

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 - 6 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 140 to 150 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:

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.

Advocacy

8. An individual must feel that they are an equal partner in their relationship with professionals. It is open to any individual to invite someone of their choice to support them to participate fully and express their views wishes and feelings. This support can be provided by someone’s friends, family or wider support network.
9. The dedicated code of practice on advocacy under Part 10 of the Act sets out the functions when a local authority, in partnership with the

individual, must reach a judgement on how advocacy could support the determination and delivery of an individual's personal outcomes; together with the circumstances when a local authority must arrange an independent professional advocate. Professionals and individuals must ensure that judgements about the needs for advocacy are integral to the relevant duties under this code.

Chapter 1: Well-being and overarching duties

Introduction

10. Social services are at the heart of Welsh public life, supporting people at times of difficulty, as well as in the long term. They protect people from abuse and neglect and enable people to lead fulfilled lives and achieve well-being.
11. This chapter sets the context for the implementation of the Social Services and Well-Being (Wales) Act 2014 and its associated regulations and codes of practice. That context is a focus on the well-being of people who need care and support and carers who need support, 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 who need care and support and carers who need support.
12. Co-production refers to a way of working whereby practitioners and people work together as equal partners to plan and deliver care and support. This parallels the prudent approach to healthcare. The Welsh Government has published its prudent healthcare principles at:

<http://gov.wales/topics/health/nhswales/prudent-healthcare/?lang=en>
13. This approach is about working with people to find appropriate solutions. Where an intervention is needed, it should always be proportionate and timely and support people who need care and support and carers who need support to achieve their personal outcomes.
14. Well-being underpins 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 and by being involved in the design and operation of services. This Code puts in place a system where people are full partners in the design and operation of care and support. It gives people clear and unambiguous rights and responsibilities.
15. 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.

16. The legal framework optimises everyone's opportunity for well-being and an appropriate level of independence. Everyone can be given a voice – an opportunity – a right – to be heard as an individual, as a citizen, to have control over their day to day lives.
17. 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.
18. This chapter covers:
 - Definition of well-being
 - The well-being duty
 - Promoting well-being
 - Other overarching duties: general
 - Meaning of have regard
 - Other overarching duties: UN Principles and Conventions
 - Monitoring well-being
19. This 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.

Context and purpose of this chapter

20. 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; and
 - section 7, in relation to how local authorities should comply with other overarching duties set out in the Act: UN Principles and Conventions.
21. There are no regulations made under these sections, however a statutory statement of the personal 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.

22. 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.
23. This code has been developed through consultation with partners and people who need care and support and carers who need support.
24. This code should be read alongside the codes of practice issued under all of the parts under the Social Services and Well-being (Wales) Act 2014.

Definition of Well-being

25. Section 2 of Part 1 of the Act provides a clear definition of well-being that applies to:

- a) people who need care and support; and
- b) carers who need support.

26. Reference to well-being in the Act means the well-being of a person who needs care and support and carers who need support in relation 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.

The well-being duty

27. Section 5 of the Act requires any person exercising functions under the Act to seek to promote the well-being (as defined in section 2) of:
- a) people who need care and support; and
 - b) carers who need support.
28. This overarching duty to seek to promote well-being of people who need care and support and carers who need support applies to all persons and bodies exercising functions under this Act, including the Welsh Ministers, local authorities, Local Health Boards and other statutory agencies.
29. In order to discharge this duty, responsibility for well-being must be shared with people who need care and support, and carers who need support. Persons exercising functions under the Act must empower people to contribute to achieving their own well-being with the appropriate level of support and service. Agencies and organisations cannot deliver a personal outcomes for a person, but they can support them to achieve that outcome. Working in partnership with people will be key to securing their well-being and preventing the development of people's needs for care and support.
30. In order to seek to promote the well-being of people who need care and support and carers who need support, local authorities need to understand what matters to people and the personal outcomes they wish to achieve. Local authorities must take account of the well-being outcome statements that underpin the definition of well-being, under each aspect of well-being. These statements set out the national outcomes that people who need care and support and carers who need support should expect to achieve in order to lead fulfilled lives.
31. People who need care and support and carers who need support have rights and responsibilities in achieving their personal outcomes. When people co-produce their personal outcomes with social services and their partners, people can expect to achieve personal outcomes which reflect the following national well-being outcome statements:

Definition of well-being	National well-being outcome statements
Securing rights and entitlements	I know and understand what care, support and opportunities are available and use these to help me achieve my well-being
Also for adults: Control over day-to-day life	I can access the right information, when I need it, in

	<p>the way I want it and use this to manage and improve my well-being</p> <p>I am treated with dignity and respect and treat others the same</p> <p>My voice is heard and listened to</p> <p>My individual circumstances are considered</p> <p>I speak for myself and contribute to the decisions that affect my life, or have someone who can do it for me</p>
<p>Physical and mental health and emotional well-being</p> <p>Also for children: Physical, intellectual, emotional, social and behavioral development</p>	<p>I am healthy and active and do things to keep myself healthy</p> <p>I am happy and do the things that make me happy</p> <p>I get the right care and support, as early as possible</p>
Protection from abuse and neglect	<p>I am safe and protected from abuse and neglect</p> <p>I am supported to protect the people that matter to me from abuse and neglect</p> <p>I am informed about how to make my concerns known</p>
Education, training and recreation	<p>I can learn and develop to my full potential</p> <p>I do the things that matter to me</p>
Domestic, family and personal relationships	<p>I belong</p> <p>I contribute to and enjoy safe and healthy relationships</p>
Contribution made to society	<p>I engage and make a contribution to my community</p> <p>I feel valued in society</p>
<p>Social and economic well-being</p> <p>Also for adults: Participation in work</p>	<p>I contribute towards my social life and can be with the people that I choose</p> <p>I do not live in poverty</p> <p>I am supported to work</p> <p>I get the help I need to grow up and be independent</p> <p>I get care and support through the Welsh language if I need it</p>
Suitability of living accommodation	I live in a home that best supports me to achieve my well-being

32. Well-being means different things to different people. People who need care and support and carers who need support will want to achieve personal outcomes that are personal to them and their individual circumstances. Local authorities must consider people's personal outcomes and co-produce solutions with people themselves. Ensuring that responses are proportionate and timely must underpin this process.

33. It is likely that a person may wish to achieve a number of personal outcomes, covering more than one aspect of well-being. All of these aspects of well-being have equal importance. 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 achieve these.
34. There may be instances where personal outcomes cannot be achieved through an equal relationship between people and practitioners and where social services must consider whether there are grounds for carrying out an investigation either under section 47 of the Children Act 1989 or section 126 of the this Act (see Code of Practice on Part 7 – Safeguarding).

Promoting Well-Being

Definition of promoting well-being of people who need care and support and carers who need support

Promoting well-being means that local authorities must be proactive in seeking to improve those aspects of well-being when exercising social services functions for a person who needs care and support, and carers who need support. The meaning of well-being is set out in Section 2 of the Social Services and Well-being (Wales) Act 2014 and the well-being outcome statements .

35. A local authority must promote well-being for people who need care and support and carers who need support 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.
36. The Act requires local authorities to make arrangements to promote co-operation between the local authority and its 'relevant partners' with a view to improving the well-being adults in their area with needs for care and support and with a view to improving the well-being of children in their area. A relevant partner (in relation to the arrangements to promote cooperation for adults) is listed in section 162 (4) of the Act. In individual cases, a relevant partner must comply with a request by the local authority to co-operate in the exercise of its social services functions, which may include supporting people to achieve their personal outcomes, unless this is considered to be incompatible with the relevant partner's own duties or otherwise have an adverse effect on the exercise of the relevant partner's functions

Inform the population assessment

37. In promoting the well-being of people who need care and support and carers who need support, local authorities **must** use information on people's well-being and the barriers to promoting people's well-being to inform the population assessment. The purpose of the population assessment is to identify the range and level of services required to meet and prevent the care and support needs of the population, and the support needs of carers. Further information on the requirement to undertake a population assessment is set out in chapter 2

Delay and prevent need for care

38. 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. The range and level of preventative services that local authorities provide or arrange must also seek to promote the well-being of people who need care and support and carers who need support as well as achieve the purposes contained in section 15 of the Act.

Provide information, advice and assistance

39. In order for people to determine the outcomes they wish to achieve and make informed decisions about how best to manage their well-being, information and advice relating to care and support and assistance in accessing care and support must be made available at the right time in the right place. 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 lives and achieve what matters to them (see chapter 5 on information, advice and assistance).

Promote social enterprises, co-operatives, user-led services and the third sector

40. People should be involved in designing and operating services at all levels, from individual to population. Local authorities must seek to empower people to produce innovative solutions for delaying, preventing and meeting the need for care and support through local networks and communities. Chapter 4 sets out an approach to achieving the duty under section 16 of the Act to promote social enterprises co-operatives, user-led services and the third sector. This includes promoting not-for-private-profit organisations.

41. The section 16 duty also means putting robust arrangements in place to secure involvement of people in the design and operation of services. This means focusing on outcomes and supporting more arrangements designed with and led by people who need care and support and carers who need support. Encouraging local people and businesses to be more actively involved in communities can support people to achieve their well-being.

Assess people's needs

42. People are best placed to determine the personal outcomes they wish to achieve based on their own values and what matters to them. Local authorities must ensure that people have greater voice and control over the care and support that they receive by actively involving 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).
43. In carrying out an assessment of need, local authorities must work with people to identify what matters to them. People will wish to achieve different aspects of well-being, dependent on their circumstances, and these make up personal outcomes. Local authorities must consider the personal outcomes that an individual wishes to achieve, the resources available and how the local authority may support them to achieve these. Central to this will be understanding the barriers that a person may face in achieving their personal outcomes.
44. There will be occasions when individuals will require support from family, friends, carers or their wider support network in order to ensure that they are actively involved in planning their care and support. There will be occasions when it is not possible or not appropriate for family, friends, carers or their wider support network to provide that support. In such circumstances local authorities must arrange an independent advocate to facilitate the involvement of an individual where that individual can only overcome the barrier(s) to fully participating in the process of determining, reviewing and meeting their care and support needs, if there is an appropriate individual available to support and represent that individual's views wishes and feelings (Detailed guidance is set out in the code of practice on Advocacy under Part 10 and other related Parts of the Act).
45. 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 work openly and transparently in a genuine partnership with people to 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. The purpose of the assessment is to ensure that individuals and families receive a proportionate and timely response that enables them to achieve their personal outcomes (see code issued for Part 3 on assessment). This will require individual solutions identified in partnership by professionals and people.

46. Children should be supported to identify what matters to them by a range of practitioners and other people involved with them including their family and friends. Support will need to be appropriate to their age and understanding.
47. Local authorities must consider carers needs for support, and take action to arrange provision, through a carers assessment where appropriate. In carrying out an assessment of carers needs for support, local authorities must consider the personal outcomes that a carer wishes to achieve, (see code issued for Part 3 on assessment).

Meeting needs

48. In developing a care and support plan or support plan for carers, local authorities must work with people to identify personal 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 outcomes (see code issued for Part 4 on care planning and the code in relation to measuring social services performance).
49. Well-being is everyone's right and everyone's responsibility. Local authorities must look at what people and their communities can contribute in achieving their well-being, and their roles and responsibilities must be recorded in a care and support plan. This will involve building on people's resources, including people's strengths, abilities, families and communities (see Code issued for Part 4 on care planning).
50. The integration of services must be based around people to secure personal outcomes. Services make distinctive contributions to support people to achieve well-being. A local authority must work with all of its departments within that local authority and other relevant partners that are identified as essential to help people to achieve their well-being (see sections 162 and 163 of the Act in relation to the duties on local authorities to promote co-operation).

Overarching duties

51. Where a local authority arranges for a third party to provide social services on their behalf, the overarching duties in sections 6 and 7 of the Act remain with the authority. The authority must take steps to ensure that all services are delivered in a way which complies with these overarching duties.

Other overarching duties: general

52. Section 6 of the Act sets out a number of overarching duties which apply when persons are exercising functions under the Act 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) looked after and accommodated children
53. The general overarching duties set out in Section 6 of the Act 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 individual has such needs, or if it has been determined that those needs do not meet the eligibility criteria but the individual does have needs for care and support which may be met in other ways.
54. A person exercising functions under the Act in relation to an individual must comply with the overarching duties. Certain of these overarching duties apply in all cases, whether functions are being exercised in relation to an adult or a child. These are set out in section 6(2) of the Act. There are other overarching duties which apply in addition, either when functions are being exercised in relation to adults (as set out in section 6(3)) or in relation to children (section 6(4)). These overarching duties are:

- **The overarching duty to ascertain and have regard to the individual's views, wishes and feelings, in so far as is reasonably practicable (section 6(2)(a)).**

This is an integral process in understanding and assessing personal outcomes, what matters to people and their 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 well-being, 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.

- **The overarching duty to have regard to the importance of promoting and respecting the dignity of an individual (section 6(2)(b)).**

Key to supporting people to achieve what matters to them and putting people at the centre of their care and support will be promoting and respecting the dignity of a person. Local authorities must have regard to promoting and respecting the dignity of an individual.

- **The overarching duty to have regard to the importance of providing appropriate support to enable the individual to participate in decisions that affect him or her to the extent that is appropriate in the circumstances, particularly where the individual's ability to communicate is limited for any reason (section 6(2)(d)).**

Paragraph 35 above sets out the roles of family, friends, carers; wider support networks or independent advocates in providing appropriate support to ensure individuals are actively involved in their care and support. Detailed guidance is set out in the code of practice on Advocacy under Part 10 and other related Parts of the Act.

In relation to children this will depend on their age and understanding and they should be supported in this by a range of practitioners and other people involved with them including their family and friends. In addition to this, any persons providing care and support to a child under the age of 16 must ascertain the views of persons providing parental responsibility for the child. This will be crucial in determining how personal outcomes can be achieved.

- **The overarching duty to have regard to the characteristics, culture and beliefs of an individual (including, for example, language) (section 6(2)(c)).**

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 people's individual circumstances and ensure that these are reflected when promoting their well-being.

The Act defines well-being, and this definition includes 'securing rights and entitlements'. For many Welsh speakers, language is an integral element of achieving their care, and securing rights and entitlements will be about being able to use their own language 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*), which 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.

- **The overarching duty (in relation to adults) to have regard to the importance of beginning with the presumption that the adult is best placed to judge the adults well-being (section 6(3)(a)).**

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 equal partners in the design and delivery of their care. This will include determining what matters to them and the want to achieve. Local authorities must not make any judgments based on preconceptions of a person's circumstance.

- **The overarching duty (in relation to adults) to have regard to the importance of promoting the adult's independence, where possible (section 6(3)(b)).**

55. Local authorities must have regard to the importance of promoting the adult's independence where possible.

56. Well-being is defined in relation to all aspects of a person's life. For a person who needs care and support and a carer who needs support it is intended that well-being includes key aspects of independent living, as expressed in the UN Convention on the Rights of Disabled People, in particular, Article 19 of the Convention.

57. The approach to promoting people's well-being by identifying the personal outcomes that they wish to achieve in all aspects of their everyday lives, and the barriers that they may face in achieving these outcomes, is one that recognises that care and support can contribute to the removal of such barriers in line with the social model of disability. It recognises that disabled people can achieve their potential and fully participate as members of society, consistent with the Welsh Government's framework for Action on Independent Living.

58. The Welsh Government's Action on Independent Living Framework expresses the rights of disabled people to participate fully in all aspects of life and is available at:

- **The overarching duty (in relation to children) to 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 (section 6(4)(a)).**

When exercising functions under the Act in relation to a child who has or may have needs for care and support (or if the child is a carer, has or may have needs for care and support), or when exercising functions under Part 6 of the Act in relation to looked after children, 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. Local authorities must develop their preventative and well-being services to support the overarching duties.

- **The overarching duty (in relation to children under the age of 16) to ascertain and have regard to the views, wishes and feelings of the persons with parental responsibility for the child, in so far as doing so is a) consistent with promoting the well being of the child and b) reasonable practicable (section 6(4)(b)).**

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 promotes a child's upbringing with their family, consistent with safeguarding needs and the child's wishes and feelings (see statutory guidance issued under Part 7).

Meaning of have regard

59. The overarching duties in section 6 require persons exercising functions under the Act to 'have regard' to particular matters. In the context of these overarching duties, a requirement to 'have regard' to a particular matter is similar to a requirement to 'consider' or 'take into account' that matter.
60. A local authority must demonstrate that it has complied with the overarching duties in a meaningful way. A local authority must determine how compliance could be achieved. Arrangements such as the training of staff and the introduction of procedural safeguards are examples of ways in which compliance can be achieved.

61. To ensure compliance with the overarching duties local authorities should bear the following in mind when exercising functions in relation to individuals:
- A local authority should be able to demonstrate that they have complied with the overarching duties to have regard to the particular matters which are relevant to the decision at the time a particular decision is taken in relation to an individual who needs care and support.
 - A local authority should keep an accurate record of the manner in which they have had regard to those particular matters when making decisions about identifying an individual's needs and providing services to meet those needs.
 - A local authority should give the weight that is appropriate in all the circumstances, balancing this against any other countervailing factors that are relevant to the decision in question.
62. Individuals have a right to make a complaint directly to a local authority if they feel that the local authority has not complied with the overarching duties when exercising their functions under the Act, for example when making decisions about identifying an individual's needs and providing services to meet those needs. A guide to handling complaints and representations by local authority social services published in August 2014 sets out details of the two stage process local authorities must follow in responding to any complaints about the exercise of any of its social services functions:

<http://gov.wales/topics/health/socialcare/complaints/?lang=en>

Other overarching duties: UN Principles and Convention

63. 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. These duties apply when a person is exercising functions in relation to an individual.
64. The meaning of having 'due regard' to the UN conventions and principles set out in Section 7 of the Act is the same as the meaning of 'have regard' to the particular matters in Section 6 of the Act. To ensure compliance with

the duty to have due regard to the UN principles and conventions, local authorities should bear in mind the guidelines stated in paragraphs 59 to 62. These guidelines have been developed to be in line with the ‘Brown principles’¹. For further information on the Brown principles, see:

[Equality Act 2010- Technical guidance on the public sector equality duty England](#)

65. When exercising functions under the Act in relation to adults who need care and support and adult carers who need support, any persons exercising functions under the Act 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.

66. 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), any persons exercising functions under the Act must have due regard to Part 1 of the **United Nations Convention on the Rights of the Child (UNCRC)**. 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://gov.wales/topics/people-and-communities/people/children-and-young-people/rights/uncrc/?lang=en>

67. In addition to those UN conventions and principles set out in the Act, when exercising social services functions in relation to disabled people who need care and support and disabled carers who need support, local authorities must have due regard to the United Nation Convention on the Rights of Persons with Disabilities. The Articles of the UN Convention set out the rights of disabled people and can be seen at:

¹ In *R. (Brown) v. Secretary of State for Work and Pensions* [2008] EWHC 3158 the court considered what a relevant body has to do to fulfil its obligation to have due regard to the aims set out in the general equality duty. The equality duty in *Brown* was the Disability Equality Duty in s.49A of the Disability Discrimination Act 1995. Later cases have confirmed that the principles in *Brown* also apply to the duty in s.149 of the Equality Act 2010.

Monitoring Well-Being

68. Section 8 of the Act provides that the Welsh Ministers must also specify outcome measures by reference to which the achievement of personal outcomes is to be assessed.
69. 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.
70. The national outcomes framework will provide evidence on whether care and support services are improving well-being outcomes for people in Wales using consistent and comparable indicators.
71. 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>
72. 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.
73. A performance framework for local authorities is contained within the code of practice in relation to social services performance. Local authorities must comply with the quality standards and the performance measures set in the code of practice in relation to measuring social services performance, issued separately under Section 145 of the Act.

Chapter 2: Population Assessment

Introduction

74. 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.

75. 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

76. 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.

77. 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.

78. 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

79. The purpose of the 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 underpin the delivery of their statutory functions and inform planning and operational decisions. This will ensure services are planned and developed in an efficient and effective way by public sector partners to promote the well-being of people with care and support needs.
80. A population assessment will drive change, including by enabling both local authorities and Local Health Boards to focus on preventative approaches to care and support needs. It will provide the information required to support resource and budgetary decisions; ensuring services and outcomes are targeted, sustainable, effective and efficient. It will underpin the integration of services and particularly support the duties set out in Part 9.
81. 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 contained within section 16 of the Act to promote social enterprises, co-operatives, user led services and the third sector. It will support the requirement to identify the care and support and preventative services these alternative service models should provide. It will similarly inform the nature of the information, advice and assistance service required.
82. 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.

83. 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.
84. 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.
85. 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

86. 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 assessments into a single report. Therefore a total of seven combined population assessment reports should be published in accordance with the partnership arrangements set out in paragraph 139.
87. 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 within these organisations.

88. 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).
89. The population assessment report should be drafted using accessible language so that it can be considered by members of the public. It is important 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.

90. Local authorities and Local Health Boards must produce one population assessment report per local government electoral cycle.
91. Population assessment 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 published by April 2017.
92. The Care and Support (Population Assessments) (Wales) Regulations 2015 will prescribe the timeframe for the production and publication of subsequent population assessment reports.

Equality Impact Assessments

93. As set out in chapter 1, local authorities must have due regard the United Nation Convention on the Rights of Persons with Disabilities, United Nation Convention on the Rights of the Child, and the United Nation Principles for Older Persons in relation to an individual person who needs care and support and carers who need support. In addition, the Public Sector Equality Duty contained in section 149 of the Equality Act 2010 requires all public authorities to have due regard to protected characteristics when exercising their functions.
94. Local authorities and Local Health Boards must therefore undertake an Equality Impact Assessment as part of the process of undertaking a population assessment, which

Review of population assessment reports

95. 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.
96. 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

97. A population assessment report should comprise two sections:

- the assessment of need
- the range and level of services required.

Section 1: Assessment of need

98. 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.
99. 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.
100. 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). However, local authorities and Local Health Boards should not solely rely on registers in relation to disabled people and those with sensory loss.

101. 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. The performance measures will evidence the shift in service provision to support people to remain in their community and children to remain with their families.
102. Local authorities and Local Health Boards should be innovative in identifying local data sources, research and statistics that could contribute to an assessment, including making use of technology. They should also consider the findings of existing assessments such as those undertaken as part of the delivery of the Families First Programme.
103. 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.
104. 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.
105. Practitioners, professionals and other members of staff within local authorities and Local Health Boards, as well as within partner agencies such as the police and education, 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.

106. The contribution of a wide range of citizens, stakeholders and partners in the population assessment is integral to the production of a population assessment that is meaningful and well informed.

Citizen Engagement

107. 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 decisions involve others, or where the matter is not entirely within our control we still expect our voice to be heard. This could include opportunities for family, friends or others to advocate on our behalf. Care and support services must act in a way that strengthens our voice.
108. A broad range of individuals, groups and organisations must be involved in the process of undertaking the population 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, co-operatives, user led services and the third sector, sets out how local authorities must involve people in the co-production of the design and operation of services.
109. The personal health and well being of carers is integral to their ability to provide care and support to others. Carers themselves may require a level of support to live their own lives as independently as possible. It is therefore important to also engage with carers to ensure their health and well-being needs are identified and addressed.
110. 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 should consider special arrangements to successfully and directly engage with children. The views of those who would otherwise be hard to reach and marginalised including those of minority groups such as homeless people and travellers must also be considered as part of the population assessment. 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 and

publicise 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.

111. Local authorities and Local Health Boards should be innovative in obtaining the engagement of people and may consider questionnaires and interviews. The quality of the 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.
112. Guidance on effective citizen engagement is set out in Participation Cymru's *National Principles for Public Engagement in Wales* and the Older People's Commissioner's *Best Practice Guidance for Engagement and Consultation with Older People on Changes to Community Services in Wales*. These are available at:

<http://www.participationcymru.org.uk/national-principles>

http://www.olderpeoplewales.com/en/publications/engagement_toolkit_copy1.aspx
113. When carrying out reviews of the population assessment reports, local authorities and Local Health Boards should continue to be mindful of the views expressed by the people they engage with when developing the initial assessment reports. Additional engagement may also be required at the review stage.
114. 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

115. 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. The third sector and private sector organisations may be able to help in identifying people who are not known to local authorities or Local Health Boards but have unmet care and support needs.

116. 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, however effective engagement will be mutually beneficial in delivering the requirements of the Act.
117. 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

118. 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 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.
119. 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. The *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

Secure Estate

120. Population assessments must also take account of the care and support needs of populations from the secure estate in order to fulfil the requirements of section 11 of the Act. The code of practice in relation to part 11 contains full details in relation to local authority's responsibility for the care and support for those in the secure estate.

Welsh Language

121. 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, and make clear in their population assessment report, the Welsh language community profile.

Presenting the assessment findings

122. 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.
123. 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 MUST include specific core themes dealing with:
- children and young people
 - older people
 - health / physical disabilities
 - learning disability/autism
 - mental health
 - sensory impairment
 - carers who need support; and
 - violence against women, domestic abuse and sexual violence.

This is not an exhaustive list.

124. In relation to each core theme, section 1 of the population assessment report should:
- analyse evidence spatially in order to develop an understanding of where and to what extent the core themes are concentrated or diffused across the assessment area. An assessment report should, at the least, set out the differences in relation to the core themes across local authorities and NHS cluster areas 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

125. 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 prevent needs arising or escalating; and
- the actions required to provide these services through the medium of Welsh.

Meeting needs for care and support and support needs of carers

126. 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.
127. 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. Services should not necessarily be confined solely to social services departments and could be provided across local authority functions. Similarly, the third sector and other providers can also help in meeting need through the services they provide.
128. In considering how needs will be met, local authorities must build on their duty to promote social enterprises, co-operatives, user led services and the third sector. People themselves may design and operate their own services, and these alternative models of care and support may provide additional opportunities in meeting people's care and support needs. We

expect more alternative models of care and support to be developed over time.

129. Identifying assets at an individual, community and population level will be essential to understand the existing and potential contributions people, communities and organisations make.

National Outcomes Framework

130. 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.

Citizen Engagement

131. 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

132. The services necessary to meet the identified need will be delivered by local authorities and Local Health Boards as well as 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.
133. 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.

134. 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.

Procuring services

135. The population assessment report will inform the way services are planned and delivered by local authorities and partners and ensure services are appropriately procured to meet identified need.

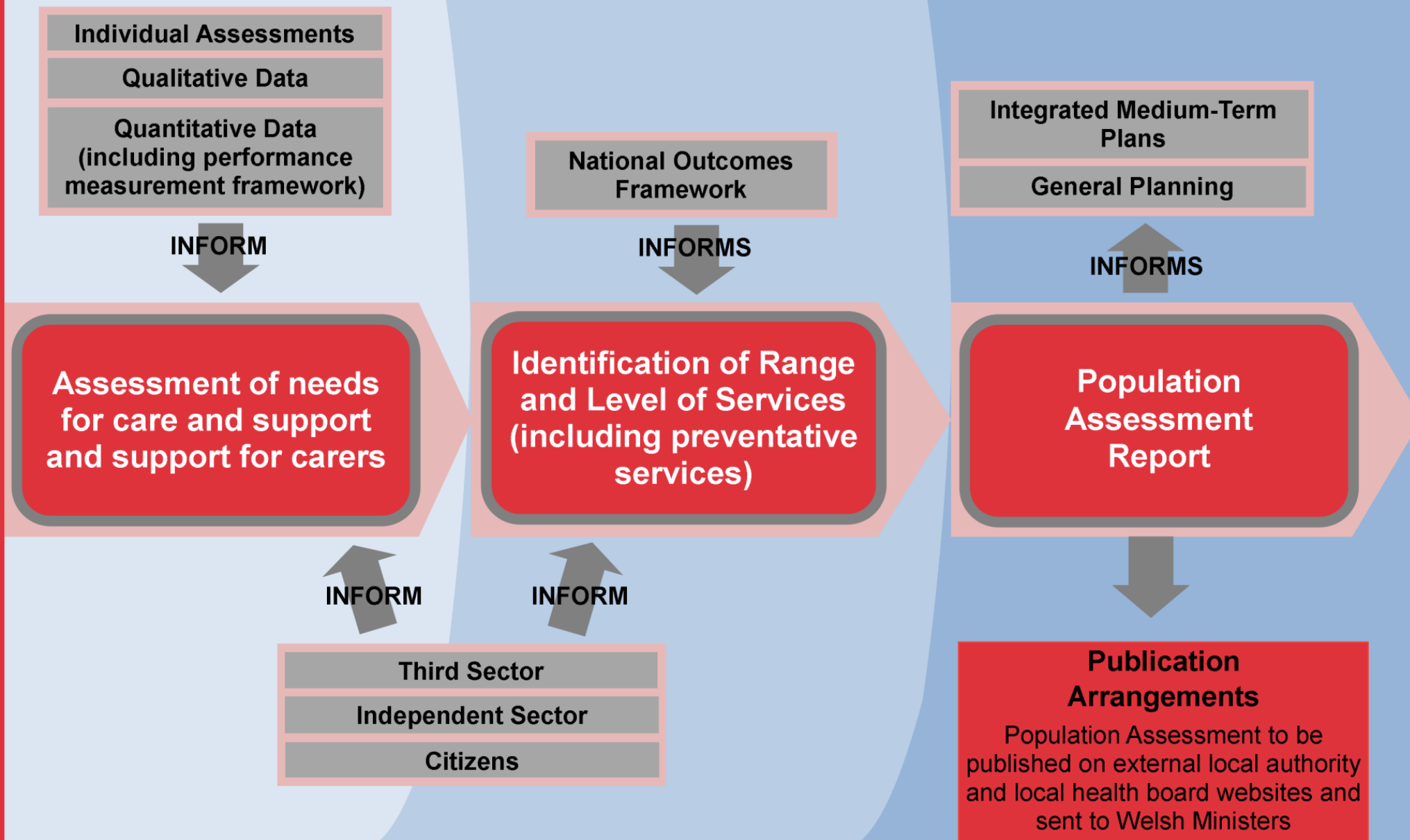
Preventative Services

136. When identifying levels of service necessary to meet need, local authorities must always have regard to the need to provide or arrange 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). In doing so, it should be borne in mind that advocacy can be a preventative service in itself and should be considered as part of the range and level of services required to meet identified need. The assessment should include the extent to which a preventative approach 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 approaches, 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.
137. Guidance on the provision of a preventative approach is contained in chapter 3 of this Code of Practice. The nature and level of preventative services provided or arranged 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

138. Section 2 of the population assessment report must 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.
139. The following diagram sets out the population assessment process:

Population Assessment Process



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

140. 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.
141. 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, as part of the wider partnership board set out in code of practice in relation to Part 9, to take responsibility for the management of the partnership arrangement. Through the joint committee, and with due regard to existing expertise, knowledge and relevant resources, 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 lead co-ordinating body. The nominated lead coordinating body can be reviewed when the partnership sees fit.
142. Local authorities and the Local Health Board in a partnership arrangement should combine their population assessments into a 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.
143. 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.
144. It is the responsibility of the lead co-ordinating body to resolve issues that may hinder the production of a combined population report. Partnership Boards, provided under section 168 and set out in the code of practice on Part 9, may also serve to help in resolving conflicts in undertaking a population assessment report. In exceptional circumstances, it may not be possible for a local authority or Local Health Board to agree to a particular aspect of the combined population assessment report. That authority or health board retains its duty for meeting the statutory requirements set out in section 14 of the Act.

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145. The first population assessment should be published by April 2017 and submitted to Welsh Ministers at the time of publication.
146. 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.
147. The following seven partnership arrangements for the purposes of undertaking an assessment of needs for care and support, support for carers and preventative services assessment must therefore be established:
- a) Aneurin Bevan University Health Board and the following local authorities: Monmouthshire, Newport, Caerphilly, Torfaen and Blaenau Gwent.
 - b) Betsi Cadwaladr University Health Board and following local authorities: Flintshire, Wrexham, Anglesey, Gwynedd, Denbighshire and Conwy.
 - c) Cardiff and Vale University Health Board and the following local authorities: Cardiff and the Vale of Glamorgan.
 - d) Hywel Da Health University Health Board and the following local authorities: Pembrokeshire, Carmarthenshire and Ceredigion.
 - e) Abertawe Bro Morgannwg University Health Board and the following local authorities: Swansea, Bridgend and Neath Port Talbot.
 - f) Cwm Taf University Health Board and the following local authorities: Rhondda Cynon Taff and Merthyr Tydfil.
 - g) Powys Teaching Health Board and Powys local authority.
148. 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.
149. All bodies in the partnership arrangement must 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).
150. 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. More information on WASPI can be found via the following link:

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

Chapter 3: Preventative Services

Introduction

Context

151. 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.
152. 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 might lead to 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.
153. 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. A Local Health Boards must also have regard to the importance of achieving these purposes in the exercise of its functions.
154. 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 sets out the requirements on local authorities for undertaking this population assessment.

Purpose

155. Prevention is at the heart of the Welsh Government's programme of change for 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. The preventative approach includes promoting children being brought up by their families and preventing children becoming looked after. Local authorities, Local Health Boards and their partners will need to develop a strategic approach to prevention.
156. 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.
157. 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.
158. There is no one definition for what constitutes preventative activity. It can be anything that helps meet an identified need and could range from wide-scale measures aimed at the whole population to more targeted individual interventions, including mechanisms to enable people to actively engage in making decisions about their lives. In considering how to achieve the purposes of preventative services set out in paragraph 152 (a to i) and to promote well-being, local authorities should consider the range of options available. This is likely to vary between local authorities depending on need. However, the required preventative services should be identified as part of the population assessment.
159. The assessment of the range and level of preventative services required to achieve the purposes set out in paragraph 152 (a to i) must be set out in section 2 of the population assessment report as described in chapter 2 of this code. This ensures that preventative services provided or arranged must be informed by the care and support needs identified by the population assessment. In order to identify the range and level of services required, local authorities need to establish and assess what is currently being delivered/available, taking account of capacity levels and quality of service.

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160. Local authorities should work collaboratively and with a variety of partners and stakeholders, including Local Health Boards, to develop and deliver the required range and level of preventative services. Whilst local authorities may choose to provide some types of preventative services themselves, others may be more effectively provided or arranged in partnership with other local partners including the third sector. The additional benefits of working outside existing arrangements and partnerships to deliver services should be explored. Local authorities should also seek to develop and enable community resources to contribute to a preventative approach. Not-for-private-profit organisations, such as social enterprises, co-operatives, user led services and the third sector, encompassed under the section 16 duty can also be a valuable resource. Chapter 4 of this Code sets out requirements for local authorities in relation to the duty under Section 16 of the Act.
 161. 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.
 162. 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, leisure and education, including adult education. Local authorities must have regard to the importance of achieving the purposes described when carrying out their other functions.
 163. Local authorities must make arrangements to promote co-operation in relation to the exercise of 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 a Local Health Board, 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.
 164. People in rural communities often face specific challenges. It is important to recognise the need to deliver or arrange preventative services in a different way to overcome these barriers.
 165. Two or more local authorities may decide that it is more practical to deliver or arrange preventative services jointly. This might also aid in the delivery of preventative services with other agencies, such as a Local Health Board.
 166. Local Health Boards must also have regard to the importance of achieving the purposes described when carrying out their health functions. Local Health Boards should be mindful of the principles of prudent health care. Effective integration across public services and adopting a multi agency approach to

meeting people's needs in a preventative manner will benefit and support all citizens.

Within the organisation

167. 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 service users to deal with issues preventatively, and to actively engage with family, friends and others to identify and secure identified outcomes.
168. 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.
169. Ensuring this culture of delivering preventative services is embedded 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, and principally from the Director of Social Services.
170. Local authorities will need to be innovative in their approach to preventative services, making best use of resources, achieving value for money and pro actively engaging with citizens and the third sector and other providers to meet identified needs.

Principles

171. The provision of preventative services, for all citizens, whether an adult or child (including looked after children), must be provided or arranged 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 personal outcomes.
172. 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 personal 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.

173. Preventative services can be:

- a) universally provided to help people avoid developing needs for care and support;
- b) targeted at individuals who have an increased risk of developing care and support needs; and
- c) aimed at minimising the effect of an existing care and support need on a service user.

174. People usually know what will help them. 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. The Information, Advice and Assistance Service, described in chapter 5, will play a key role in this engagement. Where an individual is not able to express their views, wishes or feelings, local authorities must ensure the individual is supported to do so. If it is not possible for family or friends to provide this assistance and there is no wider support available, local authorities must ensure the individual is supported by an independent advocate at no cost to the individual.

175. 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.

176. Accessibility should be a key principle when planning for preventative services. Particular attention should be given to ensuring the needs of those with disabilities are properly considered when planning for preventative services in an area.

Identifying those who may benefit from preventative services

177. 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 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.

178. People in the following circumstances may benefit from preventative support. This is not an exhaustive list:

- a) Hospital admission / discharge
- b) Contact with /use of private care and support
- c) Looked after children, children in need and children in transition
- d) Recently bereaved
- e) Application for benefits such as Attendance Allowance, or Carer's Allowance
- f) Recently disabled.

Helping people access preventative services

179. 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 people will need to 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.

180. Some people, including children, will require appropriate support to enable them to meaningfully engage with preventative services. Local authorities should ensure that such support is provided while making sure that people are fully engaged with their own solutions. Family and friends will play a primary role in supporting individuals to secure this engagement and for ensuring their views, wishes and feelings are reflected in the development of their individual solutions. There will however be occasions where the only mechanism to achieve this will be through independent advocacy. Local authorities must in these circumstances ensure the individual is supported by an independent advocate at no cost to the individual.

Advocacy

181. Advocacy has an important role to play in relation to voice and control and underpinning the wider requirements of the Act in terms of well being, safeguarding and prevention. It can greatly assist people to express their views and make informed choices, thereby ensuring they have access to relevant services. Local authorities should take account of this in helping people access preventative services for the purposes set out in section 15 of the Act. The code of practice in relation to Part 10 of the Act clarifies local authorities' duty to arrange advocacy services for people with care and support needs.

Reablement and Habilitation

182. Reablement can be a key element of preventative services. Timely, direct access to targeted reablement services helps people, including children, to maintain ability in the long term.
183. 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 with an appropriate level of support. The overall intention of reablement is to restore and re-able a person to achieve skills and abilities they previously had in order to return to maximum independence. It is an outcome-focused, personalised approach where 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, sensory, 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.
184. To be effective, reablement support should be co-produced between citizens and skilled practitioners. Together they should calculate accurately the potential of the person and the barriers to improvement to draw up a programme to achieve that person's outcomes.
185. Habilitation is central in enabling children and adults with a disability to live as independently as possible with the right level of support as it is key to acquiring and developing skills that otherwise would have been learnt incidentally. It is vital where an individual has been unable or delayed in developing those skills. Identifying preventative services that help people to learn, keep or improve skills and functional ability is integral to promoting well-being. As with reablement, effective habilitation should support physical, sensory, social and emotional needs and be delivered in partnership between

the local authority and the Local Health Board. Habilitation support may differ from standard reablement services and require a different approach, one that focuses on the specific needs of the individual and their family. As a result, a more structured programme of support may be required, and for a longer period of time.

186. Effective reablement and habilitation should be delivered in partnership between the local authority and the NHS.

Carers

187. Carers have a key role in the preventative service approach within a local authority area. Carers themselves provide a form of preventative service.
188. Local authorities should therefore help ensure that carers are able to live their own lives as independently as possible. This includes being aware of carers' own health and well-being needs and outcomes, and the services available locally to support those needs and outcomes, in order to support and maintain the carers preventative role in respect of care and support of others.

Preventative Services for Children and Families

189. 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 reinforces the principle of supporting families in caring for children with an emphasis on helping parents develop their own ability to identify and manage problems, keeping families together in a safe, supportive and stable environment. Local authorities must embed this principle in their planning and service delivery.
190. 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.
191. People living in poverty face particular challenges and local authorities should take account of this in helping to meet identified need. Early intervention can be critical in this regard. 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.

192. Preventative services have a key role to play in meeting the needs of children, including looked after children, by preventing or delaying circumstances that might lead to a child or young person being looked after by a local authority. The code of practice in relation to Part 6 will also assist local authorities discharge their duties in relation to section 15 of the Act.
193. 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://gov.wales/topics/people-and-communities/people/children-and-young-people/publications/children-and-young-people-first/?lang=en>

Charging for provision of preventative services

194. Regulations and the code of practice in relation to Part 5 of the Act set out arrangements for financial assessment and charging. This includes charging for the provision or arrangement of preventative services.
195. Local authorities may apply a flat rate charge to help provide a preventative service. A local authority must consider both the level of the flat rate charge it proposes to make, and its potential financial effect on the person required to pay. Local authorities should avoid a situation where the flat rate charge they set discourages take up of the preventative services and therefore inhibits the local authority's ability to achieve the purposes of section 15 of the Act as set out in paragraph 148.
196. A local authority may not charge for the first six weeks of reablement services provided for the purpose of providing assistance to an individual to maintain or regain the ability to live independently.
197. Local authorities must not charge for preventative services for children.

Evaluating the effectiveness of preventative services

198. Local authorities should put in place arrangements to monitor and evaluate the effectiveness of the preventative services provided or arranged for the purposes of section 15 of the Act. A population assessment will provide the opportunity to review both population needs and the effectiveness of those preventative services currently provided. As part of its inspection process, Care and Social Service Inspectorate Wales will consider the effectiveness of the provision of preventative services.
199. The code of practice in relation to measuring social services performance issued under section 145 of the Act sets out the performance measurement framework for local authorities in relation to their social services functions. This framework can inform and underpin the planning and development of preventative services and enable local authorities to target resources to continuously improve.

Transition

200. The first population assessment reports, as prescribed in chapter 2, must be produced by April 2017. These population assessment reports must identify the range and level of preventative services required to achieve the purposes of section 15(2). The requirement on local authorities to provide or arrange a range of preventative services to achieve the various purposes set out in this chapter will however come into force from April 2016.
201. In the 12 month period before the first population assessment reports are published, local authorities will be required to provide or arrange preventative services for the purposes of section 15(2) and Local Health Boards must have regard to the purposes of achieving these purposes.
202. Whilst local authorities and Local Health Boards will not be informed by population assessment reports in this transitional period, they should provide or arrange services based on their current knowledge and understanding of care and support needs, and the support needs of carers. This will include, in many instances, continuing to provide existing preventative services. During this transitional period, the Welsh Government will provide practical support to local authorities and Local Health Boards regarding implementation of the Act generally, including in relation to preventative services.

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

Introduction: aim and scope

203. Part 2, section 16 of the Act introduces a duty on local authorities to promote the development, in their area, of not for private profit organisations to provide care and support and support for carers, and preventative services. These models include social enterprises, co-operative organisations, co-operative arrangements, user led services and the third sector.
204. The local authority **must** promote the involvement of people for whom these care and support or preventative services are to be provided, in the design and operation of that provision.
205. The duty is closely linked to population assessment requirements in chapter 2 which will inform the type of services required to meet population needs and the assets available.
206. It also links closely to chapter 3 which requires local authorities to provide or arrange for the provision of preventative services.
207. The duty to promote means that local authorities **must** take a proactive approach to planning and delivering models that will meet the well-being needs of all people – children, young people and adults - in promoting models which are based on social values. **Personal outcomes underpin the whole system, and the development of any type of service must always focus on this aim**, as set out in chapter 1.
208. This chapter **must** be read in conjunction with:
- The Social Services and Well-being (Wales) Act 2014
 - The Social Services and Well-being (Wales) Act 2014 (Social Enterprise, Co-operative and Third Sector) (Wales) Regulations 2015
 - The Care & Support (Population Assessments) (Wales) Regulations 2015
 - The other chapters in the code of practice on General Functions, in particular chapter 2 (population assessment) and chapter 3 (preventative services).

Context

209. The Welsh Government public services policy is for greater diversity in the delivery of services through mutuals, in-sourcing, joint commissioning and community ownership. It is about empowering people and communities. This reflects a more complex environment and requires strong leadership and a shift in culture and practice. These principles are set out in the Devolution, Democracy and Delivery White Paper – Reforming Local Government: Power to Local People.
210. The Regulations and the code of practice have been put in place to support local authorities in their duty, which is about encouraging the growth and development of new not for private profit business models. The Act contains broad and inclusive definitions of a social enterprise and a third sector organisation. The Regulations and statutory code of practice are intended to support the growth of social enterprises, co-operative organisations or arrangements, user led services and third sector organisations, and not to set in law new definitions of these approaches and models.
211. The section 16 general duty is intended to grow the range of not for private profit models in the social care sector. The Regulations and statutory code of practice support implementation of that duty.
212. The section 16 Regulations and code of practice are designed to include new and emerging models and to promote alternative and innovative service models.
213. When using this code of practice and exercising the section 16 general duty, it is important that local authorities look to existing guidance, support and definitions relating to these organisations and activities.

Social Enterprises

214. There are a range of definitions of social enterprise which support local authorities and others in thinking about developing not for private profit business models. Further information is available on the Care Council for Wales' Information and Learning Hub². Business Wales describes a social enterprise as a business with primarily social objectives. Profit is mostly reinvested in the business or in the community, rather than maximising profit for shareholders and owners.
215. Social enterprises also compete in the marketplace and need to be well run to make money and achieve their social aims. They can vary from small

² <http://www.ccwales.org.uk/getting-in-on-the-act-hub/>

community owned village shops to large organisations delivering public services.

216. Further information and guidance on social enterprises is available at:

- Wales Co-operative Centre <http://www.walescooperative.org/>
- Social Business Wales <https://business.wales.gov/socialbusinesswales/>
- Social Firms Wales <http://www.socialfirmswales.co.uk/>
- Social Enterprise UK <http://www.socialenterprise.org.uk/about/about-social-enterprise>

Co-operatives

217. The International Co-operative Alliance sets out seven co-operative principles and guidelines by which co-operatives put their values into practice. These are:

- Voluntary and Open Membership
- Democratic Member Control
- Member Economic Participation
- Autonomy and Independence
- Education, Training and Information
- Co-operation among Co-operatives
- Concern for Community

218. Further information and guidance on co-operative organisations is available at:

- The International Co-operative Alliance <http://ica.coop/>
- The Wales Co-operative Centre <http://www.walescooperative.org/>

Third Sector

219. The Welsh Government Third Sector Scheme sets out a definition of what constitutes the Third Sector. It says that it is widely accepted that Third Sector organisations are:

- Independent, non-governmental bodies
- Established voluntarily by people who choose to organise themselves
- Value-driven and motivated by social, cultural or environmental objectives rather than simply to make a profit
- Committed to reinvesting their surpluses to further their social aims and for the benefit of people and communities in Wales.

220. Further information and guidance on third sector organisations is available at:

- The Welsh Government Third Sector Scheme
- <http://gov.wales/topics/people-and-communities/communities/voluntarysector/?lang=en>
- The Wales Council for Voluntary Action (WCVA) <http://www.wcva.org.uk/>

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221. Further guidance, support and sources of information can be found at the Care Council for Wales' Information and Learning Hub³.
222. The code underpins the principles of the Act ensuring that people who need care and support, and carers who need support are fully involved in that care and support.
223. It is intended that the performance of the section 16 duty will increase the diversity of provision available, recognising in so doing that there is no 'one size fits all' approach. It is also aimed at facilitating an environment where people are better enabled to support themselves, where appropriate.
224. The development and promotion of not-for-private-profit organisations can promote other environmental and social goals, thereby benefitting the community in many ways.
225. This approach will support innovation and creativity, increase community resilience and reduce the risk of reliance on one single form of service delivery.

Duty to promote – what does it involve?

226. The Act requires a culture change from the way in which services have been provided, to an approach based on partnerships, and an equal relationship between practitioners and people who need care and support and carers who need support. The Act places the focus on well-being and how services can help people achieve what matters to them.
227. The section 16 general duty requires local authorities to take and demonstrate a proactive approach following the population assessment of needs for care and support set out in section 14. The section 14 population assessment must include an identification of the range and level of services necessary to meet that need. It should also assess what is provided by social enterprises, co-operative organisations and arrangements, user led services and the third sector.

Overarching Duties

228. Well-being underpins the whole system. The context for this approach is provided in chapter 1 of this code of practice, and local authorities must refer back to that chapter for information on:
- Definition of well-being

³ <http://www.ccwales.org.uk/getting-in-on-the-act-hub/>

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- The well-being duty
 - Promoting well-being
 - Other overarching duties: general
 - Meaning of having regard
 - Other overarching duties: UN Principles and Conventions
 - Monitoring well-being.
229. People - children, young people, adults and carers, their families and their communities - are rich assets and have skills, expertise and capabilities. They 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.
230. The Act provides a clear and consistent definition of well-being that applies to people who need care and support, and carers who need support.
231. Section 5 of the Act requires any person exercising functions under the Act to seek to promote the well-being of people who need care and support, and carers who need support, as defined in Section 2.
232. This overarching duty to seek 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.
233. As set out in chapter 1, the United Nations principles and conventions include:
- The United Nations Principles for Older Persons, at:
<http://www.un.org/documents/ga/res/46/a46r091.htm>
 - The United Nations Convention on the Rights of the Child (UNCRC), at:
<http://wales.gov.uk/topics/childrenyoungpeople/rights/uncrc/?lang=en>
 - The United Nations Convention on the Rights of Persons with Disabilities
<http://www.un.org/disabilities/default.asp?id=150>

Involvement of People

234. Part of the duty to promote means putting robust arrangements in place for encouraging the involvement of people. This means focusing on outcomes, rather than processes and outputs, in order that organisations and arrangements are designed with, and led, by people who need care and support, and carers who need support. This means at an individual, organisational and strategic level.

235. Local authorities should assess and ensure that services meet people's personal outcomes and, where possible, provide added value. Social enterprises, co-operative organisations, co-operative arrangements, user led services and the third sector often conduct activities which are deemed to add value to society; for example, through the employment of local people in delivering the service.

236. Involvement should happen at all stages of the design and operation of services. As set out in section 14, local authorities and Local Health Boards must:

- **Engage with people (including adults and children with care and support needs, carers, and the parents of children with care and support needs) in the production of a population assessment report and establish a procedure for this engagement**
- **Involve people 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 organisations or arrangements, user led services and the third sector.**

237. 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:

- Recognises people as assets, and as having a positive contribution to make to the design and operation of services
- Supports and empowers people to get involved with the design and operation of services
- Empowers people to take responsibility for, and contribute to, their own well-being
- Ensures that practitioners work in partnership with people to achieve personal outcomes at an individual and service level
- Involves people in designing outcomes for services.

238. People must be involved in the design and delivery of services, and in the production of a population assessment, as set out in this code of practice.

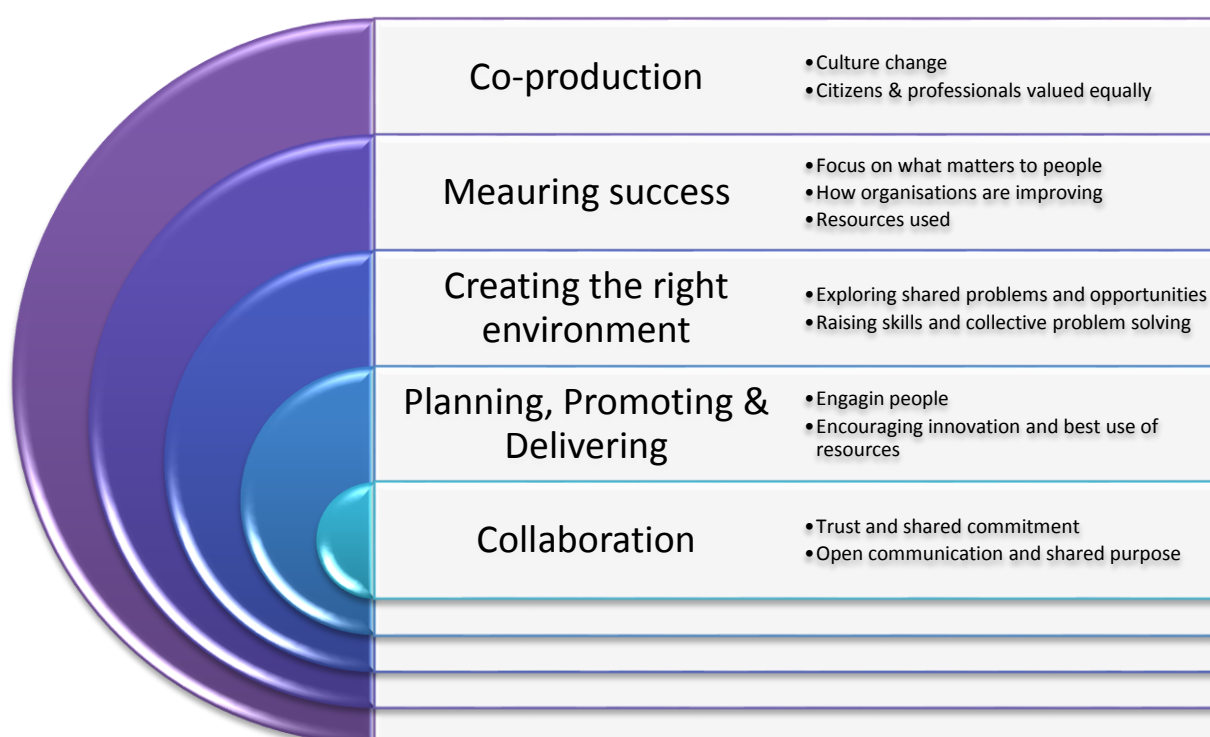
239. A co-productive approach will bring a wide variety of experience, skills and knowledge to the design and operation of services. Further information on co-production can be found at paragraph 249.

240. Section 15 of the Act places a 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 on early intervention and

prevention requires recognition of those resources which are already in place in the community.

Key Areas

241. The areas comprise five main headings. These areas 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. These are illustrated in the diagram below:



242. 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, user led services and third sector organisations lend themselves well to applying co-production principles because they are often democratic, membership organisations.

243. 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

outcomes for individuals. This is encapsulated in the overall approach to personal outcomes, in the well-being statement and the national outcomes framework. The role of the Care and Social Services Inspectorate Wales will be crucial in measuring success.

244. Local authorities have a vital 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, co-operative arrangements, user led services and the third sector can play in achieving the policy objectives of the Act. They should also function as preventative services to achieve the purposes set out in chapter 3.
245. This more open approach to identifying common opportunities will require more flexible arrangements for **planning, promoting and delivering services**. These core activities fit under the planning and provision of services (see section 14 of the Act). This will place more emphasis on involving people in the process, a greater focus on personal outcomes, and promoting the right balance of resource efficiency and community benefit.
246. A collaborative approach is essential to secure the successful promotion of social enterprises, co-operatives, user led services and the third sector.

Information and resources

247. 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 are widely available.

Co-production

248. At an individual level, the Act sets out overarching duties in relation to well-being. Fundamental to the whole approach and system is that practitioners co-produce with children, young people, carers and families, and with adults, carers, families. Partners in this process all have contributions to make.
249. Local authorities must find an appropriate balance between involving a child in the design and delivery of a service through giving them the opportunity to express their views, wishes and feelings, whilst ensuring that the best interests of that child are met.

250. The National Children and Young People's Participation Standards help organisations measure and improve the quality of the process of children and young people's participation. These standards are based on the core principles of participation and are approved by young people. The [Children's Rights in Wales website](#)⁴ has a number of examples of how organisations have involved children.

251. The [Participation Workers Network for Wales](#)⁵ also has some useful resources.

252. The principles of co-production are:-

- Seeing people as assets
- Building on capabilities
- Developing mutuality and reciprocity
- Investing in networks to share information
- Blurring distinctions between providers and people who need care and support and carers who need support
- Facilitating rather than delivering services.

253. Local authorities must:

- **Put in place transparent arrangements where people are equal partners in designing and operating services.**
- **Ensure these arrangements comprise of 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.**
- **Report on what they are doing to support co-production in the Director's Annual Report.**

254. The [Disability Wales Transforming Social Services: Towards an Enabling Wales](#)⁶ toolkit sets out the barriers to involvement and how these barriers can be overcome. Local authorities and their partners should use this toolkit as a basis for securing meaningful involvement. 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.

Providers of services

255. Local authorities must:

⁴ <http://www.childrensrightswales.org.uk/participation.aspx>

⁵ <http://www.participationworkerswales.org.uk/>

⁶ <http://www.disabilitywales.org/>

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- **Ensure that providers from whom they commission or procure services encourage and enable the involvement of all people in designing the shape of services and how they will operate to deliver personal outcomes, and that providers involve people in evaluation and review.**

Measuring Success

256. Local authorities must work with people to identify and monitor progress that people make towards achieving and maintaining personal outcomes. This information will help local authorities to understand whether social enterprises, co-operative organisations or arrangements, user-led organisations and the third sector, are effective in supporting people to achieve well-being.
257. Focussing on personal outcomes means that local authorities must look beyond formal service provision and work with people and communities to identify and plan for support and opportunities that can help people achieve what matters to them. This requires an emphasis on new, innovative, models of service to support well-being.
258. The code of practice in relation to measuring social services performance sets out a performance measurement framework for local authorities in relation to their social services functions. The code of practice also details the importance of using information on personal outcomes to understand performance.
259. Qualitative data, as set out in that code, will include asking people about their experience of social services and whether this has contributed to improving their well-being. This data must be understood in the context of the performance of local authorities to see the actual effect that services have on people's lives.
260. The population assessment, set out in chapter 2, will inform the types of social enterprise, co-operative, user led or third sector organisations needed to meet identified needs for care and support. Any evaluation of these alternative delivery models can inform the population assessment by providing evidence of the extent to which care and support needs are being met.
261. Care and Social Services Inspectorate Wales will play a key role in monitoring the progress and impact of this duty as part of their registration, regulation and inspection. Future regulatory arrangements are being developed with sufficient flexibility to enable new models of service delivery into the regulatory system, when and where this is appropriate.

262. In understanding personal outcomes, local authorities must:

- **Consider the personal outcomes set out in the well-being statement**
- **Consider the effectiveness of social enterprises, co-operative organisations and arrangements, user led organisations and the third sector in supporting people to achieve well-being.**

Creating the Right Environment

263. Local authorities have an important role in creating an environment that will promote people's involvement at every level of planning, designing, promoting and operating services. The section 16 general duty will be an important element in that overall goal.
264. 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-operative organisations, co-operative arrangements, user led services and the third sector.
265. Local authorities with local health board partners must establish regional forums to support social value based providers to develop a shared understanding of the common agenda, and to share and develop good practice. The aim of this forum is to encourage a flourishing social value sector which is able and willing to fulfil service delivery opportunities.
266. The forum must be in place by September 2016, with agreed terms of reference and membership and a forward plan for meetings. Local Authorities must provide leadership for the forum and secretariat support for the meetings. Local authorities must publish a report every three years on the activities of the forum, and how it has contributed to the delivery of duties under section 16. The first report must be published in March 2019.
267. Opportunities should be created to enable people to share the things that they can do, the potential for and the barriers to 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. All local authorities are required, in 2015-16, to establish regional citizen panels across regional collaboratives:
- <http://gov.wales/newsroom/healthandsocialcare/2014/140626regional-leadership/?lang=en>

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268. Across Wales, there are numerous examples of social enterprises, co-operative organisations, co-operative arrangements and the third sector delivering innovative services. The report, [Fulfilling the Duty⁷](#), provides guidance on how opportunities can be created for people to set up and run their own care and support services. Local authorities have already used alternative approaches in social care and support, leisure and housing, for example. The Wales Co-operative Centre and Social Firms Wales have case studies of alternative services operating in Wales, and further examples and information can be found at the Care Council for Wales' Information and Learning Hub⁸.
269. Local authorities should seek to raise awareness more widely of the role of social enterprises, co-operative organisations, co-operative arrangements, user led services and the third sector in supporting people to get good quality care and support, and the benefits and range of support available. The sharing of good practice in this area should be facilitated by local authorities. Local authorities should also support their staff to understand how they can work with social enterprises, co-operatives, co-operative arrangements, user led services and the third sector. The Wales Co-operative Centre and Social Firms Wales can provide business support for developing these types of service models. The Wales Council for Voluntary Action (WCVA) also provides support and leadership for the third sector in Wales. Information can be found at <http://www.wcva.org.uk/>.
270. Local authorities must:

- **Consider social enterprise, co-operative organisations, co-operative arrangements, user led and third sector options as part of any decision to plan, promote and deliver care and support and preventative services.**
- Local authorities with local health board partners must establish regional forums to support social value based providers. Local Authorities must provide leadership and secretariat support for these forums and publish a report on activity every three years.

Planning, Promoting and Delivering

271. Securing services may involve grants, service level agreements or procurement. Local authorities must use their evidence base to make informed decisions about the most appropriate approaches to market development and procurement in their area.

⁷ <http://gov.wales/topics/health/socialcare/act/resources/?lang=en>

⁸ <http://www.ccwales.org.uk/getting-in-on-the-act-hub/>

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272. Getting this right is vital to ensuring a shift in culture, systems and practice. It is as much about **how** planning, promoting and delivering is done as **what** is done. Importantly, decisions about appropriate care and support to meet the needs of the population must be developed with the input of people who need or receive early intervention or preventative services, and carers.
273. As part of the cycle of supporting and securing appropriate early intervention and preventative services, local authorities must work with Local Health Boards to produce a population assessment.
274. The population assessment, as set out in chapter 2 of this code of practice, will ensure that local authorities and Local Health Boards jointly have a clear and specific evidence base in relation to care and support needs and carers' needs to inform various planning and operational decisions. A population assessment report will consist of the assessment of need and the range and level of services required. This should inform the social care commissioning process undertaken by local authorities and enable local authorities to set about securing services.
275. Care and support can come from many sources, for example, from people who use services themselves as active contributors, friends, families, supporters, carers, services provided by the independent or third sector, business models such as social enterprises, co-operatives, co-operative arrangements and user led services. Local authorities must fulfil their section 16 general duty in identifying and securing appropriate care and support.
276. By promoting economic, environmental and social benefits when procuring, and by developing value for money criteria that take account of short and long-term economic, environmental and social impact, local authorities can work towards meeting this aim, and meeting individual personal outcomes for people who need care and support.
277. The *Wales Procurement Policy Statement*⁹ (WPPS) sets out the key principles by which procurement must be undertaken in Wales. [This offers a value for money approach to procurement that takes account of both short and long-term economic, environmental and social impact.](#)
278. Further information and guidance on public procurement is available from the Procurement Route Planner <http://prp.gov.wales/>

⁹ <http://gov.wales/about/cabinet/cabinetstatements/2012/welshprocurement/?skip=1&lang=en>

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279. Local authorities should keep their Standing Orders under review to ensure that they are fit for purpose to secure quality care and support, using the models set out in section 16.
280. Joint working across departments and agencies is key to successful, sustainable procurement. A flexible and innovative approach, using existing European legislation and best practice guidance is essential.
281. Local authorities and their partners must ensure that they consider new opportunities presented by the [Public Contracts Regulations 2015](#). These contain opportunities for nurturing the development of organisations which fulfil a number of objectives, such as; reinvesting profits with a view to achieving the organisation's objective, and any distribution of profits is based on participatory considerations; the structures of management or ownership of the organisation, are, or will be, based on employee ownership or participatory principles and require the active participation of employees, users or stakeholders.
282. The Public Contracts Regulations 2015 include a new duty of proportionality, requiring local authorities to adopt risk-based, proportionate approaches to procurement. This helps to ensure that smaller suppliers and third sector organisations are not precluded from winning contracts individually, as consortia, or through roles within the supply chain.
283. The Public Contract Regulations 2025 can also support the transformation of the way in which services are provided, For example, Regulation 40 sets out how contracting authorities may seek or accept advice from independent experts or authorities or from market participants while preparing the procurement. This approach is incorporated into the WPPS and the Wales Procurement Route Planner, and recognises the benefits and innovative approaches that can be achieved through early supplier engagement and seeking feedback from the Marketplace. Regulations 20 and 77 provide opportunity for a procurement to be used in a way that strengthens and helps create community-focused enterprises.
284. 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**

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- **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

285. A collaborative approach will ensure that the principle of voice and control is at the centre of the design and operation of services.
286. Local authorities and Local Health Board must work together to plan and establish services to improve personal outcomes. Chapter 1 of this code of practice defines well-being and sets out how to promote well-being.
287. Section 166 of the Act enables Welsh Ministers to require a combination of local authorities and Local Health Boards to enter into partnership arrangements for carrying out specific functions. Separate Regulations under section 166 have been developed that will require each Local Health Board and the local authorities within that Local Health Board area to put in place a partnership arrangement to undertake the population assessment.
288. A collaborative assessment of this type will allow for local authorities and Local Health Boards to identify how to meet need collaboratively, in keeping with the Welsh Government's approach to public service reform.
289. Where local authorities and Local Health Boards have a mutual interest in planning, promoting and delivering services, they should work together to consider whether alternative, not-for-profit business models will best meet the well-being needs of their local population.
290. The statutory guidance on Part 9 includes further advice on partnership arrangements.
291. 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**
- **Collaborate with partners to identify the range and level of preventative services, as required by Section 15 of the Act, to reduce people's need for care and support and to facilitate independent living**

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- **Collaborate with Local Health Boards, departments within each local authority, such as education and housing, and with other local authorities**
 - **Strengthen the sharing of good practice, via regular communication, and support the establishment and use of appropriate networks and forums for the development, promotion and planning of social enterprises, co-operatives, co-operative arrangements, user led services and the third sector**
 - **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.**

Transitional arrangements

292. The section 16 general duty comes into force from April 2016. However, many local authorities are already taking steps to promote alternative not-for-profit service models; examples of these include citizen-led direct payment co-operatives, provision of training, joinery and horticulture centres which provide training, employment and promote community engagement for vulnerable people, providers of health and social care packages, and a networking hub for carers, to name just a few. We will continue to work with local authorities in implementing this duty.

Chapter 5 Information, Advice and Assistance

Introduction: aims and scope

293. This chapter provides guidance on section 17 in 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.
294. 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.
295. 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.
296. 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.

The Information, Advice and Assistance Service

297. The information, advice and assistance service is central to the success of the transition to the care and support system under the Social Services and Well-being (Wales) Act. It is an opportunity to change the perception of social care and support services in Wales. It **must** promote early intervention and prevention to ensure that people of all ages can be better supported to achieve their personal outcomes, and explore options for meeting their care and support needs. It should be considered to be a preventative service in its own right through the provision of high quality and timely information, advice and assistance.
298. The information, advice and assistance service will be evidence based, developing its range and focus on the basis of the findings from the population

assessment that the local authority will undertake periodically, through its regional partnership arrangements (see chapter 2 Population Assessment). In a reciprocal manner the population assessment process will draw on the information, advice and assistance service to understand what needs people in its locality present with, and what information, advice and assistance they are seeking.

299. The information, advice and assistance service (the service) will be easy to use, welcoming and informative to create a service which reaches people before crisis point and offers early intervention and prevention.

Core Requirements of the Information, Advice and Assistance Service

300. Local authorities must provide an information, advice and assistance service which includes the provision of:
- a) a proportionate response to the enquiry and empowers the individual to access early intervention and preventative services
 - b) information on care and support, or support in the case of a carer, that is accurate and up to date, without the need for core data to be recorded in the National Assessment and Eligibility Tool and without an assessment having been undertaken
 - c) advice on care and support, or support in the case of a carer, that is appropriate to the individual, following a proportionate assessment
 - d) advice which is comprehensive, impartial, and in the best interests of the individual having been given by staff who are trained and skilled in the assessment process
 - e) assistance which enables the individual to access the appropriate care and support services, including early intervention and preventative services
 - f) accessible information, advice and assistance on care and support through a variety of media (including online, social media, telephone, face-to-face, outreach, posters and publications)
 - g) accessible information, advice and assistance on care and support matters tailored to meet the needs of different groups (including Welsh, easy read, child friendly versions etc.)
 - h) accessible information, advice and assistance to specific groups including one to one support workers if this is required, for example. deafblind children and adults
 - i) a written or oral response to web-based enquires within three working days
 - j) advocacy support so that individuals can engage and participate fully in decisions that affect them
 - k) local safeguarding protocols that ensure immediate action is taken if an individual's safety is in doubt

- l) a clear process for staff to follow in the case of an emergency or urgent care and support request
- m) mechanisms that ensure that consent to share information is obtained when core data is recorded and an assessment is undertaken.

Definitions

Information:

Information will be quality data that provides support to a person to help them make an informed choice about their well-being. This will include information about how the care system works, the availability of preventative well-being services, financial information, 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.

Those operating the service should capture information about the nature of the enquiry and which type of service the enquirer was signposted or referred to, for their own management information purposes and to feed in to population needs assessments. **Personal data is not needed.** In this way the person accessing the service for information could remain anonymous for recording purposes.

Advice:

Advice will be a way of working co-productively with a person to explore the options available. This will require staff to undertake a proportionate assessment through a discussion and analysis of the five elements of the National Assessment and Eligibility Tool. It is imperative that the enquirer understands what is available to them, and that they are actively involved in making decisions about what matters to them and the personal outcomes they wish to achieve.

The provision of advice will require the service provider to use the National Assessment and Eligibility Tool to record the assessment. Staff should record as much of the basic personal data for the Core Data set that is appropriate for that assessment, and to record the advice given and outcome of the enquiry.

Assistance:

Assistance, if needed, will follow the provision of information and advice.

Assistance will involve another person taking action with the enquirer to access care and support, or a carer to access support.

Responsibility for the activity undertaken is shared between the assistant and the recipient of the assistance. The provision of assistance will also require an assessment and the service to record any additional personal data for the core data set and details of the assistance offered and accepted on the National Assessment and Eligibility Tool. Through the process of offering assistance a proportionate assessment will be undertaken.

- 301. The service will offer a first point of contact with the care and support system, and for many people this will be their first encounter with social services. Those operating the service **must** make this a positive response. The response **must** be informative, knowledgeable and re-assure the individual that the advice given is in their best interest.
- 302. There will be other ways that people seek help, but the service must be the most public facing way in which individuals, or those that care for them, obtain information and advice about their care and support needs.

What will the service be like for those receiving it?

- 303. For those using the service they must feel like they have reached someone who first and foremost listens to them. People must have an opportunity to explain what matters to them, to explore what options are available, and to find the help that they feel is right for them to achieve their personal outcomes.
- 304. The service will focus on people and their personal outcomes, and especially on early intervention and prevention. It will give individually focused information and advice, signposting to appropriate preventative

and well-being service in the community, and provide assistance, where appropriate, to enable people to better help themselves and others.

305. The Social Model of Disability provides a useful point of reference for local authorities designing and developing their information, advice and assistance service. Disability Wales worked co-productively with partners, including Welsh Government, to develop the '*Transforming Social Services – Enabling Wales*' toolkit as a basis for introducing new delivery models. The toolkit is available at:

<http://www.disabilitywales.org/transforming-social-services-toolkit/>

306. Signposting and referring will provide individuals with choices about the support and services available in their locality, an opportunity to talk through the options and be advised on what is most likely to meet the particular care and support needs that the individual has, as well as discussing what resources the individual has available to secure this support. The service is open to everyone, whatever their circumstances, including if they choose to fund their own care.
307. The service should be thought of as a preventative service, offering early intervention through quality information, advice and assistance. However, it **must** also act as a central link to preventative services which are available in the community and promote the opportunity to access these services. These will range from universal services to more targeted support. When appropriate, the Service must support people to access these services, referring them or assisting them to make contact, rather than solely offering basic contact.
308. The approach **must** be open, welcoming and simple– seeking to support everyone to find ways to meet their care and support needs, whatever the level of those needs.
309. The approach **must** be proactive – empowering staff to encourage people to seek help earlier and supporting them to help themselves to retain their independence in a proportionate way.
310. The service **must ensure that staff** respond appropriately and promptly where any issues of safeguarding or protection are raised or suspected. The service **must** have a safeguarding protocol in place and staff must be fully trained in implementing the protocol.

How will assessment operate within the information, advice and assistance service?

- 311. An individual may need quick access to an assessment of their care and support needs. Staff working within the service will need to fully understand how to identify when an assessment is required, be trained and skilled to undertake that assessment and ensure it can be undertaken quickly.
- 312. The assessment will vary from individual to individual in terms of what is required. Staff working within the service **must** recognise the nature and scale of the enquiry and seek to provide a proportionate response. It is only the provision of information that does not require some sort of assessment. If advice and /or assistance are given an assessment of a person's needs will have taken place.
- 313. The balance between an individual having all their concerns addressed in the first approach to the information, advice and assistance service , and subsequently being referred to others who may have more appropriate knowledge or expertise, must be a pragmatic one.
- 314. People **must** finish their contact with the service with a feeling that they have been dealt with fairly and appropriately. Most importantly they **must** know what the outcome of their contact is, and what, if any, action will subsequently be taken and by whom.
- 315. Staff working within the service will conduct assessments. Staff will have conducted an assessment when they have explored the five elements of the National Assessment and Eligibility Tool with the individual set out in the code of practice on Part 3. Staff conducting assessments **must** use the National Assessment and Eligibility Tool, however proportionate that approach may be. The requirements of the tool are detailed in the code of practice on Part 3.

Accessibility for everyone

- 316. The service **must** be easy to access for all people in a variety of ways so that people have a choice about how they use the service and what format is right for them. The local authority **must** ensure that the service will offer support and guidance to people and professionals through a range of media e.g. web, telephone, face to face, outreach, social networks publications.

317. The structural components of the service can vary. Work undertaken by the Social Service Improvement Agency¹⁰ in 2014 identified four main models in use across Wales. Whatever model is adopted, local authorities must ensure that the service that they put in place is planned and delivered on the basis of the population assessment and that it is accessible for everyone, regardless of age, disability or need..
318. Local authorities **must** seek to ensure that information, advice and assistance is offered 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. Local authorities **must** also ensure that people have the appropriate support to enable them to access the service.
319. The 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. For many Welsh speakers, using Welsh is a requirement not an optional extra. The service **must** be mindful of the need to be accessible to all people and **must** align with the principles set out in the Welsh Government strategic framework for Welsh language services in Health, Social Services and Social Care: *More than just words*¹¹.
320. The local authority **must** ensure that information and advice is accessible in a variety of formats including easy read and material especially for children and young people and others in need of additional support.
321. Local authorities **must** promote and publicise the information, advice and assistance service throughout the locality. The service **must** be advertised in such a way that those across the diverse communities will know what the service can offer and can understand how they can access it.
322. People **must** find it easy to access the service, and be treated with dignity and respect at all times by staff that are well trained to deliver the service. This is particularly relevant for children and young people who will need to feel confident and re-assured this service will provide relevant, accurate and up to date information and advice for them and be accessible in ways that they prefer to use.

¹⁰ Social Services Improvement Agency, *Provision of Information Advice and Assistance on Social Services and Well-being across Wales, April 2014*
http://www.ssiacymru.org.uk/home.php?page_id=8471

¹¹ More than just words - Strategic Framework for Welsh Language Services in Health, Social Services and Social Care: <http://gov.wales/consultations/healthsocialcare/words/?lang=en>

323. In all cases, local authorities should involve adult, children and young people and carers to design and implement the information, advice and assistance service in their local area. This way the service will be seen to be owned and valued by the local population.
324. It is imperative all individuals, whatever their accessibility needs, understand what is available to them and they are actively involved in making decisions about what matters to them and how to achieve their personal outcomes. Reasonable adjustments could include the provision of information and advice in accessible formats and /or with communication support to ensure that no-one, who faces challenges, is excluded.
325. Local authorities **must** provide deafblind children and adults with information, advice and assistance in formats and mediums accessible to them and to ensure they have access to specifically trained one to one support workers, if this is required.

Advocacy

326. An individual must feel that they are an equal partner in their relationship with professionals. It is open to any individual to invite someone of their choice to support them to participate fully and express their views wishes and feelings. This support can be provided by someone's friends, family or wider support network.
327. Ensuring that everyone is able to participate fully in processes that affect their lives is vital. Some people will also require support to be able to make initial contact. Local authorities **must** consider how best to support individuals to ensure that the service is accessible and that appropriate assistance including advocacy is given.
328. A key role of the service will be to provide individuals with information about the range of advocacy services in their area and to assist them to access it.
329. An individual the service will be **tmust** be identified from the moment of first contact. Local authorities **must** ensure that staff within the service are suitably skilled to identify individuals who need an advocate and the service takes action to ensure those individuals are supported.

330. The dedicated code of practice on advocacy under Part 10 of the Act sets out the functions when a local authority, in partnership with the individual, must reach a judgement on how advocacy could support the determination and delivery of an individual's personal outcomes; together with the circumstances when a local authority must arrange an independent professional advocate. Professionals and individuals must ensure that judgements about the needs for advocacy are integral to the relevant duties under this code.

Safeguarding

331. Where it appears that the needs of the individual are such that there is a duty on the local authority to exercise its 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) the local authority **must** act on this information immediately and without delay. Local authorities **must** determine whether the needs of the individual require the exercise of any function it has under Part 4 (Care and Supervision) or Part 5 (Protection of Children) of the Children Act 1989 or under this Act and if this is the case the local authority should act on this immediately and without delay.
332. Local authorities must therefore reflect these duties and the parallel duties to report suspicions that an adult or child is at risk when designing and developing the information, advice and assistance service to ensure that staff understand and exercise the safeguarding protocol.

Charging for Assistance

333. In line with Part 5 Charging and Financial Assessment, local authorities may apply a flat rate charge for assistance. These charges will go towards meeting the costs of providing the assistance. Local authorities should avoid a situation where the flat rate charge they set discourages take up of assistance, which might therefore inhibit the local authority's ability to achieve the purposes of the information, advice and assistance service under section 17 of the Act.
334. Local authorities must not charge for assistance provided to children.

What is available and how to access it

335. The service **must** provide access to relevant, accurate, high quality and timely information, advice and assistance and **must** provide people in the locality with an easy entry point into the care and support system.

336. This will be about ways 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** provide information and advice on how to raise concerns about the well-being of another person who appears to have care and support needs.
337. The service **must** provide information about the preventative well-being services available in the community, **and** advice on what would be most appropriate for people and their individual circumstances. The service **must** ensure people recognise they have received impartial advice in their best interests. The service will provide assistance to those who need it, to help them access the information and advice. Further information about preventative services is available in chapter 3 of this code of practice.
338. The service is a resource accessible to practitioners, whether they are working for the local authority or another organisations/ agency. Staff operating the service will need to recognise the needs of other practitioners and make the information and advice accessible in a format that suits their needs as they in turn seek to assist those they are supporting.
339. If an individual has financial means above the financial limit (as set out in Regulations made under section 69 of the Act), also known as a self-funder, the local authority should ensure they continue to have access to good quality information, advice and assistance that enables them to make informed decisions about their care and support needs. This is particularly true for people making critical decisions about their ability to live independently.
340. The service should make connections with its wider partners to ensure that they are familiar with how the system works and able to report issues and raise concerns e.g. the fire service who come into contact with individuals and families in the course of their preventative work e.g. fire safety checks.
341. The service **must** 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 own care and support needs, or support needs of carers that may arise. Further information about direct payments is available in the Part 4, Code of Practice – Meeting Needs and information about charging is available in Part 5 , Code of Practice - Charging and Financial Assessment.

342. The service **must** be provided to those in the secure estate - although the way in which this is delivered may be subject to the specific requirements of the criminal justice system. Further information on the duties to those in the secure estate is available in the code of practice on part 11.

Measuring Performance

343. The information advice and assistance service will support people to access the right information, when they need it, in the way they want it. People will expect to know and understand what care, support and opportunities are available to them and to be able to use this information, advice and assistance to help manage and achieve their well-being.
344. The effectiveness of this service must be measured and reported. A performance measurement framework for local authorities is detailed in the code of practice in relation to measuring social services performance. This framework is made up of:
- Quality standards for local authorities that describe the activities of local authorities that contribute to the achievement of personal outcomes, in relation to its social services functions; and
 - Performance measures that will be stated in relation to achieving the quality standards.
345. Standard 1 includes requirements in relation to the information advice and assistance service.
346. Standard 1 states:
- Local authorities must work with people who need care and support and carers who need support to define and co-produce personal outcomes that people wish to achieve and will ensure that they measure the impact of the care and support they deliver on people's lives, as well as the achievement of personal outcomes.*
347. In order to achieve Standard 1 in relation to the service, local authorities must:
- Work with people as partners to prevent the need for care and support and with other partners to arrange services in a way that prevents or delays people's need for care and support
 - work with partners to ensure access to clear and understandable information, advice and assistance to support people to actively manage their well-being and make informed decisions

- ensure decisions made have regard to a person's individual circumstances and treat people with dignity and respect and promote people's human rights
 - work with other professionals , including providers, to facilitate and lead a multi-disciplinary plan for care and support.
348. Both qualitative (seeking feedback from those that use the service) and qualitative measures will be used to measure achievement of the quality standards and these are listed in the code in relation to measuring social services performance, issued under section 145 of the Act .
349. The Welsh Government is also reviewing the quality measures associated with advice services across Wales. This may in future be measured through a set of National Service Standards for Wales or a National Quality Standards Framework for Wales. These standards would be applicable to all advice providers, whether these are managed and operated by the statutory services, third sector or independent sector. Local authorities would need to align the information, advice and assistance service to this new quality assurance scheme at the appropriate time.
350. In addition, alignment to the standards within the National Standards and Quality Assurance Framework for Information Services for Young People is recommended.

<http://www.promo-cymru.org/resources-2/national-standards-quality-assurance-framework>

Recording Information

351. Local authorities must record data from their 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 well-being services (see chapter 2 of this code).

Service Improvements

Recording personal data when advice and assistance are provided so that an individual does not have 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.

Personal Information

352. When information is offered a record of the enquiry **must** be made but personal data does not need to be collected/ recorded.
353. When advice is offered the assessor **must** record as much personal data in the core data set as possible and record the nature and outcome of the enquiry. Recording **must** be done using the National Assessment and Eligibility Tool, albeit in a manner proportionate to the enquiry. The obligation to complete the core data set in its entirety is only required to be met when an individual has a care and support plan, or support plan in respect of a carer, is required.
354. Using the National Assessment and Eligibility Tool to record personal data will enable staff to identify quickly if the enquirer has a care and support plan in place or has received information, advice or assistance previously.

In addition, it will enable any future enquiries about the same person to be progressed quickly and avoid repeating personal information at each point of contact.

- 355. Staff operating the service **must** be trained and skilled in undertaking assessments and have a good understanding of the National Assessment and Eligibility Tool so that an enquiry can be processed quickly.
- 356. Further details about the National Assessment and Eligibility tool is available in the codes of practice relating to Parts 3 of the Act on assessing the needs of individuals and Part 4 on meeting needs.
- 357. When personal information is captured in the core data set within the National Assessment and Eligibility Tool, the consent of the individual to share their information with relevant partners must be sought.
- 358. Local authorities **must** work in partnership with 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, NHS Trusts, and local authorities in Wales are signatories to this protocol and a link is attached at: <http://www.waspi.org/>

Governance Arrangements

Regional partnership working

- 359. The information, advice and assistance service should offer an integrated health and social care approach. The service **must** signpost or refer individuals efficiently to ensure that they receive the right response to achieve their personal outcomes.
- 360. Part 9 of the Social Services and Well-being (Wales) Act covers co-operation and partnership. The purpose of Part 9 is to ensure that local authorities and Local Health Boards work effectively together, along with other partners, to plan and ensure the delivery of integrated services to meet the needs of people in their local area. The regulations will require the establishment of regional partnership boards.
- 361. The regional partnership boards have a key role to play in relation to bringing together health and social care partners to determine where the integrated provision of services, care and support will be most beneficial to people within their region. Regional partnership boards will need to ensure that information, advice and assistance is offered across the region in a

manner which is accessible and suits the needs of their population. Local authorities should lead on agreeing, with regional partners, what service components should be developed on a national, regional and local basis.

362. Each local authority will be part of a regional partnership board and must take its lead from the board on how to design, plan and develop the model for the information, advice and assistance service that will ensure people find information easy to access even if they are wanting information and/or advice about care and support in another area of Wales. This will be of direct relevance to those who may be living close to the boundaries of the neighbouring local authority, and for individuals who may be approaching the service on behalf of someone else who lives in a different area.
363. Local authorities working in partnership through the regional partnership board **should** 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.

Population needs assessment

364. The regional partnership boards will also be responsible for ensuring the partnership bodies work effectively together to respond to the population assessment carried out in section 14 of the Act.
365. Local authorities **must** use information gathered through the population needs assessment to design, develop and continually improve the information, advice and assistance service. This will ensure that the service is appropriately designed and accessible to different client groups within the locality, and consider what aspects of the service are best provided at a national, regional or local level.
366. Local authorities **must** consider and apply the Care and Support (Population Assessments) (Wales) Regulations 2015 and chapter 2 of this code of practice on Population Assessment.

Duty on health partners

367. Local Health Boards and/or NHS Trusts **must** provide local authorities, within the regional collaborative, with information about the care and support it provides in the area. This information should be relevant and accurate and provided in a format which is agreed and accessible to the information, advice and assistance service.

Third party providers

368. If elements of the service are delivered through a third party the duty remains on the local authority and delivery of the service **must** be monitored closely. In all cases, feedback from people who have used the service must be collected and contribute to service improvement.

Accountability

369. The Director of Social Services has overall responsibility for the information, advice and assistance service. The Director must report annually to the Council on the delivery, performance, and risk, as well as plans for improvement of the whole range of social services functions. This report should include setting out the progress made by the information, advice and assistance service and its effectiveness in allowing people to achieve their personal outcomes.

Information, Advice and Assistance to those in the secure estate

370. 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. Local authorities are responsible for providing information, advice and assistance to those adults in prison, youth detention accommodation and bail accommodation where these establishments fall within their boundaries. They must work together with the relevant agencies and establishments to identify how this service will operate.
371. For adults the responsibility falls to the local authority in which the prison is located. For children and young people in youth detention accommodation or Youth Offending Institutions, these responsibilities fall to their home local authorities where they were living prior to sentence or on remand.
372. Local authorities must consider how to provide information, advice and assistance to those in the secure estate, ensuring that it is accessible both in terms of information content and delivery of service. The service and the provision and accessibility of preventative and well-being services needs 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.
373. 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.

Delivery models

- 374. The service will build over time through the cycle of information provided through the population needs assessments and customer feedback.
- 375. Local authorities must make links with other information and advice services at a local, regional and national level, particularly those that are publicly funded, such as the family information service.
- 376. All efforts should be made to reduce duplication and ensure the information and advice is offered by the most appropriate and skilled staff. Local authorities must ensure that they take account of what other information, advice and assistance services are available when designing and developing their service. Other information and advice services should not be duplicated and should either be integrated with the information, advice and assistance service or easily accessible via the service. Local authorities, working with their regional partners, must ensure that extant advice services and helplines, such as MEIC and the family information service, are linked and used effectively to develop reliable coverage for all people.
- 377. There will be some aspects of the service which may be more appropriate to design and deliver at a national level. For example, a single point of online access would ensure consistent access for the public and avoid duplication of national information. This is more accessible for the citizen and a more economic and efficient method of delivery.
- 378. The information, advice and assistance service must be underpinned by an accurate and up to date directory of services. Local authorities must consider how this is managed and resourced to ensure it is maintained with information about local services that are correct at point of access. Local authorities should consider how to approach the maintenance of the directory with their partners at a regional and national level.
- 379. Whilst the service must offer a consistent service regardless of where a person lives the citizen must feel like they can easily access local information and advice

Availability of the service

- 380. The service is not an emergency service and therefore there is no expectation that it would require a staffed resource 24/7. However, a 9-5 staffed service may not be sufficient and local authorities should identify what the needs of the population are and keep this under review. The

existence of an easily accessible website should mean that people are able to source information and advice themselves out of hours and should expect to receive a response to their queries within three working days.

381. There will be times when people contact the service and do in fact need an emergency response either from the local authority or another partner organisation.. The service needs to be able to respond quickly by transferring or re-routing the enquirer to the correct service. Protocols to enable this to happen need to be in place and regularly reviewed.

Complaints

382. All local authorities are required to put in place an arrangement for responding to complaints about any aspect of their social services functions. Where an individual is dissatisfied or concerned with the service that they have received from the information, advice and assistance service, they are able to make a complaint using the local authority social services complaints procedure.

383. Local authorities **must** put in place arrangements for making information about their complaints process available to the public, including via the information, advice and assistance service.

384. 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>

Workforce implications

385. Local authorities **must** establish a team which reflects a mix of skills and experience from a range of professionals and sectors. Local authorities **must** ensure that those that are deafblind are able to access specially trained one-to-one support workers for those people they assess as requiring one.
386. 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. The individual training plans for staff within the service should be regularly reviewed and maintained.
387. Staff **must** have received training in the National Assessment and Eligibility Tool and **must** be able to determine the need for family, friends or other individuals to advocate on the individual's behalf.

388. It is important that this training is offered to staff working in partner organisations to ensure that the integrated holistic approach to the care and support system is communicated through a wide range of professionals. Local authorities should also consider access rights for the wider workforce delivering information, advice and assistance.

Transition

389. Local authorities must offer an information, advice and assistance service from April 2016 however it is recognised that the development of the full service described in this code will be incremental. It is expected that the full service will be in place by April 2017.

Chapter 6: Registers of sight-impaired, hearing impaired and other disabled people

390. Section 18 requires local authorities to establish and maintain registers of people who are ordinarily resident in their area who are sight impaired, severely sight impaired, hearing impaired, severely hearing impaired or have both sight and hearing impairments which in combination have a significant effect on their day to day lives. For the register of both sight and hearing impairment, an individual does not need to be separately registered on the sight or hearing impairment registers.
391. Local authorities must also establish and maintain a register of children who are within the local authority's area and who are disabled, have a physical or mental impairment which gives rise, or may in the future give rise to, needs for care and support. Local authorities may also maintain a register of adults within their area to whom these same criteria apply.
392. In discharging their duties under section 18 local authorities must identify and make contact with all people who have both sight and hearing impairment including those who have multiple disabilities including dual sensory impairment. A local authority must also identify the linguistic circumstances of all those people in the relevant register. This would include individual preferences for communication, for example British Sign Language or Braille, or through the medium of Welsh.