



Llywodraeth Cymru  
Welsh Government

**Number: WG46649**

Welsh Government  
Consultation Document

## Rebalancing Care and Support Programme

Proposals on a National Framework for commissioned care and support, a National Office for Care and Support, strengthening of Regional Partnership Board arrangements, changes to the Code of Practice on the role of the Director of Social Services and related legislation, and proposals on a Pay and Progression Framework for social care

Date of issue: 22 May 2023

Action required: Responses by 14 August 2023

## Overview

This consultation document seeks views on proposals related to the rebalancing care and support programme. These include a National Framework for commissioned care and support (Code of Practice), a National Office for Care and Support, and strengthening of Regional Partnership Board arrangements. The consultation also includes proposals around changes to the Code of Practice on the role of the Director of Social Services and related legislation, and proposals on a Pay and Progression Framework for social care.

## How to respond

Submit your comments by 14 August 2023, in any of the following ways:

- complete our online form
- download, complete our response form and email: [socialcarefutures@gov.wales](mailto:socialcarefutures@gov.wales)
- download, complete our response form and post to:

Futures and Integration Division  
Social Services and Integration Directorate  
Health and Social Services Group  
Welsh Government  
Cathays Park  
Cardiff  
CF10 3NQ

## Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

## Contact details

For further information:

Futures and Integration Division  
Social Services and Integration Directorate  
Health and Social Services Group  
Welsh Government  
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Email: [socialcarefutures@gov.wales](mailto:socialcarefutures@gov.wales)

This document is also available in Welsh: <https://www.llyw.cymru/ymgyngoriadau>

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The Welsh Government will be data controller for any personal data you provide as part of your response to the consultation. Welsh Ministers have statutory powers they will rely on to process this personal data which will enable them to make informed decisions about how they exercise their public functions. Any response you send us will be seen in full by Welsh Government staff dealing with the issues which this consultation is about or planning future consultations. Where the Welsh Government undertakes further analysis of consultation responses then this work may be commissioned to be carried out by an accredited third party (e.g. a research organisation or a consultancy company). Any such work will only be undertaken under contract. Welsh Government's standard terms and conditions for such contracts set out strict requirements for the processing and safekeeping of personal data.

In order to show that the consultation was carried out properly, the Welsh Government intends to publish a summary of the responses to this document. We may also publish responses in full. Normally, the name and address (or part of the address) of the person or organisation who sent the response are published with the response. If you do not want your name or address published, please tell us this in writing when you send your response. We will then redact them before publishing.

You should also be aware of our responsibilities under Freedom of Information legislation

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- to (in certain circumstances) data portability
- to lodge a complaint with the Information Commissioner's Office (ICO) who is our independent regulator for data protection.

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Cathays Park  
CARDIFF  
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[dataprotectionofficer@gov.wales](mailto:dataprotectionofficer@gov.wales)

The contact details for the Information Commissioner's Office are:  
Wycliffe House  
Water Lane  
Wilmslow  
Cheshire SK9 5AF  
Tel: 01625 545 745 or  
0303 123 1113  
Website: <https://ico.org.uk>

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## **Ministerial Foreword**

The social care sector has continued to deal with unprecedented pressures in recent years, supporting many of the most vulnerable people in our society. I set out a similar message back in January 2021 as part of launching our consultation on the White Paper on Rebalancing care and support. However, I want to reiterate my thanks to the sector for continuing to respond to these challenges as we launch this consultation on the specific proposals developed under the Rebalancing Care and Support Programme.

That initial consultation on the White Paper proposed a series of legislative changes to secure our vision of securing well-being for people who need care and support and carers who need support. These included proposals to develop a national framework for commissioning social care, as well as enhancements to Regional Partnership Board arrangements.

Since that first consultation, the initial proposals have evolved in response to feedback from partners into a broader Rebalancing Care and Support Programme. Under this programme we have worked in partnership with the sector to co-produce a series of draft Codes, proposals, guidance and legislation. I want to thank all those who have contributed to this initial work.

The proposals within this consultation cover a range of areas across social care but all relate to the overarching goal of improving social care for the people of Wales through an integrated, preventative and person-centred system.

I welcome your views on these proposals and look forward to continuing to work together to deliver on our ambition of an integrated social care system which delivers for the people of Wales.

**Julie Morgan MS**

**Deputy Minister for Social Services**

## Introduction – White Paper on Rebalancing Care and Support

This consultation seeks your views on proposals related to Welsh Government’s rebalancing care and support programme.

The 2021 Welsh Government [White Paper](#) defined ‘rebalancing’ broadly as a set of descriptions of the change we want to see.

<p style="text-align: center;"><b>Rebalancing means...</b></p> <p style="text-align: center;">...Away from complexity. Towards simplification.</p> <p style="text-align: center;">Away from price. Towards quality and social value.</p> <p style="text-align: center;">Away from reactive commissioning. Towards managing the market.</p> <p style="text-align: center;">Away from task-based practice. Towards an outcome-based practice.</p> <p style="text-align: center;">Away from an organisational focus. Towards more effective partnership... ..</p> <p style="text-align: center;"><b>to co-produce better outcomes with people.</b></p>
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Following the consultation on the White Paper proposals the Deputy Minister for Social Services set out the next steps within her October 2021 [Written Statement](#). These are being taken forward through the rebalancing care and support programme.

## The Rebalancing Care and Support Programme

The delivery of the rebalancing care and support programme falls within three main areas:

- The creation of a **National Framework** for commissioned care and support which commissioners would be bound by at local, regional and national level. This framework will set standards for commissioning practice, reduce complexity and rebalance commissioning to focus on quality and outcomes.
- The creation of a **National Office for Care and Support** which will oversee the implementation of the National Framework.
- Strengthening of **Regional Partnership Board arrangements** so joint working delivers for local populations; supporting stronger partnership working and integration of services and better prepare a path for future development of these key partnerships in the future.

Products under these three areas form part of this consultation. The following areas are also included within the consultation given their link to the broader rebalancing agenda:

Firstly, we have included proposed **changes to the Code of Practice on the role of the Director of Social Services**. These respond to changes introduced by the new Performance and Improvement Framework ([Measuring social services performance: code of practice | GOV.WALES](#)) and seek to include the use of people's experiences, as well as the data collected under the framework. The goal is to undertake a self-assessment exercise to identify needs for improvement. This aligns with the new corporate self-assessment structure as set out under the Local Government and Elections (Wales) Act 2021.

Alongside the changes to the Code of Practice **changes to the Local Authority Social Services Annual Report Regulations** are also included. These set out what the new annual reports need to include.

We would also like to gather views on Part 2, Section 9 (<https://www.legislation.gov.uk/anaw/2014/4/section/9>) of the Social Services and Well-being (Wales) Act 2014 ("The 2014 Act"), which provides Welsh Ministers with the power to issue a code to help achieve the wellbeing outcomes set out in Section 8 of the 2014 Act (<https://www.legislation.gov.uk/anaw/2014/4/section/8>). We have developed the Performance and Improvement Framework, National Outcomes Framework ([Social services national outcomes framework | GOV.WALES](#)) and the new Local Authority Social Services Annual Report guidance to meet the requirements set out in Section 9 of the 2014 Act.

Secondly we have included proposals developed by the Social Care Fair Work Forum relating to the **principles of a Pay and Progression Framework**. The framework is planned to contain four elements – a broad description, model job profiles, a career map for the sector and expected pay levels. The first element, the broad description, is included within this consultation.

## **The National Care Service and Expert Group report 'Towards a National Care and Support Service for Wales'**

The rebalancing care and support programme also relates to the ambition to create a National Care Service, free at the point of need, and the recommendations within the related Expert Group report, 'Towards a National Care and Support Service for Wales'.

The [Co-operation Agreement](#), signed by Welsh Labour and Plaid Cymru in December 2021 committed to 'set up an expert group to support our shared ambition to create a National Care Service, free at the point of need'. This Expert Group was subsequently established and [produced a report](#), published in November 2022 which set out the key elements necessary to move towards a National Care Service. The report included recommendations related to the National Framework, National Office for Care and Support and strengthening of Regional Partnership Board arrangements. In addition, within the section on supporting & valuing the workforce the report also referred to the Social Care Fair Work Forum in relation to introducing a new pay and progression structure.

## **The consultation products**

Each consultation product is listed below:

- Code of Practice – Part 8 - National Framework for Commissioned Care and Support
- National Office for Care and Support proposals
- Social Care Fair Work Forum Pay and Progression Framework proposals
- Changes to Part 2 Code of Practice (General Functions)
- Statutory Guidance- Part 9 (Partnership Arrangements)
- Changes to Part 8 Code of Practice on the role of the Director of Social Services (social services functions)
- Changes to the Local Authority Social Services Annual Report Regulations  
Draft Integrated Impact Assessment- Sections 1 and 8

New guidance has also been developed to help local authorities prepare their annual social services reports, as referenced within the Part 8 Code of Practice on the role of the Director of Social Services and the Local Authority Social Services Annual Report Regulations. This guidance is now in its final form but is included within this consultation package for reference. Each product has a distinct section within this main consultation document. These sections each contain a more detailed summary of the product, alongside the specific consultation questions.

## Welsh language

All products within this consultation have been prepared in the context of the Welsh language standards and the *More than just words* strategic framework.

When people are receiving or trying to access care, it is usually when they are at their most vulnerable, so being confident in their own language is important. Wales is a bilingual country where the Welsh language has official status. Legally binding Welsh language standards have been placed on health and social care bodies to ensure that the Welsh language is treated no less favourably than the English. These standards complement *More than just words* which is our plan to strengthen Welsh language services in health and social care. At the core of *More than just words* is the principle of “the Active offer” which places a responsibility on health and social care providers to offer services in Welsh, rather than the patient / service user to have to request them. Our vision for *More than just words* is for *Cymraeg* to belong and be embedded in health and social care services across Wales so that individuals receive care that meet their language needs, leading to better outcomes, without having to ask for it.

## Chapter 1 - Part 8 - Code of Practice - National Framework for Commissioned Care and Support

### Introduction

The Welsh Government’s January 2021 consultation on the [Rebalancing Care and Support White Paper](#) set out proposals to improve social care arrangements and



strengthen partnership working to further realise and achieve the overarching aims of the 2014 Act to improve people's well-being.

This White Paper set out aims to rebalance care and support services by:

- Simplifying the way that services are organised
- Focusing more on the quality rather than costs
- Managing services better and helping to stop problems happening or getting worse
- Planning services based on the needs of people and what they want to achieve
- Closer working between the NHS and Local Authorities and with their partners.

The White Paper proposed a strategic National Framework for commissioning social care to rebalance the fundamentals upon which the care market currently operates. This would shift the commissioning of services away from price towards quality and social value, and would re-orientate reactive commissioning practices towards managing the market and focusing on outcomes. Following the consultation, in October 2021 the Deputy Minister for Social Services committed to introduce a strategic National Framework for care and support.

To take forward the National Framework, the Welsh Government took a focused approach to working on the technical aspects of the Framework with a small group of commissioning organisations and providers. In December 2022, the technical group provided recommendations to Ministers on the proposed content of the National Framework.

### **Summary of proposals**

This proposal relates to a new statutory Code of Practice to be made under Part 8 of the 2014 Act. This Code will establish the legislative framework for the commissioning of care and support in Wales by local authorities, Local Health Boards and NHS Trusts.

The Code is to be issued jointly under Part 8 – Section 145 of the 2014 Act and as guidance under section 2 of the NHS (Wales) Act 2006. Local health boards and NHS trusts will be directed to exercise their relevant functions in accordance with the requirements in the Code.

Welsh Government intends for the Code to be reviewed and updated approximately every 2 years to ensure it aligns with current commissioning practices with non-statutory guidance to be provided (if required) in between the formal 2-year review of the Code.

The majority of care and support is provided through commissioned services. The effectiveness of commissioning therefore has a major impact on whether the care and support people receive meets expectations of 'what matters to me?'.

The Code sets out national principles and standards which commissioners must follow when commissioning services for care and support for their local populations. The Code also seeks to rebalance the basis upon which the provision of care and

support services are commissioned, by focusing on outcomes and social value and by shifting from price towards quality and focusing on outcomes. The Code provides for greater consistency and transparency within the commissioning cycle.

### **Consultation Questions**

**Question 1.1:** Do you think the principles and standards set out in the Code will help to ensure Wales-wide consistency in commissioning processes and practice and reduce duplication and complexity?

**Question 1.2** Do you think the standards set out in the Code will help to ensure Wales-wide consistency in commissioning processes and practice and reduce duplication and complexity?

**Question 1.3:** Do you think the requirements in relation to Welsh Language will help to bring about consistency around the provision of Welsh language services and the active offer?

**Question 1.4:** Do you think the requirements in relation to Equalities will help to promote and improve the rights of individuals receiving care and support and carers?

**Question 1.5:** Do you think the statutory requirements and guidance in the Code will help to reduce complexity and bring about national consistency in the commissioning of care and support?

**Question 1.6:** Do you think the statutory requirements and guidance in the Code will help to improve outcomes for individuals receiving care and support and carers?

**Question 1.7:** Do you think the statutory requirements and guidance in the Code will help to refocus the fundamentals of the care market away from price towards a value measure based upon service quality and overall cost?

**Question 1.8:** Do you think the statutory requirements and guidance in the Code will help to facilitate the provision of a seamless health and social care service, reducing barriers to joint planning and delivery.

In all these question areas, responses would be welcome on how each of set of provisions could be strengthened/ made more effective.

## **Chapter 2 - Pay and Progression Framework proposals**

### **Introduction**

The draft pay and progression framework has been developed by the Social Care Fair Work Forum, which was established by the Welsh Government in September 2020 following a recommendation from the Fair Work Wales Commission. The Forum is a social partnership group made up of employers, local authorities, trade

unions, Welsh Government and other stakeholders. Its aim is to improve working arrangements for social care workers in Wales. This means making sure workers are fairly rewarded, heard and represented, and able to progress in a healthy, inclusive environment where rights are respected.

The Forum is supported by the Welsh Government, but its decisions and work is fully independent of it. This Framework is therefore a separate element of this consultation, and responses will be considered by the Social Care Fair Work Forum and not the Welsh Government.

### **Summary of proposals**

This is an initial draft of a pay and progression framework for the social care workforce in Wales. It sets out a series of bands for different job roles and includes the skills, values, knowledge, understanding, and typical tasks for each one. It will also, in the future, include a career map of opportunities for progression in the sector and a toolkit of model role profiles. This draft does not yet include anticipated pay scales which will follow in a later version. These will be agreed through the Social Care Fair Work Forum, using the principles of social partnership.

This framework is designed to meet the ambitions of Wales's fair work commitment and the workforce strategy for health and social care. It also aims to:

- improve recruitment and retention in social care
- support development of the workforce through continued improvement of skills and knowledge
- provide a clear progression route for those thinking of joining, or already in, the sector
- provide a simplified framework for employers and employees
- Describe positive values of social care workers
- provide a fair and transparent process for decisions on collective and individual wage decisions (at this stage in individual organisations).

The framework will be limited, initially, to workers providing direct care. Social workers will not be included at this stage.

At this stage, the Forum anticipates the Framework will be a **voluntary** guide for employees, employers, and commissioners of care.

### **Consultation Questions- Chapter 2**

**Question 2.1** The principle of the pay and progression framework is to offer a national framework that can support the principles of fair work. Do you believe it can support that ambition and the benefits outlined above?

**Question 2.2** Do you have any suggestions about how the framework might be improved to help meet its ambitions?

**Question 2.3** What may be the barriers to the framework achieving its ambitions?

## **Chapter 3 - National Office for Care and Support proposals**

### **Introduction**

In the October 2021 [Written Statement](#) detailing next steps arising from the Rebalancing Care and Support White Paper, the Deputy Minister announced a National Office for Care and Support would be established within Welsh Government. Since this announcement, a Technical Group has met and made recommendations to Ministers on the contents of a strategic National Framework for Care and Support, additional information can be found in this [Written Statement](#) of December 2022.

The [Co-operation Agreement](#) includes the commitment to “set up an expert group to support our shared ambition to create a National Care Service, free at the point of need”. An Expert Group was formed in early 2022 to produce a series of recommendations on how this could be achieved, and the Expert Group’s [recommendations report](#) was published in November 2022 and available to view. The recommendations heavily feature, and place emphasis on, the role of a national office in driving national policy towards the future of social care in Wales. It is therefore essential considerations for the National Office extend beyond the Rebalancing Care and Support Programme to best support development of the National Care Service, and its implementation.

With the recommendations report for a National Commissioning Framework now agreed by Ministers and work to develop a Stage 1 implementation plan for the National Care Service is underway, the formal establishment of the National Office for Care and Support has commenced. The National Office for Care and Support Proposals document within this consultation sets out the vision for the office.

### **Summary of proposals**

Proposals predominantly relate to the function of the office. It is proposed the National Office for Care and Support will have three core functions: oversight of and compliance with the National Framework for Care and Support; the development and implementation of the National Care Service; and support the Chief Social Care Officer in their role. Within each of these core functions, additional responsibilities and / or components will be drawn in and detail of these proposals can be found in the National Office consultation document.

Through the Chief Social Care Officer, the National Office will have executive accountability to the Director General of the Health and Social Services Group within Welsh Government, and to Welsh Government Ministers for political accountability. The National Office will sit within existing structures within Welsh Government and

be a part of the Social Services and Integration Directorate. The focus of the National Office will be outward facing, supporting the sector to grapple with the many challenging issues it faces, and to develop effective responses. There may also be times when the National Office takes on discreet elements of policy work consistent with its remit. Early steps towards the development of a National Care Service would be such an example.

We are examining the merits of embedding some existing national functions into the National Office, and conversations are ongoing in relation to the future role of the National Commissioning Board and its relationship with the National Office.

It is not envisaged the proposed governance model will require any change to primary legislation as a separate body is not being created the National Office will not take on activity which is outside the scope of Welsh Ministers' existing functions. Should proposed functions introduced as the National Office matures require any legislation, this will be explored.

### **Consultation Questions- Chapter 3**

**Question 3.1:** Do you agree with the design for the National Office? If not, what design would you suggest?

**Question 3.2:** Do you agree with the vision for the National Office? If not, what vision would you suggest?

**Question 3.3:** Do you agree with the proposed functions for the National Office, and the relationship described with key statutory organisations, particularly local authorities, Social Care Wales, and NHS Wales? If not, what functions do you disagree with and why?

**Question 3.4:** From the proposed functions of the National Office, do you envisage any duplications of work already carried out by other national bodies or organisations and are there further opportunities here for simplification?

Question 3.4a: If yes, how do you propose this is resolved? For instance, would you support certain functions being absorbed by the National Office?

**Question 3.5:** In its positioning within the Welsh Government and providing for a 'bird's eye view' of the social care system, what are the main opportunities, working with local authorities, Social Care Wales, and other key partners, to drive service change and improvement? Please give reasons for your answer.

**Question 3.6:** What do you see as the specific opportunities for the National Office to lead culture change in relation to Welsh language? In particular, the 'More than just words' five-year plan (2022-27).

**Question 3.7:** What practical steps can the National Office take to ensure equality of opportunity through social care? Noting the diversity of Wales' communities and

people's own circumstances, how can it add value at a national level to ensure people's wellbeing outcomes are consistently met?

## **Chapter 4 - Part 2 - Code of Practice- (General Functions)**

### **Introduction**

Part 2 of the 2014 Act contains provisions relating to the general functions of local authorities. The Part 2 Code of Practice sets out how persons exercising functions under the 2014 Act should ensure they meet their duties to promote the well-being of people who need care and support and of carers who need support. In particular, it sets out how local authorities must:

- undertake a population assessment of needs for care and support
- provide a range of preventative services
- fulfil their duty to promote social enterprises, co-operatives, user-led services and the third sector
- discharge their duties in relation to the provision of information, advice and assistance services.

The Code also contains statutory guidance for local authorities and health boards on the formation of partnership arrangements for the purpose of undertaking population needs assessments.

### **Summary of Proposals**

Revision of the Part 2 Code was informed by the work of two Task and Finish Groups, one focused on rebalancing the social care market, and the other on engagement, voice and co-production.

The main changes we propose are to Chapter 4 of the Code, which deals with the duty on local authorities, under section 16 of the 2014 Act, to promote social enterprises, co-operatives, user-led services and the third sector. The 'duty to promote' contains two elements: promoting delivery of services through social enterprises, co-operatives and the third sector; and promoting service user involvement in the design and delivery of services. Our proposals include separating out the two elements, so that the revised Chapter 4 focuses on service delivery using these models and approaches, and a new Chapter 5 focuses on citizen engagement, voice and co-production.

Chapter 4 has been set more clearly within the context of the Welsh Government's policy of rebalancing the social care market by increasing new and emerging service delivery models within the third sector, which includes social enterprises etc. We have also rewritten the text on social value to provide a clearer definition and position section 16 models and approaches within a wider concern to deliver social value. In this context, we have also rewritten the section on regional forums (formerly called 'social value forums') to locate them firmly within the context of the section 16 duty.

The new Chapter 5 aims to give greater prominence to the need for co-production with service users and carers in the design and delivery of care and support and preventative services. A key message is that an approach based on co-production values is essential to fulfil the duty to promote. It highlights the need for a diverse and inclusive approach, especially with regard to seldom heard voices, and emphasises that co-production must run through the whole commissioning cycle, from assessment of need through design and delivery to monitoring and evaluation. There are new requirements to involve services users and unpaid carers in in-house (local authority) provision, and to work with all providers, including the private sector, to ensure co-production embedded in all commissioned services.

Some changes have been made to Chapter 2 on population needs assessments, drawing in additional messages from the supplementary guidance issued in 2021 for the latest round of assessments – for example, the read across to the well-being assessments undertaken by the Public Service Boards, and to the work of clusters and pan-clusters in primary care; and more emphasis on future trends, neuro-divergence, and children and young people.

Minor changes have also been made to Chapter 3 on preventative services, so that it focuses more clearly on the role of community-based services and resources to support prevention and early intervention, and reiterates the importance of co-operation in developing and sustaining integrated preventative and early intervention services across priority population groups.

#### **Consultation questions – Chapter 4**

**Question 4.1:** Do you have any comments on the detail of the revised draft Code, including any suggestions about what is missing, what could be omitted or where wording could be improved?

**Question 4.2:** In particular, do the revisions to Chapter 4 help clarify the duty on local authorities to promote social enterprises, co-operatives, user-led services and the third sector? Is anything missing or unclear?

**Question 4.3:** Does the new Chapter 5 give the right messages about the duty on local authorities to promote the involvement of service users and carers? Is anything missing or unclear?

### **Chapter 5 - Part 9 - Statutory Guidance (Partnership Arrangements)**

#### **Introduction**

Part 9 of the 2014 Act makes provision for partnership arrangements between local authorities and health boards for the discharge of their functions. Regulations made under Part 9 have created seven Regional Partnership Boards (RPBs). The purpose of Part 9 is to ensure key partners work together effectively to improve the health

and well-being outcomes of people, as well as improving the efficiency and effectiveness of integrated service delivery.

Regional partnership arrangements have evolved considerably in recent years, and the RPBs have become an important forum for promoting greater regional working and integration across health and social care. A key aim of our Rebalancing Care and Support Programme has been to strengthen these arrangements and enhance the role of the boards.

### **Summary of Proposals**

Our proposals include amending the Partnership Arrangements (Wales) Regulations 2015 (the 2015 Regulations) to enable the Boards to function more effectively, and revising the Part 9 Statutory Guidance on partnership arrangements to reflect the evolving landscape of integrated service planning and delivery. We are consulting on the intention to bring forward amendments to the 2015 Regulations, as detailed below, and on a draft revision of the Statutory Guidance.

We also propose making amendments to the Care and Support (Area Planning) (Wales) Regulations 2017 with respect to annual delivery plans.

#### Proposed amendments to the 2015 Regulations

The 2015 Regulations were made under sections 166 to 168 of the 2014 Act. They set out the requirements for each health board and the local authorities within its area to take part in partnership arrangements for carrying out specified health and social services functions. The 2015 Regulations also make provision for the operation and management of partnership arrangements, the establishment of RPBs, and the establishment and maintenance and pooled funds.

The RPBs are not corporate legal entities (in the way that the Local Health Boards are, for example), and this places limits on both their functions and how they carry them out. We consulted, in the Rebalancing Care and Support White Paper (January 2021), on whether to bring forward legislation to establish RPBs as corporate bodies, but feedback showed limited support for this proposal, particularly from statutory organisations. However, as the partnerships have evolved and matured, it has become clear that the current legal framework is too limited to enable the RPBs to fulfil their full potential as drivers for real change, and that amendments to the 2015 Regulations will be necessary to strengthen and empower the RPBs so that they can have effective oversight of the partnership arrangements. The amendments cover the objectives of RPBs, their membership and preparation of their annual reports, as well as new provisions relating to self-assessment and annual plans. They do not change the legal status of RPBs, but work within the current legal framework set out in Part 9 and the 2015 Regulations.

#### RPB Objectives

Regulation 10 sets out the objectives of RPBs as:

- ensuring that the partnership bodies work effectively together to respond to the population needs assessment and implement the joint area plan



- ensuring the partnership bodies provide sufficient resources for the partnership arrangements
- promoting joint commissioning and the establishment of pooled funds where appropriate.

**We propose adding the following to the list of RPB objectives:**

- **ensuring that the partnership bodies work effectively together to respond to the market stability report prepared in accordance with section 144B of the Act**
- **ensuring that the partnership bodies work effectively together to implement the annual delivery plan associated with their joint area plans**
- **ensuring that when responding to the market stability report and implementing the joint area plan the partnership bodies give due regard to a local authority's duty under section 16 of the Act to promote social enterprises, co-operatives, user-led services and the third sector**
- **ensuring the partnership bodies work effectively together to deliver on the development of integrated health and social care services and arrangements**
- **having oversight of the exercise of a local authority's duty under section 12 of the Children and Families (Wales) Measure 2010 in relation to the partnership arrangements**
- **working with the Citizen Voice Body to promote the involvement of people who need care and support and carers in the work of the regional partnership.**

The requirement to produce market stability reports was placed on local authorities under section 144B of the 2014 Act.<sup>1</sup> They are produced on regional basis in partnership with the health boards, and together with the population needs assessment they provide evidence which should be taken into account in drawing up the joint area plan. Adding a requirement to ensure that the partnership bodies work effectively together to respond to the market stability report to RPBs' objectives will strengthen their role in holding the partnership bodies to account with respect to strategic commissioning and planning.

The insertion of an objective relating to annual delivery plans relates to the proposed amendment to the Care and Support (Area Planning) (Wales) Regulations 2017, as set out below. The RPB would therefore oversee effective joint implementation of the joint area plan and the annual delivery plan which goes with it.

Section 16 of the 2014 Act places a duty on local authorities to promote social enterprises, co-operatives, user-led services and the third sector. This falls within the list of local authority functions in Schedule 1 of these Regulations (functions to be carried out by partnership arrangements). Adding scrutiny of the exercise of this duty within the context of the partnership arrangements to the objectives of RPBs will

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<sup>1</sup> Section 144B was inserted by section 56(1) of the Regulation and Inspection of Social Care (Wales) Act 2016 on 23 February 2021 (The Regulation and Inspection of Social Care (Wales) Act 2016 (Commencement No. 7) Order 2021).

further strengthen a regional partnership approach to rebalancing the social care market through the promotion of these models and approaches. It will also help support the regional forums which local authorities must set up under the Part 2 Code of Practice.

The addition of a new objective around the promotion of integration is intended to allow the RPBs to have greater impact in driving forward an integrated community care system for Wales. In particular it will enable us to write into the Part 9 Statutory Guidance a requirement for RPBs to help develop and embed the six national integrated models of care which underpin project-funded activity under the Regional Integration Fund. The revised Statutory Guidance contains a new definition of integration and how integration is achieved through health, social care and wellbeing services working together at three levels: the macro (strategic and system focused), meso (organisational / service level integration), and micro (delivery of integrated care and support for the individual); and the interconnection between the three levels. The guidance also provides an outline 'blueprint' for an integrated health and care system and describes our intention to set standards for integration against which regulators will be able to inspect services in the future.

RPBs have had an increasing focus on integrated care and support for children and young people since the publication in 2020 of the Children's Commissioner for Wales' report 'No Wrong Door: bringing services together to meet children's needs'. There has included an increasing emphasis on engagement with children and young people. Local authorities already have a duty under section 12 of the Children and Families (Wales) Measure 2010 to make such arrangements as they consider suitable to promote and facilitate the participation by children and young people in decisions made by local authorities which might affect them. **We propose to add the section 12 duty to the list of local authority functions to be carried out by the partnership arrangements, as set out in Schedule 1 to the 2015 Regulations.** This will then enable us to add oversight of the exercise of this duty in relation to those arrangements.

From April 2023, the Citizen Voice Body (CVB) will represent the voices and opinions of the people of Wales in respect of health and social care services. It will be independent of government, the NHS and local authorities but work with them, and others, to support the continuous improvement of person-centred services. The CVB will be well placed to assist the partnership bodies and RPBs engage more effectively with citizens, including those who need care and support, and carers, in the work of the regional partnerships. We propose making it an objective of the RPB to work with the CVB to promote this. We are also proposing that the CVB should have independent observer status on the RPBs (see Regulation 11 below).

### RPB Membership

Regulation 11 contains a list of who must be included in the membership of the RPBs, allows the board to co-opt other people as members at it thinks appropriate, and allows the partnership bodies to pay remuneration and allowance to board members.

The membership of RPBs reflects the multi-sector nature of the regional partnership. As well as representatives from the partnership bodies and other public bodies, RPBs also include members who are ordinary citizens (service users and carers) and those who represent third sector organisations, care providers and the housing sector. In the revised Statutory Guidance we have sought to clarify the role of all board members, grouping them into three distinct perspectives: lived experience partners, service delivery partners, and strategic commissioning partners. To reflect the growing influence of RPBs in promoting integrated working across health and social care, we also believe the list of members should be expanded.

**We propose expanding the list of RPB members to include:**

- **a representative of the Wales Ambulance Service Trust**
- **at least one person to represent the interests of primary care providers within the area covered by the RPB**
- **at least one person to represent the County Voluntary Council within the area covered by the RPB.**

The Wales Ambulance Services Trust is already co-opted on to most RPBs and we would like to formalise this membership. The proposal to add primary care providers to the list should help increase alignment and engagement between the work of the RPB, clusters and pan-cluster planning groups. Finally, the addition of the County Voluntary Council will help bolster the third sector presence on RPBs, which must already include as members at least two persons to represent the interests of third sector organisations within their region.

We believe there is a need to make provision for the Citizen Voice Body (CVB) to have a seat at the RPB table. However, given the independent status of the new body, and after discussions with the CVB chair and interim chief executive, we believe it would be more appropriate for the CVB to have independent observer status on the RPBs, rather than be a full member. They will not therefore be part of the formal decision-making process of the board and will have no vote, but will be able to comment upon and take part in discussions around the board table. There may also be other bodies now or in the future which RPBs wish to invite as independent observers.

**We propose:**

- **to give RPBs the power to invite organisations to have independent observer status on the board as it thinks appropriate**
- **to place a requirement for RPBs to invite the Citizen Voice Body to an independent observer.**

We also consider it appropriate to allow RPBs to pay remunerations and allowance to these independent observers, as they are allowed to with respect to their members.

### Support for members

Regulation 11 and the current Statutory Guidance do not contain any provisions regarding how RPB members are recruited or supported, and the Statutory Guidance has very little to say about the role of members who do not come from the partnership bodies. Following representations from service user and unpaid carer groups, the Engagement and Voice Task and Finish Group undertook to consider

the role, recruitment and support arrangements for service user, unpaid carer, third sector and care provider members of RPBs. The outputs of this work included new role descriptions for these members, a Charter setting out a series of commitments with regard to meaningful participation, and a letter of guidance for new RPB Chairs. As a result we have considerably expanded and strengthened this part of the Statutory Guidance, and the Charter has been included as an Annex. We believe it would also be useful to embed some of this work into the Regulations.

**We propose to add the following provisions around recruitment and support of RPB members:**

- **a RPB must draw up role descriptions for each member of the board – i.e. for each of the membership ‘categories’ in Regulation 11(1) – in line with any national guidelines issued by the Welsh Ministers**
- **a RPB must put in place transparent and accessible arrangements for recruiting board members who represent people who need care and support and carers**
- **a RPB must take practical step to support board members, and have particular regard to the support needs of members who represent people with care and support needs, carers, and the interests of third sector organisations or providers.**

Reports

Regulation 12 requires RPBs to prepare annual reports on the extent to which their objectives (as set out in Regulation 10) have been achieved. We believe that this Regulation, and the relevant section of the Statutory Guidance, should be strengthened with regard to the content and publication of these reports.

**We propose to require RPBs to include in their annual reports:**

- purpose, role, membership, operating structure, and key priorities of the Board
- information on how the partnership arrangements have responded to the joint population assessment and implementation of their Area plan (including information on how resources have been effectively utilised)
- information on how the Board has supported better integration, service delivery and improved outcomes for people
- an account of how the Board has engaged with citizens (especially people who need care and support and carers, including children and young people) in their work, how it has promoted co-production, and the difference this had made in terms of well-being outcomes for citizens
- Information on joint commissioning activity and the use of pooled funds
- Information on how the partnership bodies are promoting the social value sector and how it is helping to ensure the Social Value Sector is engaged with and able to shape the work of the Regional Partnership Board
- a section setting out the Board’s priorities for the coming year and how it intends to go about achieving them in line with the annual delivery plan
- a summary of the results of the partnership self-assessment and associated annual review.

**We also propose that annual reports must be published on the partnership bodies' websites.**

#### New regulations

In addition to the above amendments to existing provisions, we also propose adding new provisions to the 2015 Regulations covering self-assessment.

#### Self-assessment

The Welsh Government has recently co-produced and piloted with the regional partnerships a self-assessment tool, to help the RPBs scrutinise their own effectiveness. It is our intention to make these self-assessments a statutory requirement which RPBs will need to undertake every two years and update annually, in line with national guidance.

**We propose to make a new Regulation requiring the RPBs to:**

- **undertake a self-assessment every two years in line with national guidance**
- **undertake an annual review of the self-assessment and update as necessary**
- **publish a summary of the results of the self-assessment and annual review in their annual reports.**

#### Responsible individuals

The Task and Finish Groups have suggested that each of the partnership bodies should have a named person who sits on the Regional Partnership Board and is the lead or responsible individual for co-operation and partnership in their organisation. In the case of local authorities, this would naturally be the Director of Social Services, all of whom are members of RPBs. In the case of the health boards, this should be the executive member who is appointed to the RPB. As well as being responsible for facilitating their body's contribution to meeting the RPB's objectives, the responsible individual would also be expected to report back to their own board or cabinet on the work of the RPB. In many cases the Directors of Social Services and health board RPB members already do this, and in order to 'hard wire' these arrangements into the RPB, **we propose to create a new regulation requiring the partnership bodies to name a responsible individual for leading and ensuring co-operation in the partnership arrangements on behalf of their partnership body.** The Statutory Guidance would specify that this person must be the Director of Social Services for a local authority, and the executive member who is a member of the RPB in the case of the health board. This should also be written into that member's role description.

#### Pooled funds

Pooled budgets are a useful tool in supporting effective joint commissioning, however they are not the end goal in themselves. The end goal is to improve the way health and social care bodies work together to secure and provide the right services for people to help them achieve what matters to them. With that in mind we

want to strengthen joint commissioning arrangements across health and social care bodies.

Learning from previous experience in this area, and in an attempt to encourage more joint commissioning and pooling of budgets between the partnership bodies, we have sought to provide greater flexibility in the revised Statutory Guidance.

**The current requirement for pooled budgets in relation to the joint commissioning care home placements for older people has been retained, but the partnership bodies will have greater flexibility in deciding at which level budgets should be pooled (regional, sub regional, local or cluster), in a move away from the mandatory regional level pooled budgets that were previously required but difficult to implement.**

The new guidelines specify that the partnership bodies should consider joint commissioning and pooled funds in relation to a wider range of services than just care homes for older people. These include;

- preventative services,
- domiciliary care,
- reablement
- continuing health care,
- therapeutic and safe placements for children and young people with complex needs,
- people with a learning disability in supported living,
- support for unpaid carers.

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#### Proposed amendments to the Care and Support (Area Planning) (Wales) Regulations 2017

Section 14 of the 2014 Act requires the local authorities and health board that have carried out a joint population needs assessment to also prepare and publish a joint area plan in response. The Care and Support (Area Planning) (Wales) Regulations 2017 required the first plans to be published by 1 April 2018, and for subsequent plans to be published a year after each population needs assessment – i.e. every five years. The next area plans are due to be published this year. Regulation 7 requires the relevant bodies to take appropriate steps to monitor and evaluate the services and other actions set out in the joint area plan; and Regulation 3 requires that the plan be reviewed, and if necessary revised, if an addendum to the population needs assessment is published in line with the regulations on population assessments.

**We propose making a new regulation under the Care and Support (Area Planning) (Wales) Regulations 2017 so that the relevant bodies are required to prepare an annual delivery plan to support implementation of the joint area plan over the coming twelve months.**

**We also propose amending Regulation 3 to require the relevant bodies to review progress in delivering the joint area plan on an annual basis in line with the annual delivery plan.**

**We propose that the first annual delivery plans be prepared by 1 April 2024.**

## **Consultation Questions- Chapter 5**

**Question 5.1:** Do you agree with our proposals to amend the Partnership Arrangements Regulations 2015, and to the Care and Support (Area Planning) (Wales) Regulations 2017? Are there any other amendments you feel we need to make?

**Question 5.2:** Have you any comments on the proposed revisions to the Part 9 Statutory Guidance, including any suggestions about what is missing, what could be omitted or where wording could be improved?

**Question 5.3:** Do you agree that the proposed amendments to the regulations and statutory guidance will help to strengthen regional partnership arrangements and the role of Regional Partnership Boards? Do you have any other suggestions about what could be included?

## **Chapter 6 - Part 8 - Code of Practice on the role of the Director of Social Services (social services functions) and changes to the Local Authority Social Services Annual Report Regulations.**

### **Introduction**

The 2014 Act requires local authorities, health boards and the Welsh Ministers to promote the well-being of people who need support and carers who need support.

As part of the development of the 2014 Act, in 2016 the Welsh Government established a series of performance indicators, measures and outcomes frameworks for social services to measure the impact of the 2014 Act on the well-being outcomes of people who need care and support and carers who need support.

In order to deliver this commitment a new, more comprehensive Performance and Improvement Framework was launched in April 2020 as part of a phased approach. The performance and improvement framework sets out Welsh Government's ambition to use a range of methods to collect, analyse and understand data and evidence on the delivery of care and support, and support for carers across Wales.

The Performance and Improvement Framework focuses on three key areas, measuring activity and performance, understanding experiences and outcomes, and using evidence to drive improvement.

In addition to this, the National Outcomes Framework is a requirement in Part 2 Section 8 of the 2014 Act and describes the well-being for people who need care and support and carers who need support and provide a consistent approach to measuring well-being.

The National Outcomes Framework builds further on the national well-being outcomes that are described in the well-being statement by setting out fifty-two national outcome indicators defined under eight aspects of well-being that relate to all areas of an individual's life.

### **Summary of proposals**

Linked to these performance, improvement and outcomes measures are the Local Authority Social Services Annual Reports. The purpose of the Annual Reports is to set out the Local Authority's improvement journey in providing services to people in their areas, those who access information, advice and assistance, and those individuals and carers in receipt of care and support.

The new code, associated regulations, and the guidance document will help the Local Authority prepare these reports. The guidance details how the data and evidence collected as part of the Performance and Improvement Framework can be used to develop the Annual Reports.

These documents explain the requirements for the report, reflects the Welsh Governments intention to work with local authorities and Care Inspectorate Wales to integrate the report into the new Performance and Improvement Framework, outlines the target audiences and provides suggestions for good practice.

It is proposed that the annual report and the reporting process will now be:

- (i) Part of the Performance Improvement Framework.
- (ii) Integral to local authorities' own social services planning, scrutiny, and performance improvement actions.
- (iii) Grounded in a rigorous self-assessment of performance, which includes:
  - a) what has been achieved and done well;
  - b) what improvements are needed, informed by feedback from the public, service-users, providers, partners, and other stakeholders;
  - c) action planned and taken to achieve identified improvement needs; and
  - d) progress made against improvement priorities identified the previous year.

Section 9 of the 2014 Act requires that a Code of Practice is issued to help local authorities and persons providing care and support achieve the wellbeing outcomes set out in section 8 of the 2014 Act. We believe that the combination of the Performance and Improvement Framework, National Outcomes Framework and Local Authority Social Services Annual Reports provides sufficient guidance and structure for local authorities in achieving the outcomes and are therefore giving



consideration to making an amendment so that the duty in section 9 is changed to a power .

## **Consultation Questions- Chapter 6**

**Question 6.1:** Are there any barriers in implementing the new guidance for the production of the Local Authority Social Services Annual Reports?

**Question 6.2:** What support/training is required in implementing the new guidance?

**Question 6.3:** What outputs or analysis of the Local Authority Social Services Annual Reports would you want to see undertaken?

**Question 6.4:** Do you consider that the combination of the Performance and Improvement Framework, National Outcomes Framework and Local Authority Social Services Annual Reports provides sufficient guidance and structure for local authorities in achieving the outcomes?

## **Chapter 7 - Integrated Impact Assessment**

### **Summary of proposals**

An Integrated Impact Assessment (IIA) is being prepared to cover all the individual products within this consultation. Its purpose is to enable Welsh Government to consider, in a structured way, the impact of the proposed policies and actions on the people of Wales.

The IIA is still being developed given the products it covers are still in draft form and are subject to consultation and therefore potential further revision. However, in the interests of transparency and seeking external feedback Sections 1 and 8 of the IAA are included in draft form for your consideration.

Section 1 of the IAA describes what action the Welsh Government is considering and why, including potential challenges and opportunities. While specific sections of the IAA will consider the potential effects on social, cultural and economy well-being the effect on social well-being, this section aims to summarise the key elements of the proposals.

Section 8 of the IAA is the concluding section, aiming to summarise the main impacts of the proposals. Given the overall IAA is still being developed these conclusions should not be considered final, but provide an indicative summary of the impacts based on the work completed to date.

### **Consultation Questions- Chapter 7**

**Question 7.1:** We would like to know your views on Sections 1 and 8 of the Integrated Impact Assessment. Are there any specific areas where you feel further

detail is required, or any specific issues you wish to highlight which may have an impact on a specific group?

## **Chapter 8 – Overarching questions**

This chapter contains a series of overarching questions which can be answered in relation to any or all the consultation products. The first two questions relate to the Welsh language; the last is an open question giving an opportunity to add any additional comments for issues not specifically covered within the previous questions.

### **Consultation Questions- Chapter 8**

**Question 8.1:** We would like to know your views on the effects that any of the products presented within this rebalancing consultation would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

**Question 8.2:** Please also explain how you believe the products presented within this rebalancing consultation could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

**Question 8.3:** We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them: