

# IMPLICATIONS OF THE SOCIAL SERVICES AND WELL-BEING (WALES) ACT FOR THE NHS IN WALES



Llywodraeth Cymru  
Welsh Government

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The key elements of the Social Services and Well-being (Wales) Act which relate to health or the provision of healthcare are set out in the following paragraphs.

## **Section 14: The assessment of needs for care and support, support for carers and preventative services**

This requires respective local authorities and Local Health Boards to jointly assess the extent to which there are people who need care and support, or carers who need support. They should also assess the extent to which needs are not being met, and the range and level of services required to meet need.

This section also ensures that this population assessment is taken into account as part of broader integrated planning frameworks.

## **Section 15: Preventative services**

This requires local authorities to provide services designed to prevent, delay or reduce needs for care and support. Local Health Boards are required to have regard to the importance of achieving these preventative purposes when exercising their functions.

## **Section 17: Provision of information, advice and assistance**

A Local Health Board or an NHS trust is required to provide the local authority with information about the care and support it provides in the respective local authority area.

## **Section 29: Combining needs assessments and other assessments**

A local authority may carry out a needs assessment for a person at the same time as it, or another body, carries out another assessment. The local authority may carry out the other assessment on behalf of, or jointly with, another body (for example the Local Health Board or NHS trust).

## **Section 47: Exception for provision of health services**

This section specifies that local authorities cannot provide or arrange services or facilities that would be required under the NHS (Wales) 2006 Act or the NHS Act 2006, unless doing so would be incidental or ancillary to other actions within the local authority's powers.

## **Section 128 and 130: Duty to report adults or children at risk**

This section requires Local Health Boards and NHS trusts (as relevant partners) to inform local authorities if they have reasonable cause to suspect an adult or child is at risk.

## **Section 134: Safeguarding Children Boards and Safeguarding Adults Boards**

This section relates to the establishment of Safeguarding Children Boards and Safeguarding Adults Boards. Regulations

will set out those areas in Wales where there will be Safeguarding Boards and the respective Local Health Boards and NHS trusts will be partners and therefore will have representatives on the Boards.

### **Sections 162-169: Co-operation, integration of care and support and partnership arrangements**

Part 9 of the Act relates to co-operation and partnership. Section 162 requires local authorities to make arrangements with their respective partners, which include Health Boards and NHS trusts, to promote co-operation. This co-operation is required in relation to adults with needs for care and support, and adults who are carers. This includes improving well-being, quality of care and support and protecting adults at risk of abuse or neglect.

Section 163 makes amendments to the Children Act 2004 and sets out arrangements for the local authority to promote co-operation with their relevant partners, including Health Boards and NHS trusts. This includes improving well-being, quality of care and support and protecting children at risk of abuse, neglect or other kinds of harm.

Section 164 requires Health Boards and NHS trusts to cooperate with and provide information to local authorities, when requested, to enable them to exercise their social services functions.

Section 166 enables regulations to be developed to specify the partnership arrangements between local authorities and Health Boards. Regulations will make provision to specify which local authorities and Health Boards should have partnership arrangements, the form of the partnership arrangements and the operation and management of these arrangements, including information sharing.

Section 167 provides for regulation to enable local authorities and Health Boards to pay towards any expenditure incurred in relation to partnership arrangements under section 166. This could include making

payments directly or by contributing to a pooled fund. A local authority and a Health Board may also provide staff, goods, services, accommodation or other resources in connection with partnership arrangements. Regulations can make provisions which require a pooled fund to be established, for determining the contributions to be made by partners to the pooled fund, for expenditure in relation to posts, services, administration or any other costs related to partnership arrangements.

Section 168 provides regulation making power to establish partnership boards, in relation to partnership arrangements. The regulations make provision to specify the membership of partnership boards (including Health Boards), the objectives, functions and procedures, the form of reports, their content, timing and publication.

Section 169 requires Welsh Ministers to issue and periodically revise guidance about partnership working in relation to section 166. This will apply to partners, which includes local authorities and Health Boards. The guidance will also apply to a team or person carrying out partnership arrangements and any partnership boards established under section 168.

### **Section 171: Complaints about social services**

Section 171 allows for regulations to make provision for the consideration of complaints relating to services provided by local authorities. This includes services under section 33 of the National Health Services (Wales) Act 2006 or section 75 of the National Health Service Act 2006.

### **Section 180: Independent advocacy services for complaints about palliative care**

Section 180 makes amendments to section 187 of the National Health Service (Wales) Act 2006 to include reference to independent advocacy services for palliative care.