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## Executive Summary

# Implementation of the Social Services and Well-being (Wales) Act 2014

Regulations and statutory guidance in relation to Part 7 (Safeguarding) of the Social Services and Well-being (Wales) Act 2014



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

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

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

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

### **The process of making codes and regulations under the Act**

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

The consultation on and laying of the Regulations to be made under the Act will be conducted principally in two tranches. The first tranche will be made available for a 12-week public consultation starting in November 2014. It is anticipated that the second tranche consultation exercise will be undertaken between May and July 2015. The intention is to lay these regulations before the Assembly in May 2015 to give the health and social care sector the maximum amount of time to adjust to the new requirements ahead of implementation in 6 April 2016.

### **What the first tranche of regulations and codes of practice covers**

The first of the tranches deals with core provisions around eligibility, assessment, care and support planning and direct payments in Parts 2 to 4 of the Act, together with provisions in Part 7, around safeguarding, and Part 11 around ordinary residence and related disputes.

### **Coverage of the statutory guidance and regulations in relation to Part 7 of the Act**

#### ***Safeguarding***

The regulations and guidance both strengthen existing arrangements for children and introduce new arrangements for adults at risk.

### ***Safeguarding children***

In relation to children, a duty to report is introduced for relevant partners (local authority, police, providers of probation services, local health boards and NHS trusts), and extends to Youth Offending Teams for specifically reporting children at risk. We envisage that there are clear points of contact between the relevant partners within the Safeguarding board area and between relevant partners and local authorities in other Safeguarding Board areas.

### ***Safeguarding adults – duty to report***

In relation to adults, a duty is introduced where a relevant partner must report to a local authority if it has reasonable cause to suspect that an adult is an adult at risk. These proposals mirror those for children in that we anticipate clear communication between relevant partners both in the Safeguarding Board area and in other local authority areas outside of the Safeguarding Board area.

### ***Adult protection and support orders***

The introduction of an Adult Protection and Support Order supports professionals to be able to gain access to premises in order to make an assessment to determine whether an adult alleged to be at risk is making decisions freely and if any action is required.

### ***Local safeguarding boards***

New structures for Safeguarding Boards will see the previous statutory Local Safeguarding Children Boards and non statutory Area Adult Protection Committees operating in individual local authority areas re-established on the public services footprint. They will become six Safeguarding Children Boards and six Safeguarding Adults Boards.

The functions set out in regulations will guide Boards as to how they must fulfil their objectives in the Act to protect and prevent children and adults at risk from abuse and neglect. New provision for Safeguarding Boards funding arrangements will assist in the achievement of the Board's outcomes, and specific regulations regarding user participation will ensure those affected by the functions of the Safeguarding Board are involved in its work.

### ***National Independent Safeguarding Board***

The establishment of the National Independent Safeguarding Board will enable Welsh Ministers to commission and secure an overview of safeguarding in Wales underpinned by evidence based recommendations for improvement. The National Board will also give advice and support to Safeguarding Boards with a view to securing improvement and increasing consistency in Wales.