

# **Code of Practice on the Role of Directors of Social Services under Part 8 (Social Services Functions) of the Social Services and Well-being (Wales) Act 2014**

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

(Short title: Code of Practice on the Role of Directors of Social Services)

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## Chapter 1: Preamble

1. This code of practice is issued under section 145 of the Social Services and Well-being (Wales) Act 2014 (“the Act”).
2. The Social Services and Well-Being (Wales) Act received Royal Assent on 1 May 2014. The Act comes into effect on 06 April 2016.
3. The Social Services and Well-being (Wales) Act 2014 is available at: [www.legislation.gov.uk/anaw/2014/4/enacted](http://www.legislation.gov.uk/anaw/2014/4/enacted)
4. Local authorities, when exercising their social services functions, must act in accordance with the requirements contained in this code. Section 147 (Departure from requirements in codes) does not apply to any requirements contained in this code. In addition, local authorities must have regard to any guidelines set out here.
5. In this code a requirement is expressed as “must” or “must not”. Guidelines are expressed as “may” or “should/should not”.
6. This code should be read in conjunction with all code of practice issued under the Act.
7. The Welsh Government has sought to support implementation through a process that fully engages our stakeholders. Central to this approach in the case of this code was the establishment of a reference group made up of senior 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.

## **Chapter 2: Introduction**

### **Context**

8. Section 144 of the Act consolidates the requirement that a local authority must appoint an officer, to be known as the director of social services, for the purposes of its social services functions. Schedule 2 of the Act contains the table of social services functions, and is replicated in Annex 1.
9. A local authority may not appoint a person to be its director of social services unless it is satisfied that the person has demonstrated competencies specified by the Welsh Ministers. The Welsh Ministers must specify these competencies in a code of practice issued under section 145 of the Act or in regulations. This code of practice discharges that requirement by setting out the required competencies for a director of social services at chapter 7.
10. Two or more local authorities may appoint one person as director of social services, providing they consider that person can efficiently discharge the functions of the director of social services for both or all of them.
11. A local authority which has appointed, or jointly appointed, a director of social services must secure the provision of adequate staff for the purposes of its social services functions in order to assist the director.
12. The Welsh Government has produced codes of practice in relation to various Parts of the Act. This code of practice seeks to build on those other codes to set out the strategic leadership role of the director of social services.

### **Purpose**

13. Social Services are at the heart of Welsh public life, supporting people at times of difficulty, as well as in the long term. Many of these services are delivered in partnership with others, including housing, health and education services. There has been, and will continue to be, shifts in the public's expectations of care and support as a result of demographic change and changes in our society. Furthermore, demand is rising across social services, yet the financial outlook for public services is challenging.
14. The Act puts in place the legislative framework to support the transformation of the way people's needs for care and support are met and make social services in Wales sustainable. There are a number of key themes that underpin the Act. These are:

**Focus on people** – ensuring people have a voice and control over their care and support to support them to achieve the outcomes important to them and also ensuring services are designed and developed around people.

**Well-being** – measuring success in relation to outcomes for people rather than process.

**Prevention and early intervention** – delivering a preventative and early intervention approach to minimise the escalation of need and dependency on statutory services.

**Partnership** – effective cooperation and partnership working between all agencies and organisations to best meet the needs of people.

**Accessibility** – improving the information and advice available to people and ensuring that everyone, irrespective of their needs, is able to access that information.

**New service models** – the development of new and innovative models of service delivery, particularly those that involve service users themselves.

15. The role of the director of social services is essential in providing the strategic leadership required to effectively deliver care and support services in keeping with the principles of the Act.
16. The director of social services will also be accountable for the quality and delivery of services for the purposes of discharging social service functions, including ensuring effective safeguarding arrangements are in place. The director will play a crucial role in securing the essential political and corporate support for social services. They will provide effective service and performance management; a clear sense of strategic direction; professional leadership for staff and services; foster effective joint working relationships both within and outside the local authority, including formal integrated arrangements with health boards; and, drive delivery of improved outcomes for people.

## **Chapter 3: Governance and accountability of a director of social services**

### **Role in executive structure of the local authority**

17. The director of social services must have a sufficient level of seniority to discharge the authority's social services functions and deliver their accountabilities. This level of authority must be well understood by relevant officers and councillors.
18. Regardless of the executive structural arrangements put in place by a local authority, the director of social services must always be a member of the corporate management team and have direct access, and directly report to, the head of paid service and councillors.
19. Membership of the corporate management team is the formal mechanism that enables the director of social services to contribute to the vision and direction of the council and ensure services seek to promote the well-being of people with care and support needs.

### **Relationships with the head of paid service and other senior officers**

20. The director of social services must report directly to the head of paid service. The head of paid service does not appoint the director of social services but is likely to have a role in this process.
21. The head of paid service must maintain a strong oversight of arrangements and ensure social services are viewed as a corporate priority. The head of paid service has a pivotal role in enabling the director of social services to deliver the local authority's social services functions and must ensure that corporate infrastructure supports them with their statutory accountabilities.
22. The relationship between the head of paid service and the director of social services must be properly agreed and appropriately communicated to councillors, officers and partners. This must be underpinned in governance and delegation documents that should be subject to periodic review.
23. Accountability and governance arrangements must provide the ability for the head of paid service to detect and ensure correction of any systemic

and ongoing breakdown in the standards and quality of care and support services.

24. As a member of the corporate management team, a director of social services may be required to consider overall resource implications, including budgetary issues. The head of paid service and the director of social services have a responsibility to ensure councillors have clear advice on the level of resources required for a local authority to effectively deliver its social services functions.
25. Defined working arrangements must also be put in place between the director of social services and other senior officers within the local authority to ensure the accountabilities of the director of social services are met. Any sharing of these responsibilities should also be explicitly negotiated and clearly communicated.
26. The effectiveness of defined arrangements in supporting the discharge of the functions of a director of social services must be regularly evaluated.
27. The individual designated as the director of social services may simultaneously undertake other roles within the local authority, including lead director for children and young people. (Further reference to relationships between the director of social services and the lead director for children and young people's services is set out in paragraphs 43 to 45). Local authorities must however be satisfied that additional responsibilities do not negatively affect the ability of an individual to discharge the functions of a director of social services.

### **Heads of Service**

28. Proper accountabilities must be in place for all social services staff, whether or not they are directly managed by a director of social services. Within the parameters of the local authority, a director of social services may seek to structure social services departments in a way that places responsibility for the delivery of services with others. Whilst responsibility for the delivery of certain social services functions may, for example, be placed with heads of services for adults and heads of service for children and families, accountability for these functions still rests with the director of social services.
29. Where responsibility for the delivery of any part of social services is outside the direct line management of the director of social services, there must still be regular liaison between the director of social services and that head of service. Written framework documents must set out clearly how

responsibilities have been put in place that ensure the effective discharge of social services functions.

### **Accountabilities of the director**

30. The director of social services is accountable for the effective delivery of the local authority's social services functions to the head of paid service and through them to the council. The head of paid service and the director of social services must have regular meeting time as part of their relationship of accountability.
31. The director of social services must raise awareness of their role amongst councillors. This includes how councillors, including scrutiny committees can both support the role and hold post holders to account, including in relation to the production of the annual report as set out in chapter 6. The director of social services must ensure that there are clear commitments setting out what information councillors should expect to receive in relation to both the discharge of specific social services functions and wider activities to promote the well-being of people with care and support needs.
32. The director of social services must:
  - ensure the head of paid service, executive and councillors have access to the best, up-to-date professional advice and information on all aspects of care and support services;
  - assure the head of paid service and councillors that statutory functions laid on the authority have been carried out, and that proper management information and accurate records are being kept;
  - identify and advise councillors on priorities, challenges and risks across all aspects of social services, including circumstances where staffing issues affect the Council's ability to discharge its statutory responsibilities;
  - brief the head of paid service and councillors on high-profile cases and other matters likely to cause public concern; and
  - advise councillors on strategies for improving methods of intervention, service provision, practice and use of resources.

## **Inspectorates**

33. The director of social services must lead and support continuous engagement and co-operation with inspectorates by all local authority officers in relation to the preparation and undertaking of any performance reviews of local authority social services functions, as well as any other care and support services provided in the local authority area. This includes ensuring inspectorates have access to all relevant information.
34. As part of their accountability, the director must report to the council on the detail any inspection report on the performance of the local authority social services. This must include setting out what appropriate action is taken to improve services that promote the well-being of people with care and support needs, or prevent or delay the development of such needs, in response to that report.



## **Chapter 4: Specific functions in the Social Service and Well-being (Wales) Act 2014**

### **Well-being**

35. Section 5 of the Act requires that all persons must seek to promote well-being for people who need care and support, and carers who need support, when carrying out their functions under the Act.
36. In addition, Section 6 requires that all persons exercising functions under the Act must also have regard to an individual's views, wishes, feelings, characteristics, culture and beliefs. They must also promote and respect the dignity of the individual, and support them to participate in decisions that affect him or her.
37. In relation to adults, persons must begin with the assumption that the adult is best placed to judge their own well-being and must promote the adults independence wherever possible. In relation to children, persons must promote the upbringing of the child within their family, so far as doing so is consistent with promoting the well-being of the child.
38. Code of practice for Part 2 of the Act sets out the detail about duties to promote the well-being of people who need care and support and other overarching duties:  
  
<http://gov.wales/docs/dhss/publications/150622code2en.pdf>
39. The director of social services must have regard to these duties in relation to how the local authority exercises all its social services functions. The director of social services must show strategic leadership in ensuring all care and support services in the local authority area seek to promote the well-being of all people with care and support needs. This includes overall responsibility for meeting the identified care and supports needs of deaf blind citizens. This will involve ensuring all care and support services work with people to empower them to contribute to achieving their own well-being with the appropriate level of support and services.

### **Co-operation and partnership working**

40. Improving the well-being of people with care and support needs and preventing or reducing the development of care and support needs will often require services beyond those traditionally provided by social services. There will frequently be a need for an approach that involves services across the local authority and by other relevant partners.

41. The director of social services must lead on the development of effective arrangements to promote co-operation to achieve the following purposes:
  - a) improve the well-being of people with care and support needs, including carers who need support;
  - b) improve the quality of care and support for people, including support for carers;
  - c) protecting adults with care and support needs who are at risk or experiencing abuse or neglect; and
  - d) protecting children who are at risk or experiencing abuse or neglect
42. The director of social services should ensure that any problems of inter-agency co-operation and gaps between services are identified and resolved.
43. The director of social services' membership of the corporate management team and defined accountability arrangements with other senior officers, as set out in Chapter 3, should be utilised to promote co-operation within the local authority. This will involve ensuring that all local authority services collectively seek to achieve the purposes above.
44. The director of social services must similarly seek to develop an effective environment to promote co-operation in relation to people with care and support needs with external partners, including the Local Health Board, the third sector and independent sector. Paragraphs 48 to 52 set out the role of the director in relation to formal partnership arrangements provided for by Part 9 of the Act which can be used for this purpose.

*Role of lead director for children and young people's services*

45. Section 27 of the Children Act 2004 requires local authorities to appoint a lead director for children and young people's services to co-ordinate and oversee arrangements to improve the well-being of children in the local authority area. This role is to champion children's rights and can be attached to any appropriate director within the corporate management team, including the director of social services.
46. In authorities where the posts of director of social services and lead director for children and young people's services are held separately, there will be an overlap between the two roles. The lead director for children and young people's services will seek to address the well-being needs of all children. The director of social services must focus on improving the well-being of children *specifically with care and support needs* and protecting children from harm.

47. Individuals undertaking these respective roles must liaise regularly and formally in accordance with defined arrangements, as set out in chapter 2. The effectiveness of these arrangements should be reviewed as required.

*Integration and Partnership Working*

48. The guidance about partnership arrangements issued under Part 9 of the Act sets out how local authorities and Local Health Boards must work together, along with other partners, to plan and ensure the delivery of integrated care and support services on a regional basis. Regulations provide for the following Regional Partnership Boards:
- **Cardiff and Vale Regional Board** -Cardiff and Vale University Health Board and the following local authorities: Cardiff and the Vale of Glamorgan.
  - **Cwm Taf Regional Board** -Cwm Taf University Health Board and the following local authorities: Merthyr Tydfil and Rhondda Cynon Taf.
  - **Gwent Regional Board** - Aneurin Bevan University Health Board and the following local authorities: Blaenau Gwent, Caerphilly, Monmouthshire, Newport and Torfaen.
  - **West Wales Regional Board** – Hywel Dda University Health Board and the following local authorities: Pembrokeshire, Carmarthenshire, Ceredigion.
  - **Powys Regional Board** – Powys Teaching Health Board and the following local authority: Powys.
  - **North Wales Regional Board** - Betsi Cadwaladr University Health Board and the following local authorities: Anglesey, Conwy, Denbighshire, Flintshire, Gwynedd and Wrexham.
  - **Western Bay Regional Board** -Abertawe Bro Morgannwg University Health Board and the following local authorities: Bridgend, Neath Port Talbot and Swansea.
49. The person appointed as director of social services in respect of each local authority which established the Regional Partnership Board, or a nominated representative, must be a member of the Board.
50. There is a need to ensure the quality of information given to Regional Partnership Boards is sufficient to allow their effective operation. Similarly, the director of social services should ensure information from the Regional Partnership Board clearly demonstrates how any social services functions have been discharged.
51. The director of social services must ensure their respective Regional Partnership Boards facilitate and promote co-operation to improve the

wellbeing of people who need care and support, including carers who need support.

52. In addition, the director of social services must ensure this regional co-operation leads to improved effectiveness and efficiency in relation to the delivery of care and support services to address care and support needs, and support needs for carers, identified in the Population Assessment Report. Regional Partnership Boards have a key role to play in bringing partners together to determine, in consultation with service users, where the integrated provision of care and support services will be most beneficial to people within their region.

### **A preventative approach to care and support needs**

53. The director of social services must ensure that the local authorities and partners develop a strategic approach to prevention. It is vital that care and support services do not wait to respond until people reach crisis point.
54. Code of practice in relation to Part 2 of the Act sets out the requirements in sections 14 and 15 for local authorities and Local Health Boards to undertake a population assessment of care and support needs; and for local authorities to provide or arrange a range of preventative services. The director of social services must ensure that preventative services are provided or arranged specifically to address the care and support needs identified by the population assessment.
55. Ensuring a preventative culture in relation to care and support is embedded across the local authority, and in particular the social services department, will require leadership across the local authority from all chief officers, and principally from the director of social services.

### **Citizen and community engagement**

56. Local authorities must involve people for whom care and support or preventative services are to be provided in the design and operation of that service.
57. Code of practice in relation to Part 2 of the Act sets out the requirement in section 16 which places a duty on local authorities to promote the development in their area of not-for-profit organisations to provide care and support services, including preventative services. These models include social enterprises, co-operative organisations, co-operative arrangements, user led services and the third sector. This requirement supports a new relationship between the local authority and service providers.

58. The director of social services must ensure that, in identifying the range and level of services required to respond to care and support needs identified by the population assessment, a co-operative approach to the planning, development, procurement and delivery of services is taken.
59. The requirement for an information, advice and assistance service in section 17 of the Act is also set out in code of practice in relation to Part 2. The director of social service must also ensure the effectiveness of this service in supporting people to achieve their well-being outcomes.

### **Safeguarding**

60. Safeguarding children and adults at risk of abuse or neglect is everyone's responsibility. However, the director of social services must show leadership to ensure effective safeguarding arrangements are in place both within the local authority and by relevant partners.
61. The director of social services must oversee and report to councillors, on a consistent basis, regarding the operation, monitoring and improvement of child and adult safeguarding systems within the local authority.
62. Defined arrangements with other officers within the local authority, particularly the head of adult services and head of children services, as set out in Chapter 3, must be clear in relation to delegation and reporting arrangements related to safeguarding issues.
63. Statutory Guidance in relation to Part 7 of the Act set out the requirements for Safeguarding Children Boards and Safeguarding Adult Boards. The Safeguarding Boards areas are:
  - **Cardiff and Vale** - Cardiff and the Vale of Glamorgan local authorities.
  - **Cwm Taf Regional Board** - Merthyr Tydfil and Rhondda Cynon Taf local authorities.
  - **Gwent** - Blaenau Gwent, Caerphilly, Monmouthshire, Newport and Torfaen local authorities.
  - **Mid and West Wales** - Carmarthenshire, Ceredigion, Pembrokeshire and Powys local authorities.
  - **North Wales** - Anglesey, Conwy, Denbighshire, Flintshire, Gwynedd and Wrexham local authorities.
  - **Western Bay** - Bridgend, Neath Port Talbot and Swansea local authorities.

64. Both Safeguarding Children Boards and Safeguarding Adult Boards must include a representative with a sufficient level of seniority from each local authority within the Board's area. This includes, but is not limited to, the director of social services. In the absence of the director, another officer who is acceptable to the director and of sufficient seniority may attend in their place.
65. Each partner has equal responsibility for the exercise of functions of Safeguarding Boards, rather than being a specific local authority function. The director of social services must support effective partnership working and ensure safeguarding duties are effectively discharged collaboratively by Safeguarding Boards. These include in relation to:
- Contributing to the review and development of policies and procedures to safeguard children and adults at risk;
  - Raising awareness of abuse, neglect and harm in a Board's area;
  - Regularly reviewing the effectiveness of local safeguarding measures;
  - Undertaking and ensuring lessons are learnt from Child Practice Reviews and Adult Practice Reviews;
  - Disseminating information about safeguarding best practice and learning;
  - Ensure practitioners across all safeguarding partners are receiving or have access to appropriate safeguarding training; and
  - Ensuring there are effective, understood and publicised arrangements for the reporting of children and adults suspected of being at risk of abuse or neglect.

### **Children and their families**

66. Supporting families to stay together by focusing on early intervention and preventative action across all service provision for children and their families is key to enabling children to have the best possible outcomes. The director of social services must provide leadership and demonstrate a strategy to manage risk confidently and effectively cooperate with the full range of partners to work with families at the 'edge of care', making sure

that needs are accurately assessed and met, so that only the right children are accommodated at the right time.

67. Code of practice in relation to Part 6 of the Act sets out a comprehensive framework of support for those children who can no longer be cared for by their families and do need to be taken into a local authority's care. The director of social services must ensure strategic arrangements are in place to provide for co-operation across the local authority and with partners for effective provision of care and support services for all Looked After Children. Arrangements must provide for planning which embraces all aspects of the child's well-being, including health and developmental needs, stability and permanence, and educational attainment, and focuses on improving outcomes for Looked After Children.

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## Chapter 5: Workforce Development

68. The director of social services has a strategic leadership role to ensure high standards across the whole social care workforce, including the public and independent sectors.
69. The director must ensure a whole sector workforce plan is in place which identifies and secures implementation of measures to ensure a sufficient large, skilled, safe and focused workforce to promote the well-being of people with care and support needs. This includes in relation to recruitment and retention, pre-employment vetting, registration, reward, addressing poor performance, career pathways, competency and qualification requirements, skill mix, training needs, evidence based practice, compliance with codes of practice and contributions to workforce data.
70. This strategic leadership approach should be undertaken as part of the development of effective partnership working arrangements, as described in paragraphs 38 to 42. The director must however make clear that other agencies' and providers' individual responsibilities towards workforce planning and development are not absolved.
71. The director should promote collaborative workforce learning through networks and relationships with other bodies. This includes working with education and training providers, such as Higher Education bodies, to ensure they are able to deliver relevant and effective training and support a competent workforce.
72. Ensuring that positive managerial leadership behaviours are developed is a crucial role of the director. Working with professional bodies, clear leadership is also needed to promote a culture of continuous learning, evidence based practice and professional accountability.
73. The director's role in delivering leadership in relation to workforce development within the local authority should be included in the defined working arrangements, as described in paragraphs 25 to 26. As part of their senior corporate leadership role, the director must ensure the local authority has overarching personnel and safe recruitment policies supporting the requirements for a social care workforce to provide effective care and support services. This includes ensuring social workers employed are registered with the regulatory body in Wales to provide strong connectivity between employers and regulators.



74. The director must advise councillors, partners and other providers where workforce shortfalls inhibit the local authority's capacity to discharge statutory responsibilities and set out actions necessary to rectify these issues.

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## Chapter 6: Annual Report

75. The director of social services must prepare and publish an annual report about the exercise of the local authority's social services functions. This annual report must be published as soon as reasonably practicable after the end of a financial year.
76. The annual report must evaluate the performance of the local authority in relation to the delivery of its social services functions in respect of that year and include lessons learned. It must also set out objectives in relation to promoting the well-being of people who need care and support, and carers who need support, for the forthcoming year.
77. The annual report should be presented in such a way as to set out how the local authority has achieved the six quality standards of well-being outcomes as described in the *code of practice in relation to measuring social services performance*, issued under section 145 of the Act. Annex 2 sets out the quality standards in relation to the above mentioned code of practice.
78. The annual report must set out how the local authority has promoted the well-being of people who need care and support, and carers who need support, identified in the Population Assessment Report produced in relation to that local authority area.
79. The following must also be included in the annual report:
  - Assurances in terms of structural arrangements within the local authority that enable good governance and strong accountability;
  - Assurances in relation to effective partnership working via Partnership Boards;
  - Assurances in relation to safeguarding arrangements;
  - Performance, in relation to the handling and investigation of complaints and representations (as set out in '*A guide to handling complaints and representations by local authority social services*' published in August 2014); and
  - Response to any inspections undertaken in relation to social services functions.
80. It is important that the views of services users in relation to the way the local authority has discharged its social services functions are included in the annual report. People, including children, who have experience of using care and support services, the parents of children who have care and support needs, and carers in the local authority area must be engaged

in the process of producing an annual report. This should also be evidenced by the statutory performance information that each local authority must collect as set out in the code of practice on measuring social service performance annually. It is also important that external providers and partner agencies contribute their view of the quality of partnership working. The annual report must set out how the local authority has engaged with people in its production.

81. Annual reports should be accessible to people, including service users. The director should therefore ensure that annual reports are not overly long and are written in a clear and concise way.
82. To ensure effective accountability, the annual report must be presented to the council by the director of social services.
83. A copy of the published annual report must be sent to Welsh Ministers. They must also be available on the local authority website.

## **Chapter 7: Competencies of a director of social services**

84. A local authority may not appoint a person to be its director of social services unless it is satisfied that person has demonstrated the competencies set out below. These competencies are generally consistent with the Welsh Public Service Leadership Behaviours Model.

### **Core Qualities**

#### **Learning and Self Awareness**

- demonstrate vision, creativity, adaptability and innovation with an outward looking approach to learning and development;
- committed to the continuous development of all services and people across all sectors involved in the delivery of care and support services.

#### **Drive for Results and Resilience**

- substantial experience in the management and delivery of effective social care services;
- knowledge of the legislative and structural context of social care services in Wales, particularly the Social Services and Well-being (Wales) Act 2014.

### **Future Working**

#### **Championing Innovation & Change**

- strong professional leadership capabilities, able to achieve and inspire change and improvement through influence, openness and effective communication;
- able to proactively promote and facilitate the integration of health and social services to achieve improved outcomes for people with care and support needs.

#### **Strategic Orientation**

- knowledge and experience in workforce planning and development with a good understanding of the importance of an effective workforce in all sectors;
- able to hold people and services to account by ensuring appropriate information flows and systems, reporting lines and professional and management audit methods are in place.

### **Working with Others**

#### **Building Collaboration and Partnership**

- able to promote effective partnership working, contributing to the

development of collaborative solutions between the public, Independent and Third sectors in the planning and delivery of services that maximise expertise and resources;

- able to demonstrate strategic evidence-based decision making to collaboratively develop effective care and support services.

### **Political Awareness and Skill**

- demonstrate understanding and experience of working at a senior level in publically accountable national and local political contexts;
- good knowledge of the operational environment of Independent and Third sector organisations that provide care and support services.

### **Delivery**

#### **Focusing on Citizens and Value**

- ensure an approach is taken by the local authority and all partners which seeks to promote the well-being of people who need care and support, and carers who need support;
- provide strategic leadership so that all care and support services are designed and delivered in partnership with citizens and focused on enabling them to achieve their own well-being ;
- demonstrate excellent financial management skills within local authority and shared budgets.

#### **Sharing Leadership**

- able to show values led leadership to achieve the commitment of staff and managers at all levels to maintain high standards and good practice through empowering them to show ambition and take responsibility.

## Annex 1: Local Authority Social Services Functions

Enactment	Nature of functions
<p><b>Children and Young Persons Act 1933</b> Sections 34 and 34A</p>	<p>Protection of the young in relation to criminal and summary proceedings.</p>
<p><b>Health Services and Public Health Act 1968</b> Section 65</p>	<p>Financial and other assistance by local authorities to certain voluntary organisations.</p>
<p><b>Children and Young Persons Act 1969</b> The whole Act</p>	<p>Care and other treatment of children and young persons through court proceedings.</p>
<p><b>Adoption Act 1976</b></p>	<p>Functions continuing to be exercisable by virtue of any transitional or saving provision made by or under the Adoption and Children Act 2002.</p>
<p><b>Mental Health Act 1983</b> Parts 2, 3 and 4; Sections 66, 67, 69(1), 114, 115, 116, 117 and 130</p>	<p>Welfare of the mentally disordered; guardianship of persons suffering from mental disorder including such persons removed to England and Wales from Scotland or Northern Ireland; exercise of functions of nearest relative of person so suffering; exercise of functions of nearest relative in relation to applications and references to the First-tier Tribunal or the Mental Health Review Tribunal for Wales; appointment of approved mental health professionals; entry and inspection; welfare of certain hospitals; after-care of detained patients; prosecutions.</p>

**Public Health (Control of Disease) Act 1984**  
Section 46(2) and (5)

**Mental Health (Scotland) Act 1984**  
Section 10

**Disabled Persons (Services, Consultation and Representation) Act 1986**  
Sections 1 to 3 and 5(5)

**Housing (Scotland) Act 1987**  
Section 38(b)

**Children Act 1989**  
**The whole Act, except section 36 and paragraphs 12 to 19(1) of Schedule 3 (education supervision orders), in so far as it confers functions on a local authority within the meaning of that Act.**

Burial or cremation of person dying in accommodation provided under Part 2 of this Act and recovery of expenses from the person's estate.

Welfare of certain persons while in hospital in Scotland.

Representation and assessment of disabled persons.

Co-operation in relation to homeless persons and persons threatened with homelessness.

Welfare reports; consent to application for residence order in respect of child in care; functions relating to special guardianship orders; family assistance orders; care and supervision; protection of children; functions in relation to community homes, voluntary homes and voluntary organisations, registered children's homes, and private arrangements for fostering children; inspection of children's homes on behalf of Secretary of State; research and returns of information; functions in relation to children accommodated by Local Health Boards, Primary Care Trusts, National Health Service trusts or local authorities in the exercise of education functions or in care homes, independent hospitals or schools.

<p><b>Housing Act 1996</b> <b>Section 213(1)(b)</b></p>	<p>Co-operation in relation to homeless persons and persons threatened with homelessness.</p>
<p><b>Education Act 1996</b> <b>Section 322</b></p>	<p>Help for another local authority in exercising functions under Part 4 of the Act.</p>
<p><b>Adoption (Intercountry Aspects) Act 1999</b> <b>Sections 1 and 2(4)</b></p>	<p>Functions under regulations made under section 1 giving effect to the Convention on Protection of Children and Co-operation in respect of Intercountry Adoption, concluded at the Hague on 29th May 1993, and functions under Article 9(a) to (c) of the Convention.</p>
<p><b>Adoption and Children Act 2002</b></p>	<p>Maintenance of Adoption Service; functions of local authority as adoption agency.</p>
<p><b>Community Care (Delayed Discharges etc) Act 2003</b> <b>Part 1</b></p>	<p>Functions relating to hospital patients likely to need community care services to be made available in order to be discharged safely.</p>
<p><b>Mental Capacity Act 2005</b> <b>Sections 39, 39A, 39C, 39D, 49 and Schedule A1</b></p>	<p>Instructing independent mental capacity advocate before providing accommodation for person lacking capacity; instructing independent mental capacity advocate when giving an urgent authorisation, or making a request for a standard authorisation, under Schedule A1 to the Act; instructing independent mental capacity advocate when no representative for relevant person under Part 10 of Schedule A1 to the Act; instructing independent mental capacity advocate when representative for relevant person under Part 10 of Schedule A1 to the Act is not being paid; reports in proceedings; functions relating to hospital and care home residents.</p>



**Children and Families (Wales) Measure 2010**  
**Section 66**

Family social work standards officers.

**Mental Health (Wales) Measure 2010**  
**Parts 1 to 3**

Local primary mental health support services, coordination of and care planning for secondary mental health service users, assessments of former users of secondary mental health services.

**Legal Aid, Sentencing and Punishment of**  
**Offenders Act 2012**  
**Section 92**

Functions in relation to a child remanded to local authority accommodation.

**Care Act 2014**  
**Sections 50 and 52**

Temporary duty to meet needs for care and support (or needs for support) where establishment or agency unable to do so because of business failure.

**This Act**  
**The whole Act, except the functions under sections**  
**15(4) (in so far as it relates to other functions that**  
**are not social services functions), 120(2), 128(1)**  
**and (2), 130(1) and (2), 162 and section 164.**

Preventative services; care and support; support for carers; looked after and accommodated children; safeguarding adults and children.

## Annex 2: Quality Standards in relation to measuring social services functions

Definition of well-being from the Social Services and Well-being (Wales) Act	Quality standard for local authorities
<p><b>Securing rights and entitlements</b></p> <p><b>Also for adults: Control over day-to-day life</b></p>	<p><b>1. Local authorities must work with people who need care and support and carers who need support to define and co-produce personal well-being outcomes that people wish to achieve.</b></p> <p>In order to achieve this, in the exercise of their social services functions local authorities <b>must</b>:</p> <ol style="list-style-type: none"> <li>a) 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.</li> <li>b) 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 peoples need for care and support.</li> <li>c) Work with people as partners to undertake an assessment of personal well-being outcomes in a timely manner.</li> <li>d) Ensure decisions made have regard to a person’s individual circumstances and the UN convention on the rights of children and the UN principles for older people and the UN convention on the rights of disabled people.</li> <li>e) Treat people with dignity and respect.</li> <li>f) Ensure people have control over the planning and delivery of their care</li> <li>g) Arrange an independent advocate to facilitate the involvement of an individual where that person can only overcome the barrier(s) to fully participating in the process of determining, reviewing and meeting need, through the support of an advocate.</li> <li>h) Have in place suitable arrangements for assessing and determining need and eligibility.</li> <li>i) Ensure people who have a care and support plan have a named contact who shares relevant information with partners to allow a seamless transition of care and support across services.</li> <li>j) Ensure that the impact of the care and support on people’s lives is measured, as well as the achievement of personal outcomes.</li> <li>k) Work with other professionals, including providers, to facilitate and lead a multi-disciplinary plan for care and support.</li> <li>l) Have in place suitable arrangements to make people aware of paying for care and charging</li> </ol>

	arrangements.
<p><b>Physical and mental health and emotional well-being</b></p> <p><b>Also for children: Physical, intellectual, emotional, social and behavioural development</b></p>	<p><b>2. Local authorities must work with people who need care and support and carers who need support and relevant partners to protect and promote people’s physical and mental health and emotional well-being.</b></p> <p>In order to achieve this, in the exercise of their social services functions local authorities <b>must</b>:</p> <ul style="list-style-type: none"> <li>a) Jointly develop with partners and people the means to promote and support people to maintain a healthy lifestyle.</li> <li>b) Support people to access services which enable them to maintain a good level of mental health and emotional well-being.</li> <li>c) Encourage and empower people to manage their own health and well-being, be active and benefit from proactive, preventative care and support.</li> </ul>
<p><b>Protection from abuse and neglect</b></p>	<p><b>3. Local authorities must take appropriate steps to protect and safeguard people who need care and support and carers who need support from abuse and neglect or any other kinds of harm.</b></p> <p><b>Abuse, neglect and harm are defined in the Social Services and Well-being (Wales) Act 2014.</b></p> <p>In order to achieve this, in the exercise of their social services functions local authorities <b>must</b>:</p> <ul style="list-style-type: none"> <li>a) Respond effectively to changing circumstances and regularly review achievement of personal well-being outcomes.</li> <li>b) Provide care and support to people where it is necessary to meet their assessed needs in order to protect them from abuse or neglect or a risk of abuse or neglect or to protect a child from harm or a risk of harm.</li> <li>c) Develop suitable arrangements for people who put their own safety or that of others at risk to prevent abuse and neglect.</li> <li>d) Support people to protect the people that matter to them from abuse and neglect.</li> <li>e) Manage risk in ways which empower people to feel in control of their life, consistent with safeguarding needs.</li> </ul>

	<p>f) Work in partnership with others to investigate allegations of abuse and neglect to ensure that people are protected from harm.</p>
<p><b>Education, training and recreation</b></p> <p><b>Contribution made to society</b></p>	<p><b>4. Local authorities must actively encourage and support people who need care and support and carers who need support to learn and develop and participate in society.</b></p> <p>In order to achieve this, in the exercise of their social services functions local authorities <b>must</b>:</p> <p>a) Support people to do the things that matter to them to achieve their personal well-being outcomes.</p> <p>b) Help people to gain the skills and educational attainment they need to engage in things that matter to them.</p> <p>c) Encourage people to be active members of their communities, and to support each other in reducing social isolation.</p>
<p><b>Domestic, family and personal relationships</b></p>	<p><b>5. Local authorities must support people who need care and support and carers who need support to safely develop and maintain healthy domestic, family and personal relationships.</b></p> <p>In order to achieve this, in the exercise of their social services functions local authorities <b>must</b>:</p> <p>a) Work in partnership with people to investigate allegations of abuse and neglect and take action to ensure that people are protected from harm.</p> <p>b) Support people to maintain the relationships that matter to them, consistent with safeguarding needs.</p> <p>c) Help people to recognise unsafe relationships and protect themselves from abuse and neglect.</p> <p>d) Take the views of people’s families, carers and other personal relationships into consideration when assessing their care and support needs, if appropriate.</p> <p>e) Provide people with stable and consistent care and support placements.</p>
<p><b>Social and economic well-being</b></p> <p><b>Also for adults: Participation in work</b></p>	<p><b>6. Local authorities must work with and support people who need care and support and carers who need support to achieve greater economic well-being, have a social life and live in suitable accommodation that meets their needs.</b></p> <p>In order to achieve this, in the exercise of their social services functions local authorities <b>must</b>:</p> <p>a) Support people to participate as active citizens both economically and socially.</p>

**Suitability of living accommodation**

- b) Support people to access and sustain the ability to engage in meaningful work.
- c) Support people in accessing financial advice and help with benefits and grants.
- d) Provide access to services through the medium of Welsh, in line with the Welsh Governments' framework for Welsh Language, 'More Than Just Words' or in other languages of choice where necessary.
- e) Support people to access living accommodation that meets their needs and facilitates independent living.

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