 general duty by local authorities and the specific definitions within the draft Regulations. These are:

- a) Co-production
- b) Measuring success
- c) Creating the right environment
- d) Tendering and procurement
- e) Collaboration.

Aim

Duty to promote – what does it involve?

170. The section 16 general duty will require local authorities to encourage an environment which supports the development of these business models.

171. As set out in section 14, local authorities and Local Health Boards must, in undertaking the population assessment required by section 14 of the Act, involve people:

- **In the assessment of the extent to which there are people who need care and support and carers who need support.**
- **In considering the range and level of services required to meet needs. This includes consideration of how these needs can be met by promoting and encouraging the development of social enterprises, co-operatives, user led services and the third sector.**

172. Local authorities should assess and ensure that services not only deliver on the needs identified, but look for those that provide “added value”, linking to the assessment under section 14. Social enterprises, co-operatives, the third sector and user led services often conduct activities which are deemed to add value, for example, through the employment of local people in delivering the service, or involving people who need care and support in the design and delivery of the service.

173. There will be a range of ways of doing this, but essential to fulfilling this duty will be an approach which is based on co-production principles. By this, we mean an approach which:

- a) Recognises people as assets, and as having a positive contribution to make to the design and operation of services.
- b) Empowers people to contribute to their own well-being.

- c) Ensures that professionals work in partnership with people to achieve well-being outcomes at an individual and service level.
- d) Involves people in designing outcomes for services.
- e) Supports and empowers people to get involved with the design and operation of services.

174. This will bring a wide variety of experience, skills and knowledge to the design and operation of services.

175. Section 15 of the Act places a general duty on local authorities to provide a range and level of preventative services which they consider will achieve the purposes set out in section 15(2). The increased focus by social services on early intervention and prevention requires an emphasis on new, innovative, models of service to support well-being. The section 16 general duty is intended to support the diversification of provision and encourage an environment where social enterprises, co-operatives, the involvement of people who need care and support, and the third sector will flourish and address some of this increasing need for alternative services. These approaches can make a significant contribution to the social and health care economy.

176. The section 16 general duty to promote supports a strong voice and real control and a co-productive approach. It will also support people-centered services – with robust arrangements for involvement, focusing on outcomes rather than outputs. We increasingly want to see services run by people who need care and support. We see this happening at the individual, community, regional and national level.

177. We wish to open up public services, including enabling mutual enterprises to engage actively in the delivery of care and support and well-being.

178. This means that in practice, the section 16 general duty requires local authorities to take and demonstrate a proactive approach as they assess need and provide or arrange for the provision of services to meet that need. This must feature transparent and clear information on what social enterprises, co-operatives, user led and third sector services are providing and links to the duty in section 17 to provide information, advice and assistance.

179. The five key areas identified in this guidance are crucial in both supporting local authorities in their duty to promote, and as a way of local authorities demonstrating how they are delivering on their duty.

Section 16 Regulations

180. Regulations made under section 16 of the Act must be used by local authorities to assist in determining the activities which are or are

not to be treated as activities which a person might reasonably consider to be activities carried out for the benefit of society. The regulations must also be used to assist in determining which organisations or arrangements are or are not to be treated as social enterprises, co-operative organisations or arrangements or third sector organisations. The Regulations also specify that a section of society for the purposes of deciding whether activities are carried out for the benefit of society are those persons who need or may need care and support, or persons in respect of whom functions are exercisable under Part 6 of the Act.

181. The aim of these Regulations is to enhance the involvement of people in the design and operation of services and to increase the potential contribution to services through increased use of social enterprises, co-operatives and the third sector to deliver people centred care and support.

182. The key areas identified within this guidance must be used by local authorities as they are factors which are critical in determining the activities, organisations and arrangements which might reasonably be considered to be those which are carried out for the benefit of society.

183. Regulations set out what should be considered as activities, organisations and arrangements which a person might reasonably consider a benefit to society. There are 3 key tests that local authorities must consider:

- a) Is this inclusive?
- b) Does it involve people?
- c) Does it promote well-being?

a) Is it inclusive?

184. An activity is inclusive when the organisation that carries out the activity has, in relation to that activity, had regard to the factors a public authority must have regard to in complying with the public sector equality duty set out in section 149 of the Equality Act 2010. Further guidance is available at:

185.

<http://wales.gov.uk/topics/equality/equalityactatwork/equalityact10/?lang=en>

b) Does it involve people?

186. An activity involves people if the organisation providing the activity promotes the involvement of persons for whom care and support or preventative services are to be provided in the design and operation of that provision. Involvement should be focussed on co-production principles, empowering people to contribute to achieve the outcomes that matter to them, recognising people as assets and

ensuring that people have voice and control at all levels of the design and operation of services.

187. Involvement should happen at all stages of the design and operation of services, including in the population assessment duty under section 14 of the Act. Local Authorities and Local Health Boards must engage with citizens, carers, the third sector and the independent sector in the production of a population assessment, ensuring they have an opportunity to articulate what they perceive the needs in an area are and what services are needed to meet those needs.

188. Local authorities should set out how they will involve people and what they mean by involvement. We would expect this to include the barriers to involvement and what will be done to overcome those barriers.

c) Does it promote well-being?

189. An activity will promote well-being if the organisation providing the activity has had due regard to the well-being duty under section 5 of the Act when producing the activity.

Deciding what is a social enterprise

190. Local authorities must make this decision based on the definition within the Regulations. Social enterprises are any of the following:

- a) a community interest company under section 26 of the Companies (Audit, Investigations and Community Enterprise) Act 2004;
- b) a community benefit society under section 257JB of the Income Tax Act 2007;
- c) a registered charity under the Charities Act 2011;
- d) a development trust;
- e) a community enterprise;
- f) a credit union which is registered and regulated under the Credit Unions Act 1979, the Friendly and Industrial and Provident Societies Act 1968, the Industrial and Provident Societies Acts 1965 and 1967;
- g) a social firm;
- h) a housing association under section 230 of the Housing Act 1996.

191. Regulations specify that a “community enterprise” means a body which:

- a) contributes or will contribute to the economic and social development of a particular area of Wales; and
- b) by its written constitution admits to membership only:
- c) persons resident in, or employed in, that area (or both so resident and so employed); or

- d) persons nominated by such persons as are mentioned in subparagraph (i) above.

Deciding what is a co-operative

192. Local authorities must decide if the activity, organisation or arrangement is a co-operative based on the Regulations.
193. These identify co-operatives in the following way:
- an autonomous and unincorporated organisation made up of individuals whose participation is voluntary;
 - meets for the purpose of achieving common–
 - economic needs and aims;
 - social needs and aims; or
 - cultural needs and aims;
 - is jointly owned; and
 - is democratically controlled.

Deciding what is a Third sector organisation

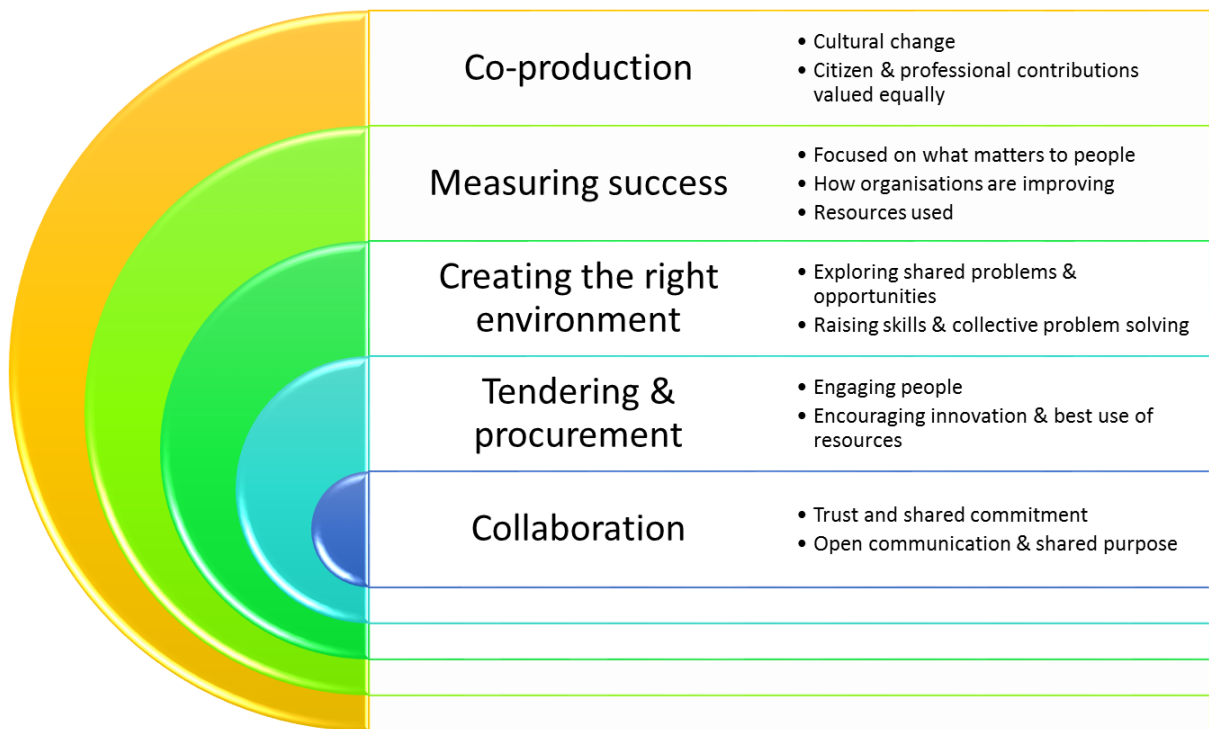
194. For the purpose of these Regulations an organisation is a third sector organisation if the local authority is of the view that it:
- i. is an unincorporated organisation which exists wholly or mainly to provide benefits for society;
 - ii. is a registered charity under section 30 of the Charities Act 2011;
 - iii. is a community interest company under section 26 of the Companies (Audit, Investigations and Community Enterprise) Act 2004;
 - iv. is a charitable incorporated organisation; or
 - v. is an industrial and provident society under the Friendly and Industrial and Provident Societies Act 1968, the Industrial and Provident Societies Acts 1965 and 1967.

Deciding what is a section of society

195. For the purpose of these Regulations a section of society are those persons who need or may need care and support, carers who need or may need support, or children, care leavers and young persons in relation to whom a local authority have function exercisable under Part 6.

Key Areas

196. Paragraph 4 sets out five key linked areas which local authorities must address. These are:-



197. The principles and practices of **co-production** are intended to build the local core economy of people exchanging their skills, interests and time. They will help to shift the emphasis towards support which is created through the shared interests and common commitment of people with an investment in it. Social enterprises, co-operatives and third sector organisations are types of organisation that lend themselves well to applying co-production principles because of the fact they are often democratic, membership organisations.

198. This requires a new approach to **measuring success** that includes gathering information about whether support is achieving the things that matter to people. Measurements must look at population level well-being and personal well-being outcomes for individuals. This is encapsulated in our overall approach to well-being outcomes, in the well-being statement and the outcomes framework.

199. Local authorities have a crucial role to **create the right environment** through which people with an interest in the support of a population in a local area can come together to create the support that they need. This role should include: creating an environment locally to promote user voice and control at every level and raising awareness about the role that social enterprises, co-operatives, user led services and the third sector can play in achieving the policy objectives of the Act. They should also function as preventative services.
200. This more open approach to identifying common opportunities will require more flexible arrangements for **tendering and procurement**. These core activities fit under the planning and provision of services (see section 14). This will place more emphasis on involving people in the process, a greater focus on personal well-being outcomes, and promoting the right balance of resource efficiency and community benefit.
201. Greater **collaboration**, at all levels, is fundamental to achieving the objectives of the Act and section 16 is no exception.

Information and Resources

202. A variety of information and resources are available to support local authorities, aspiring or current social enterprises, co-operatives, user led services and the third sector. These can be found at Annex 1.

Co-production

203. Local authorities and Local Health Boards will identify the needs of the people for care and support, and support needs for carers, including identifying need, unmet need, and services for the population, as set out in Section 14 of the Act.
204. At an individual level, the Act sets out overarching duties with regards to the well-being of people. It says that in relation to an adult, a person exercising functions under the Act must have regard to the importance of beginning with the presumption that the adult is best placed to judge the adult's well-being. This provides the basis of the relationship between people and practitioners which is about a conversation between equals. This leads to an assessment of need that will be developed by working together. At the service delivery and operational level, local authorities will be required to promote the involvement of people.
205. Local authorities must:-

- **Put in place transparent arrangements where people are equal partners in designing and delivering services.**
- **Ensure these arrangements comprise local and regional panels of commissioners, citizens and providers, working**

together to shape services that meet the needs of people who need care and support.

- **Involve people in strategic decision making which we have identified as planning and delivery in the context of Section 14.**
- **Set out how they will involve people and what they mean by involvement. We would expect this to include the barriers to involvement and what will be done to overcome those barriers.**

206. The “Disability Wales Transforming Social Services: Towards an Enabling Wales” toolkit sets out the barriers to involvement and how these barriers can be overcome. The toolkit describes “What Disables; Practices We Have to Give Up”, and “What Enables; Practices We Want to Adopt”, and the questions that need to be asked to involve people who need care and support, increase voice and control and apply co-production principles. Further information about this toolkit can be found at: <http://www.disabilitywales.org/>

Providers of services

207. Local authorities must:-

- **Ensure that providers involve people in designing the shape of services and how they will operate to deliver well-being outcomes, and that providers involve people in evaluation and review.**

Measuring Success

208. Measurements must demonstrate evidence of achievement of **population well-being and personal well-being outcomes** for individuals, and will need to be linked to the work set out in the Well-Being Statement, Outcomes Framework and Performance Framework being developed under the Act. **This will require quantitative and qualitative** measures to determine the levels and effectiveness of care and support provided in achieving well-being.

209. Qualitative measures will provide perspectives of people themselves. These measures are critical in understanding whether people’s experiences are improving and their outcomes are being achieved.

210. In order to demonstrate how services are developing, quantitative measures will be required to be reported nationally.

211. In understanding people’s personal well-being outcomes, local authorities must:

- **Have regard to the well-being outcome statements set out in the well-being statement.**
- **Measure the level and effectiveness of social enterprises, co-operatives, user led services and the third sector.**
- **Have regard to the performance measurement requirements set out in the Code of Practice for Outcomes to Part 2 of the Social Services and Well-being (Wales) Act 2014.**

212. The outcomes of these considerations should inform the annual review of population assessment.

Creating the Right Environment

213. Local authorities have an important role in creating an environment that will promote voice and control at every level, planning, designing, promoting and operating services. The Section 16 general duty will be an important element in that overall goal.

214. Across Wales, there are numerous examples of social enterprises, co-operatives and the third sector delivering innovative services. Local authorities have already used alternative approaches in social care and support, leisure and housing, for example. There are fewer examples currently of user led services; however there are some models, and information on those is provided in the Information and Resources section.

215. In order to make progress on the Section 16 general duty it will be necessary to create an appropriate environment. Leadership is crucial in creating a positive environment for the growth of these models, and local authorities may want to consider roles which “champion” these approaches. They may also wish to consider officer roles with specific responsibility for developing social enterprises, co-operatives, user-led services and third sector services.

216. Opportunities should be created to enable people to share the things that they can do, the potential and the barriers that they recognise in experiencing well-being. For example, the creation of local and regional panels should be considered which would involve local authorities, citizens and providers, working together to shape services that meet the needs of people who need care and support. The use of the Local Compacts should also be considered.

217. Local authorities should seek to raise awareness more widely of the role of social enterprises, co-operatives and user led services in supporting people to get good quality care, and the benefits and support available. Local authorities should also support their staff to understand how they can work with social enterprises, co-operatives and the third sector.

218. Local authorities must:-

- **Consider social enterprise, co-operative, user led and third sector options as part of any decision to externalise or to re-design service delivery.**

Tendering and Procurement

219. The Procurement Route Planner (PRP) for social care and supporting people-funded services is intended to support commissioning organisations in meeting the standards set out in *Fulfilled Lives Supportive Communities Commissioning Framework*. It provides a structured, step-by-step guide, and encourages a consistent, best-practice approach to the procurement of social care and supporting people funded services in Wales, and is relevant for services that are jointly commissioned by local authorities. The PRP can be found on the Value Wales web pages, at <http://prp.wales.gov.uk/planners/social/>
220. The PRP states that effective commissioning stays focused on the needs and preferences of service users. It concentrates less on the content of services and more on the achievement of demonstrably improved outcomes for service users and carers. The principles and actions also embed the Welsh Government view that value for money is about efficiencies and the delivery of economic, environmental and social benefits
221. By promoting economic, environmental and social benefits when procuring, and by developing value for money criteria that takes account of short and long-term economic, environmental and social impact, local authorities can work towards meeting this aim, and meeting individual well-being outcomes for people who need care and support.
222. Good procurement means different things to different people. People who plan and commission services are often seeking to promote innovation but often claim to be frustrated by procurement systems which can be more process - than outcome - driven. Senior staff need to understand the need for timely decisions and forward planning in order to enable manageable timescales for commissioning.
223. With the citizen and social benefit at the core of future public service provision and a collaborative approach to provision, it is possible to achieve good procurement practices that ensure public funds are spent in a way that support the Act, provided this is consistent with the law on procurement (see the Welsh Government guidance on procurement and the third sector).

224. Local authorities must:-

- **Strengthen the involvement of people who need care and support in the design of tender specifications to ensure services are appropriate to citizen need and to ensure services provided are fit and appropriate for transformed social services.**
- **Maximise the use of supportive and enabling procurement legislation.**
- **Take account of the wider benefits to society to ensure public money is spent in a way that takes account of the local economy, social requirements and the impact on the environment.**

Collaboration

225. A collaborative approach is essential to secure the successful promotion of social enterprises, co-operatives, user led services and the third sector. This will also ensure that the principle of 'voice and control', - a core theme of the Act - is achieved, in the design and delivery of services.

226. Section 14 of the act requires that local authorities and Local Health Boards carry out an assessment of the needs for care and support and the range and level of services necessary to meet those needs, including in relation to preventative services. Regulations under section 166 require local authorities within a Local Health Board area form a single partnership arrangement with that Local Health Board for the purposes of undertaking this population assessment

227. In undertaking a population assessment, local authorities and Local Health Boards must engage with the third and private sector. Local authorities and Local Health Boards must also engage with people who have care and support needs, carers who have needs for support and the parents of children with care and support needs. This engagement should ensure these groups have an opportunity to articulate what they perceive the needs in an area are, including the needs of carers, and what services are needed to meet those needs.

228. Local authorities must:

- **Work in partnership with a broad range of partners to inform the population assessment and other aspects of section 14 of the Act, thereby employing a collaborative approach to identifying need, unmet need and services for the population.**
- **Work with people who need care and support, and carers who need support to inform the population assessment work.**

- **Ensure that this collaboration extends to partners in relation the identification of the range and level of services necessary to achieve the services required by section 15 of the Act, reducing the needs for care and support and enabling people to live their lives as independently as possible.**
- **Collaborate with Local Health Boards, and with departments within each local authority, such as education and housing, and with other local authorities.**
- **Strengthen the sharing of good practice, regular communication, and support the establishment and use of appropriate networks and forums for the development, promotion and planning and commissioning of social enterprises or other services which have a social or community benefit.**
- **Involve people at all levels and stages relating to the services that will provide them with care and support.**
- **Engage in training which supports collaboration.**

Chapter 5: Information, Advice and Assistance

Introduction: aims and scope

229. This Code of Practice provides guidance on section 17 under Part 2 of the Social Services and Well-being (Wales) Act 2014. Section 17 covers the provision of information, advice and assistance. There are no regulations made under this section of the Act.

Introduction

Aim and scope

230. This code of practice sets out the duties on local authorities in relation to the provision of a service for providing people with:

- **Information and Advice** relating to care and support, and
- **Assistance** in accessing care and support

231. This code of practice applies to local authorities although Local Health Boards, or an NHS Trust providing services in the area of a local authority, must provide that local authority with information about the care and support it provides in the local authority's area. Other partner organisations including third and independent sector organisations, and citizens of Wales, including those in prison, youth detention and bail accommodation, will have an interest in its content and delivery.

232. The **Information, Advice and Assistance** service must include, as a minimum, the publication of information and advice on:

- how the care and support system operates in the local authority area;
- the types of care and support available;
- how to access the care and support that is available; and
- how to raise concerns about the well-being of a person who appears to have needs for care and support.

Purpose of the Information, Advice and Assistance Service

233. The Information, Advice and Assistance Service will be available to *all* people (adults, children, families of children, young people and carers) in the local area and will provide the primary entry point to the care and support system. It will be crucial in empowering and enabling people with the information they need to help them make informed decisions and to tap into resources, including their own and their community resources. The Service will help people, including those in the secure estate, to understand how the care and support system operates in their local area and how they, or someone they care for, can be supported to achieve their personal well-being outcomes. The Information, Advice and Assistance Service will also support professionals to be better informed and able to reply to enquiries.

234. The Information Advice and Assistance Service must provide access to relevant, accurate, high quality and timely information, advice and assistance about ways that people can meet their care and support needs, or the care and support needs of others they may care for, both now and in the future. The Service must also provide information and advice on how to raise concerns about the well-being of another person who appears to have care and support needs.

235. The Service will provide information and advice about the preventative well-being services available in the community that would be most appropriate for people and their individual circumstances. The service will also offer assistance to **access** care and support if needed.

236. The Service will provide information on direct payments, charges for care and support and other information and advice on matters that would enable people to plan for meeting their care and support needs, or support needs for carers, that may arise. This is a shift from information about services to information about people and

their care and support needs to enable them to better help themselves and others. Further information about direct payments is available in the Code of Practice on Part 4 of the Act and information about charging is available in the Code of Practice on Part 5 of the Act.

237. Local authorities must through partnership working find ways to deliver the Information, Advice and Assistance Service to those in the secure estate while they are detained and in preparation for their release.

Definitions

238. In the context of the Information, Advice and Assistance Service the following definitions for each element of the service apply:

Information:

Information will be quality data / material that supports a person to make an informed choice about their well-being. This will include financial information, and information on direct payments, information on charges, and other matters that would enable someone to plan how to meet their care and support needs, or support needs if they were a carer.

Advice:

Advice will be a way of working co-productively with a person to explore the options available and offer guidance to them about making the most suitable choice to overcome barriers they may face to achieving their personal well-being outcomes. The provision of advice will require the service provider to conduct a simple assessment and to record basic personal data and the advice given.

Assistance:

Assistance, if needed, will follow the provision of information and advice. Assistance will involve another person taking action with the enquirer, to support the enquirer to **access** care and support, or a carer to access support. Responsibility for the activity undertaken is shared between the giver and receiver of the assistance. The provision of assistance will also require the service to conduct a simple assessment and to record any additional personal data and details of the assistance offered and taken up by the enquirer.

Assessment

239. When the Information, Advice and Assistance Service only provide **information** a record of personal data is **not needed**. As such the person accessing the service for information would often

remain anonymous for recording purposes. However, those operating the Service should capture information about the nature of the enquiry and which type of service the enquirer was signposted to for national management information purposes.

240. When the Information, Advice and Assistance Service offers **advice and / or assistance** core data **must be recorded**. Further information about core data is available in the Code of Practice on Part 3 of the Act relating to Assessing Needs.
241. Staff working for the Service will be skilled to undertake an assessment in line with the regulations on assessing needs.
242. The assessment process will be applied proportionately to match the person's care and support needs, or support needs of carers. A simple assessment can be conducted and concluded by staff working within the Information, Advice and Assistance Service.
243. If a more comprehensive assessment is required a specialist assessments may follow the initial simple assessment to form a complex assessment. However, the initial information gathered through the simple assessment will not need to be repeated.
244. Where it appears that the needs of the individual are such that there is a duty on the local authority to exercise a function in order to protect and safeguard the person from abuse or neglect or the risk of abuse or neglect (and in the case of a child: harm or the risk of harm) there is a need to act on this information immediately and without delay. Local authorities must also determine whether the needs of the individual call for the exercise of any function it has under Part 4 (Care and Supervision) or Part 5 (Protection of Children) of the Children Act 1989 and should act on this immediately and without delay.
245. Local authorities **must** work in partnership with its NHS partners to ensure that any personally identifiable information should be shared within the principles of the Wales Accord on Sharing Personally Identifiable Information (WASPI). All Local Health Boards and local authorities in Wales are signatories to this protocol and a link is attached below:
<http://www.waspi.org/>

Recording Management Information

246. Local authorities **must** record management data from their Information, Advice and Assistance Service for the following purposes:

Monitoring Performance

The recording of information is important to support service performance and

improvement. Recording the information exchange (calls and web logs) can be analysed to provide a better understanding of the nature of the enquiry and the customer profiles. Management data will also assist in the audit and inspection of the Service and, for this purpose, local authorities should consider obtaining feedback from service users.

Planning Services

It is important for local authorities to record information about the nature of enquiries and responses, as well as the type of information and advice offered by their service to support the population needs assessment and planning of preventative wellbeing services (see the Code on section 14).

Service Improvements

Recording personal data when advice and assistance are provided can prevent an individual having to repeat the same information if they access a service again or proceed through the care and support system. This will also make the system more efficient.

Accessibility

247. Local authorities must seek to ensure that information, advice and assistance offered under the Service must be available in a manner which is accessible and suits the needs of their population. The Equality Act 2010 requires that reasonable adjustments are made to ensure that people have equal access to information, advice and assistance services. Reasonable adjustments could include the provision of information and advice in accessible formats and /or with communication support to meet the different needs of different people and ensuring that those who face challenges are not excluded.
248. Local authorities, with their partners, **must** recognise the needs of their population (See Code of Practice on Strategic Population Needs Assessment section 14, Part 2). The Service will need to be appropriately designed and accessible for different client groups. It must be easy to find, understand and use for everyone.
249. The Information, Advice and Assistance Service must be available through the medium of English and Welsh – many Welsh speakers can only communicate their care needs effectively through the medium of Welsh, additionally, for many Welsh speakers being able to use their own language has to be seen as a core component of the Information, Advice and Assistance Service not an optional extra. However, the Service must be mindful of the need to be accessible to all people. Local authorities should ensure that the Information, Advice and Assistance Service is designed to be pro-active in providing knowledge and help to people of all ages, social and cultural groups

whether they are seeking information, advice and assistance for themselves or for others that they care for.

250. People must find it easy to access the Service and be treated with dignity and respect at all times by staff who are well trained to deliver the Service. This is particularly relevant for children and young people who will need to feel confident and reassured that this Service will provide relevant, accurate and up to date information and advice for them and be available in ways that they prefer to use.
251. The local authority **must** ensure that the Information, Advice and Assistance Service will offer support and guidance to people and professionals through a range of media e.g. web, telephone, face to face, outreach, digital media, publications.
252. The local authority **must** ensure that information and advice is available in a variety of formats including easy read and material specially for children and young people and it must be well publicised.
253. The local authority **must** ensure people have access to a 24/7 service, although this does not mean that every component of the Service is provided on a 24 hour basis.
254. A key component of the Information, Advice and Assistance Service will be a directory of services which **must** be accurate, up-to-date and relevant.
255. Local authorities **must** work together to ensure the Service is consistent so that people find information easy to access in local authorities which are not their ordinary residence. This is particularly relevant for those who may be living close to the boundaries of the neighbouring local authority.
256. Local authorities **must** produce a communications strategy to promote their Information, Advice and Assistance Service. Local authorities **should** lead the process, but develop the communication strategy jointly with partners. The strategy should consider the different target audiences and how to reach them, with priority given to the most vulnerable.
257. Local authorities **must** ensure that the Information, Advice and Assistance Service provides information and advice about advocacy services that are available locally and if necessary assists the enquirer to access the service.

Integrated Services

258. Local authorities **must** make links with other information and advice services at a local, regional and national level, particularly

those that are publicly funded. All efforts should be made to reduce duplication and ensure the information and advice is offered by the most appropriate and skilled agency.

259. Local authorities **should** consider adopting an integrated approach which draws on the knowledge and services available from their own departments, Local Health Boards, NHS Trusts, the third and independent sectors.
260. Local Health Boards and NHS Trusts **must** provide the local authority with information about the care and support it provides in the local authority's area. Both local authorities and their NHS partners **should** work in partnership to ensure the Information, Advice and Assistance Service is comprehensive and up to date and relevant.
261. Local authorities **should** consider their duties under S16 to promote social enterprises, co-operatives and user led services in order to approach the development of the Service in an innovative way.
262. Local authorities **must** make links to any proposed national information and advice service developments within the health or social care sector so they are integrated into the development of their Information, Advice and Assistance Service.

Workforce Implications

263. Local authorities **must** develop a workforce training plan which should cover front line staff working within the Information, Advice and Assistance Service and the wider workforce.
264. All staff working within the Service should have a clear understanding of the care and support system operating in their locality and be appropriately trained to conduct an assessment, determine eligibility and prepare care and support plans as set out in Parts 3 and 4 of the Act and Code of Practice.
265. Local authorities **must** establish a team which reflects a mix of skills and experience from a range of professionals from the social care, health, third and independent sectors.
266. Local authorities **must** recognise the need for the ongoing training of staff.
267. Local authorities **should** also consider the scope of the training and access rights for the wider workforce delivering information, advice and assistance.

Governance and Accountability

268. Local authorities **should** work in partnership to develop their Information, Advice and Assistance Service on a Local Health Board footprint. Local authorities **should** also consider delivering components of their service on a national basis.
269. Each local authority **must have** engaged with its Local Health Board, NHS partners, the third sector, private providers and representatives of the community in the design, planning and development of the model for the Information, Advice and Assistance Service that will operate in its locality.
270. Local Health Boards, or NHS Trusts operating within the local authority area, **must** provide local authorities with information about the care and support it provides in the local authority area. This information should be relevant and accurate and provided in a format which is agreed by the local authority and accessible to the Information, Advice and Assistance Service.
271. The Director of Social Services will be responsible for ensuring the design, plan and delivery model meets the duties of the local authority. Directors of Social Services, as part of their social services functions developed under section 143 and section 144 of the 2014 Act, **must** report annually on the progress of the Information, Advice and Assistance Service, either separately or as part of the overall care and support arrangements operating in its area. This report **must** be made publicly available and accessible via the local authority's website.
272. If the local authority delivers the service through a third party the Director of Social Services must ensure that the Service is monitored closely and meets the delivery standards. In all cases feedback from service users must be collected and contribute to service improvement.
273. Audit and inspection of the Information, Advice and Assistance Service will also apply.

National Service Delivery Standards

274. Local authorities **must** ensure that they meet the national service standards for the content and delivery model of the Information, Advice and Assistance Service in its area to ensure a consistent Service is delivered across Wales.
275. The Service will:
- a. be well publicised in the locality, particularly in places and through media that will reach people of all ages;

- b. be available through a variety of media (including online, digital media, telephone, face-to-face, outreach, publications)
- c. be available through a variety of formats (including easy read, child friendly version etc);
- d. be available through the medium of both Welsh and English reflecting the Welsh Government Strategy '*More than Just Words*'
- e. be staffed by a range of skilled professionals including those with experience in the social care, health, third and independent sectors to provide an holistic approach.
- f. support individuals to build on their strengths and draw out what the person wants to achieve.
- g. meet service content accreditation standards for the range of formats to ensure a consistent and reliable response.
- h. provide information that is accurate, up to date and relevant.
- i. provide information which is accessible 24/7
- j. respond to an enquiry within 24 hours
- k. record data in line with assessment guidance where advice and/or assistance is given;
- l. deliver a positive customer service experience
- m. provide information about how the care and support system works
- n. be accessible to all people
- o. offer a response which is proportionate to the enquiry and empowers the individual to access early support independently.
- p. be widely publicised and recognisable by people in the local area
- q. work with other local, regional and national advice services to provide an integrated and seamless response for enquirers.
- r. involve service users in the design and review of the service.

Complaints

276. Local authorities **must** provide reference to the complaints procedure operating within the local authority and be able to direct those wishing to make a complaint to the necessary information quickly and efficiently.
277. The Welsh Government has recently issued new complaints guidance: *A guide to handling complaints and representations by local authority social service* which was effective from 1 August 2014. A link to this can be found at:
<http://wales.gov.uk/topics/health/socialcare/complaints/?lang=en>

Adults and children in prison, youth detention accommodation and bail accommodation

278. Local authorities are responsible for providing the Information, Advice and Assistance to those people within its geographical boundary as outlined in Section 17. This will include the duty to provide the service to those adults and children in prison, youth detention accommodation and bail accommodation where these establishments fall within their boundaries.
279. Local authorities **must** ensure that the Information, Advice and Assistance Service is in keeping with national and local strategies.
280. Local authorities **must** consider how best to provide the Information, Advice and Assistance Service to those in the secure estate, ensuring that it is accessible both in terms of information content and delivery of service. The Information, Advice and Assistance Service and the provision and accessibility of preventative and well-being services need to be seen as a means of supporting those individuals while they are in the secure estate and in preparation for their release and resettlement.
281. Local authorities **should** ensure that the Information, Advice and Assistance Service is linked into the provision of information and advice and the provisions for resettlement of prisoners under the Housing (Wales) Act 2014 and that a comprehensive and integrated service is developed.
282. Local authorities **must** have regard to the code on adults and children in prison, youth detention accommodation and bail accommodation under Part 11 of the Act. They must work together with the relevant agencies and establishments to identify how this service will operate and may do this on a national basis.

Other relevant Guidance, Codes of Practice and additional Information

The Code of Practice has been based on the ethos of the Social Model of Disability as defined by the Framework for Independent Living 2013. This annex sets out additional information and which may be of use to local authorities and Local Health Boards in fulfilling the duties set out in the Act.

- Welsh Government Statutory Guidance: [Fulfilled Lives Supportive Communities Commissioning Framework and Guidance](#).

This framework and guidance applies to commissioning by local authority social services. It also applies to commissioning by wider partnerships where social services are engaged. The guidance encourages partnership working.

The Commissioning Framework is further supported by the Value Wales Procurement Route Planner, which can be found at <http://www.sell2wales.gov.uk/>

- [The Wales Co-operative Centre](#) is a co-operative development agency working across Wales to promote social, financial and digital inclusion through a range of projects. They provide information and business support for social enterprises and co-operative organisations, and have a number of resources available to provide this information and support.

The 2011 report: [Social Enterprise in the Service of the Public](#) produced by Wales Co-operative highlights some existing case studies of social enterprises which are providing social care and other public services.

- [Social Firms Wales](#) is the National Support Agency for Social Firm Development. It works alongside Social Firms UK. It is committed to the creation of employment opportunities for disadvantaged people through the development and support of Social Firms in Wales. They have a number of resources available for guidance and support, including a report, [Social Firms Wales Mapping Report 2013-14](#) published in August 2014 which gathered information about organisations in the sector to illustrate both the growth and importance of social firms and the uniqueness of such enterprises.
- [The Social Care Institute of Excellence \(SCIE\)](#) website has a large number of relevant and helpful resources, including reports, knowledge reviews and practice guides.
- [A toolkit to help Voluntary and Community Sector Organisations Wishing to Develop as User-led Organisations](#) is guide written in East Sussex about what a user led organisation is and how local authorities can support the development of more user led

organisations.

- [*Putting people First: Working together with User-led Organisations*](#), is a HM Government guidance document published in 2009, for local authorities, on working in partnership with user led organisations:

The Commission on Co-operatives and Mutuals reported on 1 July 2014. This comprehensive report recognises the benefits of developing the Welsh Co-operative and Mutuals economy in Wales. The commission's findings can be found [here](#).

- Social Services and Well-being (Wales) Act 2014
<http://www.legislation.gov.uk/anaw/2014/4/enacted>
- Housing (Wales) Act 2014
<http://www.legislation.gov.uk/anaw/2014/7/contents/enacted>
- Care Act: 2014
Chapter 3 Information and Advice and section 76 Prisoners and persons in approved premises etc.
<http://www.legislation.gov.uk/ukpga/2014/23/contents/enacted>
- Citizen Portal: SSIA
http://www.ssiacymru.org.uk/home.php?page_id=7709
- Family Information Service (FIS)
<http://wales.gov.uk/topics/childrenyoungpeople/parenting/help/familyinformationservices/?lang=en>
- MEIC
<http://meiccymru.org/>
- Add to your life:
<https://addtoyourlife.wales.nhs.uk/>