

Social Services and Well-being (Wales) Act 2014

Code of practice in relation to the performance and improvement of social services

Introduction

This Code of Practice is issued under section 145 of the Social Services and Well-being (Wales) Act 2014 ('the Act').

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.

Local authorities must have regard to any guidelines set out here. In this Code of Practice a requirement is expressed as "must" or "must not". Guidelines are expressed as "may/may not" or "should/should not".

This Code of Practice applies to local authorities in relation to their social services functions. Partner bodies, such as Local Health Boards, Regional Partnership Boards, Social Care Wales, Care Inspectorate Wales and the third and independent sectors will also be required to be aware of this Code of Practice.

Purpose

The purpose of this Code of Practice is to set out the performance requirements that all local authorities must comply with in order to fulfil their core functions as set out in the Act, the associated legislation and Codes of Practice. All local authorities must use this Code of Practice to inform their performance arrangements.

This Code of Practice sets out the Quality Standards and the Performance and Improvement Framework as the two primary accountability methods that will be used by Welsh Government to monitor local authorities' performance in relation to the Act.

The Code of Practice also sets out the importance of ongoing improvement and how local authorities should use the accountability methods that are set out in this Code to inform their own improvement as organisations and inform the improvement in outcomes of people who are in need of care and support and carers who need support.

The Quality Standards and the Performance and Improvement Framework has been designed specifically to monitor performance and inform improvement. Together, the intention of the Quality Standards and the Performance and Improvement Framework is to:

For individuals:

- enable people to understand the quality of support that they are entitled to
- enable people to understand the accountability processes that apply to local authorities in relation to social services
- enable people to understand that local authorities must use these accountability processes to inform improvement

For local authorities:

- enable local authorities to understand the wider, strategic direction for social care that they must be working towards and their role in achieving this
- enable local authorities to focus on how they are performing – both for people in need of care and support and carers who need support and at an organisational level
- enable local authorities to understand the importance of data and evidence in informing their performance and for driving ongoing improvement – specifically in their understanding and effective use of quantitative data, qualitative data and the ongoing use of research and evidence
- enable local authorities to understand how Welsh Government will hold them to account for their performance
- enable local authorities to understand what they do well, to recognise and share best practice within and between local authorities and recognise what they do less well, what they might do differently, and what needs to be put right

For Welsh Government:

- ensure that all local authorities are working towards the same standards
- ensure that quality is central to all care and support, that all local authorities are aspiring to the same high level of quality and that there is equity of provision across Wales
- ensure that all local authorities are using the same approaches and methodologies to monitor performance and inform improvement
- ensure that the data and evidence gathered from local authorities can be used to monitor performance at a local and national level, to drive improvement across the social care sector and inform national policy

What the Code of Practice will be used for:

This Code of Practice is seeking to achieve a real change in how social services in Wales are measured and reported on and how the information gathered is used to inform the future of social services in Wales. Local authorities must understand the importance of data and evidence and understand the range of benefits that the effective, ongoing use of high quality and reliable data and evidence can have on measuring performance and informing improvement.

This Code of Practice, the Quality Standards and Performance and Improvement Framework that are set out within it should be viewed as integral to local authorities' work at a local level, as it is to Welsh Government' work at a national level. There will always be the need for the collection of more local, specific data, and this will be determined by each local authority for themselves, but the approaches and requirements set in this Code of Practice must be equally relevant to both local authorities and to Welsh Government. This Code of Practice will be used to:

- require local authorities to focus on performance and improvement equally
- set out the range of different types of data that local authorities must be collecting and accessing to inform their performance and improvement
- raise expectations in relation to the quality and consistency of data that is gathered to inform these processes
- ensure that there is a clear, nationally understood approach to inform performance and improvement that is shared between Welsh Government and local authorities
- ensure that local authorities, Welsh Government and other partners within the social care sector can access consistent and comparable data that provides clear evidence of progress, identifies areas where further work is needed and accurately and reliably informs policy at a local and national level
- inform the structure and content of the annual Director's Report

Understanding Performance

Understanding the impact that local authorities are having on improving the well-being outcomes of people who need care and support and carers who need support is critical for understanding how effectively the Act is being delivered and the difference that it is making.

Performance is important to enable Welsh Government, local authorities and people who are receiving care and support and carers who need support to assess whether local authorities are fulfilling their core functions as set out in the Act, the associated legislation and Codes of Practice and how well these core functions are being delivered.

Within the context of this Code of Practice, performance measurement must be seen as a tool to support improvement as well as ensuring local authorities' compliance in delivering the Act.

This Code of Practice must be used by local authorities to inform their approach to performance and the Quality Standards and the Performance and Improvement Framework included in this Code must support this.

The Quality Standards

The Quality Standards set out the requirements that local authorities must undertake in relation to the Act. They set out Welsh Government's expectations at a national level of the quality of support that local authorities must be providing.

The Quality Standards are intended to be aspirational, and not a check list to be met. They are designed to challenge local authorities, to raise ambition and to encourage innovation.

The Standards are linked to the seven well-being goals as set out in the Well-being of Future Generations (Wales) Act 2015 and linked to the definition of well-being as set out in the Social Services and Well-being Act.

The Standards aim to ensure that all people who need care and support and carers who need support are able to access the right support at the right time from the right place and that there are appropriately experienced and / or qualified professionals in place to deliver this. Specifically, this includes:

- the support provided to people accessing information and advice;
- the support provided to people who need care and support and carers who need support; and
- the support that is provided to the social services workforce.

Local authorities will be expected to demonstrate their progress against the Quality Standards annually via the Director's Report. This evidence must be a combination of the data and evidence gathered through the Performance and Improvement Framework, alongside any local data or other approaches that the local authorities consider to be appropriate to them.

The Quality Standards focus on four key areas:



These areas align with the core principles of the Act and with Care Inspectorate Wales' inspection framework.

Quality Standards

The Quality Standards are intended to be aspirational, and not a check list to be met. They are designed to challenge local authorities, to raise ambition and to encourage innovation.

People	Prevention	Partnerships and Integration	Well-Being
All people are equal partners who have voice, choice and control over their lives and are able to achieve what matters to them.	The need for care and support is minimised and the escalation of need is prevented, whilst ensuring that the best possible outcomes for people are achieved.	Effective partnerships are in place to commission and deliver fully integrated, high quality, sustainable outcomes for people.	People are protected and safeguarded from abuse and neglect, and any other types of harm.
Effective leadership is evident at all levels with a highly skilled, well qualified and supported workforce working towards a shared vision.	Resilience within our communities is promoted and people are supported to fulfil their potential by actively encouraging and supporting people who need care and support, including carers, to learn, develop and participate in society.	People are encouraged to be involved in the design and delivery of their care and support as equal partners.	People are supported to actively manage their well-being and make their own informed decisions so that they are able to achieve their full potential and live independently for as long as possible.

For the purposes of this Code of Practice people, prevention, partnerships and integration and well-being are defined as follows:

People

A rights-based approach places people at the centre of services and communities; providing clarity and transparency about rights and responsibilities. People have a strong voice and control over services they receive, underpinned by an agreement on whether advocacy is required. This supports a focus on what matters to them, the outcomes they want to achieve, and how they can use their own strengths and resources to promote their own wellbeing. The importance of positive risk taking in strengths-based practice is understood and well managed. Practitioners and managers ensure practice and supervision are grounded in the most up-to-date knowledge, evidence-based practice and other relevant materials, including legislation, government guidance and learning from reviews.

Prevention

Proportionate and consistent leadership and governance ensures population needs drive organisational change, as both local authorities and local health boards focus on preventative approaches to locally identified care and support needs. The positive integrated approach to a culture of prevention is evidenced through joint working, supportive infrastructure and aligned delivery systems. A prudent approach to resource allocation ensures the right help is available at the right time and together with seamless services this prevents escalation of need and improves the quality of the individual's journey through the health and social care system. Services and outcomes are proportionate, targeted, sustainable and supported through promotion of social enterprises, co-operatives, user led services and the third sector, all of which build the local core economy of people exchanging their skills and interests. Preventative activity can be anything that helps meet an identified need and ranges from wide-scale measures aimed at the whole population to more targeted individual interventions.

Partnership and integration

Through trust, shared commitment and collaboration, local authorities and local health boards contribute resources and work with local people to identify needs and develop integrated population assessment reports. These reports underpin the shaping, commissioning and provision of sustainable services. Value and sustainability are achieved through shared objectives and a focus on; continuous improvement through engagement with people who use services, self-evaluation, innovation and use of evidence-based practice. At an individual level, services are co-produced based on a relationship of equals between practitioners and people who need care and support and carers who need support. Success is measured by gathering information about whether support is achieving the things that matter to people and how organisations are driving improvement at population and individual levels.

Well-being

Local authorities exercising functions under the Act ensure they make a positive contribution to the well-being of people who need care and support and carers who need support. At an individual level this includes seeking out the person's wishes and feelings, respecting their dignity, taking into account their culture, beliefs and other characteristics and building upon their circumstances, capabilities, networks and communities. Working in partnership with people to develop creative solutions is key to improving the quality of care, securing well-being and preventing the development of people's needs for care and support. We measure success in relation to outcomes for people rather than process.

Performance and Improvement Framework

The Performance and Improvement Framework has been designed to support local authorities to evidence their progress against the Quality Standards. The data and evidence gathered through the framework will provide local authorities with a range of data and evidence that they must use to measure their performance in relation to the Act and to inform their improvement activities. The data and evidence gathered through the framework must also be used to inform the Director's Report.

The Performance and Improvement Framework contains three component parts. These are:

- Quantitative data
- Qualitative data
- Research and evidence

Local authorities must ensure that the framework is used holistically to inform their performance and improvement, and that each of the three component parts are represented in the data and evidence that is gathered.

For the purposes of this Code of Practice, quantitative data, qualitative data and research and evidence are defined as follows:

Quantitative Data

The quantitative data provides the context in which local authorities are working by providing clear and accurate information on the numbers of people moving through the social care system and identifying the resulting demand on services.

This data will be gathered annually through a range of nationally prescribed metrics and performance indicators. Local authorities should also gather their own quantitative data depending on their own locally defined priorities.

Qualitative Data

The qualitative data provides local authorities with information on people's experiences of social care, as well as how and if they are achieving their well-being outcomes.

This data will be gathered through a range of nationally prescribed approaches which are defined in separate guidance. Local authorities should also gather their own qualitative data depending on their own locally defined priorities.

Research and Evidence

Research and evidence enables local authorities to understand the wider social care context and how their provision and practice can be improved.

Research and evidence should be undertaken at all levels in the social care system in order to ensure that improvement is achieved consistently and sustainably. This will include:

Individual level – Social care practitioners undertaking their own research or using research evidence as part of a professional qualification or to inform their own practice.

Local and Regional level – Local authorities using research evidence to inform services, to drive improvement and highlight best practice. Local authorities should also commission or undertake their own research in the areas that are most important to them.

National level – Welsh Government using research and evidence to measure the effectiveness of national policy, to inform future policy development and to ensure that improvement across Wales is being achieved.

Performance and Improvement Framework



Improved Well-being Outcomes

Core to the Act is the requirement that all people in need of care and support and carers in need of support must be supported to achieve the well-being outcomes that matter most to them. The Quality Standards and the Performance and Improvement Framework must be used by local authorities to support the achievement of these well-being outcomes.

The meaning of well-being is set out in Section 2 of the Act and applies to all people who need of care and support and carers who need support. According to the Act the definition of well-being can relate to any of the following:

(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.

Section 5 of the Act puts a duty on any persons exercising functions under the Act to seek to promote the well-being of people who need care and support and carers who need support. This overarching duty applies to all persons and bodies exercising functions under this Act, including the Welsh Ministers, local authorities, local health boards and other statutory agencies.

Section 8 of the Act places a duty on Welsh Ministers to issue a statement relating to the well-being of people who need care and support and carers who need support. The well-being statement specifies the outcomes that are to be achieved in terms of the well-being of people who need care and support and carers who need support and outcome measures against which achievement of these outcomes is to be assessed. The Well-Being Statement for people who need care and support and carers who need support is included in Annex A.

Strategic Improvement

This Code of Practice forms part of Welsh Government's wider commitment to support strategic improvement across the whole of the social care sector in Wales. This Code of Practice links explicitly to Care Inspectorate Wales' inspection framework and to Social Care Wales' statutory responsibilities for improvement as set out in the Regulation and Inspection (Wales) Act 2016. Local authorities should apply this Code of Practice within the knowledge of this wider context.

Accountability

Local authorities are required to use the data and evidence gathered through this Code of Practice to inform the content of the Directors of Social Services Annual Report. The publication of this information will support transparency and help people to access the information they need to understand the effect that social services are having in their local area.

Care Inspectorate Wales will use the data and evidence gathered through this Code of Practice to inform the inspection and review of local authority social services through statutory inspection regimes.

Local authorities will also need to establish their own local accountability processes.

Associated Guidance

All local authorities must ensure that they fully comply with all guidance that is published in relation to this Code of Practice.

Well-being statement for people who need care and support and carers who need support

What is this well-being statement?

Everyone is entitled to well-being and everyone has a responsibility for their own well-being, but some people need extra help to achieve this. The statement describes what well-being means for people who need care and support and carers who need support. Defining what is meant by well-being is about securing an approach based on working in partnership with people, giving people a stronger voice and greater control over their lives, and empowering people to achieve their own well-being with the appropriate level of care and support.

What does the statement contain?

The statement describes the national well-being outcomes for people who need care and support and carers who need support. The statement builds on the definition of well-being in the Social Services and Well-being (Wales) Act 2014 and describes the national well-being outcomes in relation to all areas of an individual's life.

People will want to achieve personal outcomes that are important to them. Working with social services and their partners, people can expect to achieve personal outcomes which reflect the national well-being outcomes.

How will the statement be used?

The well-being statement was laid before the National Assembly for Wales on 24th August 2016. It will be used to set out the Welsh Government's commitment to achieving well-being for people who need care and support and carers who need support. It will be used to build a common understanding of well-being across all agencies, to ensure everyone is working together towards the same important outcomes for individuals.

The well-being of people who need care and support and carers who need support will be monitored annually through the national outcomes framework.

For further information see

The Social Services and Well-being (Wales) Act 2014:
www.legislation.gov.uk/anaw/2014/4/contents/enacted

The national outcomes framework for people who need care and support and carers who need support:
www.wales.gov.uk/topics/health/socialcare/well-being/?lang=en

For more information contact

Social Services Improvement Division, Welsh Government
sswbimplementation@wales.gsi.gov.uk 029 2082 5833

ANNEX B – THE PERFORMANCE AND IMPROVEMENT FRAMEWORK IN CONTEXT

Well-being of Future Generations (Wales) Act 2015	
Social Services and Well-being (Wales) Act 2014	
Well-being statement for people who need care and support and carers who need support	
National Outcomes Framework	
Quality Standards	
Performance and Improvement Framework	
Performance Indicators	
Quantitative Data – Qualitative Data – Research and Evidence	