



Easy Read version of the

# Social Services and Well-being (Wales) Act 2014

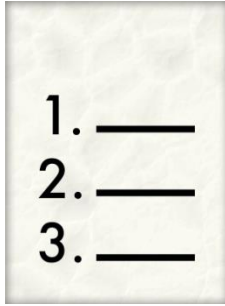


This Easy Read explains the Act.

This Easy Read is **not** the law.



You must read the Act to know what the law says.



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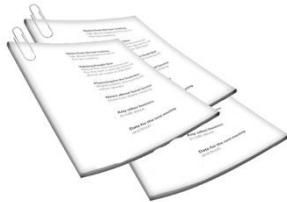
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# Why we need the Act



- More people need care and support.



- People want more from public services. They want more say. They want more control.



- Social care does not always help people to be independent.



- There is not enough money.



- The rules and paperwork are too hard.



This Act will:



- make life better for people and their carers



- make social care law easier to use



- give people a stronger voice and more control



- make sure people get the help they need to lead a good life



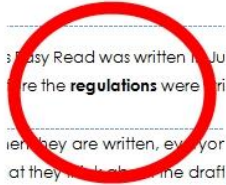
- say what social services will be like all over Wales



- make sure communities have a chance to offer their knowledge and experience



## Important ideas and words



This section tells you what the hard words and new ideas mean.



When you read this document, you will see these words are always in **bold**.



## Assessment



An **assessment** is a way of finding out what help someone needs. The Act does not say how the **assessment** will be done. The rules for **assessments** will be in the **regulations**.



## Eligibility criteria



These are the rules about who gets help from local council social services. The Act does not say what the **eligibility criteria** will be. The **eligibility criteria** will be written in the **regulations**.



## Financial assessment



People need a **financial assessment** if they want help from Social Services. If they refuse a **financial assessment**, they must pay for services.



The **financial assessment** finds out:

- how much money someone has
- how much savings someone has
- what property someone owns





Then the local council will work out how much money the person has to pay.



## Ordinarily resident

A place where someone is **ordinarily resident** means:



- where someone usually lives, or
- where someone would be living if they did not need care and support
- where someone is, if they are homeless



The local council where someone is **ordinarily resident** must do what this Act says for that person.

## Preventative services

**Preventative services** are services that mean:



- people can manage longer before they need care and support



- people need less care and support



- life is easier for families



- life is easier for disabled people



- less abuse and neglect



- fewer children go into care



- fewer children get in trouble with the law



- people live as independently as possible



## Promote

Promoting means:



- saying something is good



- telling people about something



- getting people to use what you are promoting
- trying to get more people to offer a service or do something you think is good



## Regulations



**Regulations** give all the detailed rules that are not in the Act.



People must do what the **regulations** say.



This Easy Read was written before the **regulations** were written.



When they are written, everyone can say what they think about the draft **regulations**. The National Assembly for Wales will vote on the **regulations**.



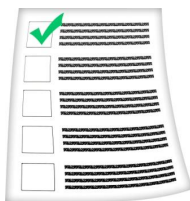
From April 2016 everyone must do what the **regulations** and Act say.



## Relevant partner



Some of the Act is about local councils and their **relevant partners**.



Here is a list of the **relevant partners**:



- local police



- other local councils that agree to work with them



- the Secretary of State for Wales



- the Probation Service



- NHS



- the Welsh Ministers

## Secure accommodation



Young people sometimes live in **secure accommodation** for their welfare and protection, or if they have been placed there by the courts. They cannot leave this accommodation until they are told to by the councils.



**Secure accommodation** provides somewhere to live, healthcare and education services.



## Well-being



In this Act, **well-being** means:



- you are healthy



- you feel good about your life and you are safe



- You can learn new things



For children, **well-being** also includes:

- being able to grow up happily
- being looked after well





For adults, **well-being** also includes:



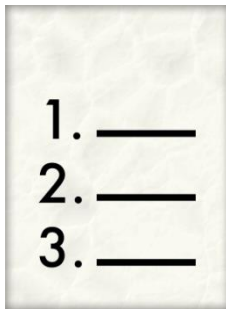
- control over day to day life



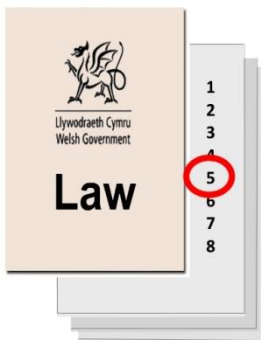
- being able to work



# How to use this Easy Read explanation



The Social Services and Well-being (Wales) Act has 11 Parts. There are 200 sections in the Act. Each section has a number.



The Easy Read headings have numbers in brackets like this: **Promoting well-being (5)**. This means you need to go to section 5 of the Act to see what the Act says.



The Act has 3 lists at the back. The lists are called Schedules. They are not in this Easy Read.



- **Schedule 1** is about charging parents if the local council looks after their child.



- **Schedule 2** is about all the laws that tell social services what they must do.



- **Schedule 3** is about a change to another law. The change means the Public Services Ombudsman can investigate complaints about private care homes and care for people who are dying.



This Easy Read is long. We suggest you read **Introduction** and **Part 2**.



Then you can just read the Parts that are important for you.



# Part 1

## Introduction



Here are some important things that the Act will do:



- improve **well-being** for people who need care and support, and carers who need support



- make sure there are **preventative services** and information services



- keep children and adults safe



- make organisations work together



- let the Welsh Ministers do something if social services are doing it badly



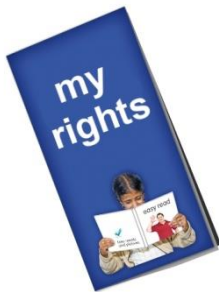
- let people complain about private care and support services and services that care for people who are dying



- make social care better



The Act gives people more say and more control.



The Act gives more rights to carers.



## Part 2

# General rules



### Promote well-being (5)



Everything in this Act is about **promoting** the **well-being** of:



- people who need care and support



- carers who need support



## Principles (6, 7)



Principles are ways of thinking and acting.



The Act's principles are:



- Pay attention to what people want.



- Remember people's dignity.



- Think about each person. Think about their culture, beliefs and language.



- Support people to be part of decisions about their life.



- Expect adults to know what is best for themselves.



- Support adults to be as independent as possible.



- Help children grow up in their own family, if possible.



- Listen to what children's parents want, if it is safe and possible.





- Remember:
  - the United Nations Principles for Older Persons
  - the United Nations Convention on the Rights of the Child



## Well-being statement (8)

The Welsh Ministers must write a Well-being Statement. This says:

- what well-being means
- how to measure if people's well-being is improving





## Code of Practice (9-12)



The Welsh Ministers will write a Code.  
Everyone will have a chance to say what they think about the Code.



The Code will say what services will be like.



## Local councils and local health boards (14)

Local councils and the local health boards in their area must work together to find out:



- how many people need care and support
- how many carers need support
- how many people do not get the help they need
- what services are needed locally, including **preventative services**





They must make sure they have the services people need.



They must make sure Welsh-speaking people can get help in Welsh.



## **Preventative services (15)**



Local councils must find out about any local **preventative services**.



They must think about what other **preventative services** are needed.



Local councils can work together to provide **preventative services**.



## New kinds of services (16)



Local councils must **promote** services like these:



- businesses run by people who do not keep any profit for themselves



- organisations where everyone is equal



- services that involve people in designing and running the services



- services run by organisations like charities and voluntary organisations

## Information service (17)



Local councils must provide a new service called the Information, Advice and Assistance service, or IAA.

The service must:



- give people enough information to make plans



- have information that is easy to understand



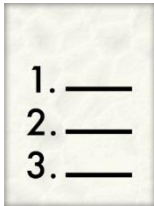
- tell people about local help and services



- tell people what to do if they are worried about someone's **well-being** and how to raise concerns



## Local council lists (18)



Local councils must keep lists of:



- people with sight or hearing impairment



- disabled people



- people who may need care and support in the future



The list must say what language they use.



Local councils can use the lists to plan what services will be needed and see if the number of people changes.



People can choose if they want to be on the list.

# Part 3

## Assessments



### Who can have an assessment? (19-27)



The local council must do an **assessment** if they know or think someone needs care and support, or a carer needs support.



There are two kinds of **assessment**. The first is to see if a person has care and support needs. The second is to work out if they meet the **eligibility criteria** for getting help from social services.



You can say you do not want an **assessment**.





The local council can still make someone have an **assessment** if:



- the person doesn't understand enough to make the decision



- the person may be at risk of abuse or neglect



- they think the person really needs it



- the parent has refused but the child has said they want an **assessment**



## **Adults**

The local council must:

- find out what the adult wants for their day to day life
- work out what will help the adult do what they want



The adult, and, if possible their carer, must have a say in the **assessment**.

## **Children**



The local council must:

- find out about the child
- find out what the child wants (if possible)
- find out what the child's parents want (if that is safe)
- find out what will help



All disabled children should have an **assessment**.



## **Carers**

The local council must:

- find out what care the person wants to offer
- find out what the carer wants for their own life
- work out what would help



The **assessment** must look at:

- what work the carer does or wants to do
- any learning or leisure activities that the carer does or wants to do



For a young carer, the **assessment** must also look at the child's right to be a child.



## Having more than 1 assessment (28-29)



A carer and the person they care for can have their **assessment** at the same time, if both people are happy with this.



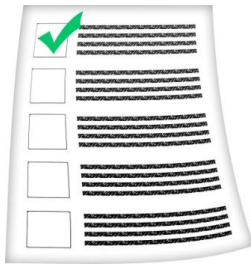
Sometimes people need more than 1 **assessment**. Their **assessments** can be done at the same time.



## Part 4

# Meeting people's needs

### Who gets help? (32, 35-45)



The local council must check someone's **assessment** against the **eligibility criteria**.

The **eligibility criteria** will be in the **regulations**.



The local council must also check if the person is at risk of abuse or neglect.



Local councils must help adults who meet the **eligibility criteria** or who are at risk of abuse or neglect.



Local councils must help children who meet the **eligibility criteria** or who are at risk of abuse, neglect or other harm. Local councils do not have to meet all of a child's needs, it only has to meet those needs that

aren't being met by his or her family.



Local councils may help carers by providing a service for the person they care for. Local councils can do this even if the person they care for does not meet the **eligibility criteria**.



Carers get help from the local council where the person they care for lives, even if the carer lives in another area.



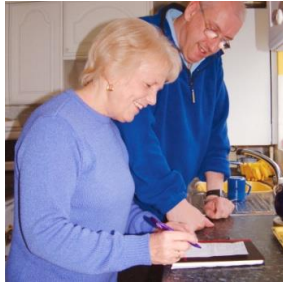
Local councils can help other people too.

### **Providing services (34)**



For people who meet the **eligibility criteria**, the local council must work out:

- how to meet their needs
- whether to charge for services



Home care visits must be long enough to meet the person's needs.



## Direct Payments (50-53)



There will be new **regulations** for Direct Payments, including:



- how to work out how much money to give the person

- rules about paying the money to the person



- rules a local council can or can't make when they give someone Direct Payments



- support for people getting Direct Payments
- stopping someone's Direct Payments
- giving people enough information to make a choice about Direct Payments



### Plans (54-55)

If someone meets the **eligibility criteria**, the local council must write a plan.



People with care and support needs will get a care and support plan. Carers will get a support plan.



There will be **regulations** about:

- preparing a plan, including who has a say
- what to put in a plan
- checking and changing plans





## Moving home (56)

If someone moves home, their local council must tell the new local council and send:

- a copy of the care and support plan
- other information the new council asks for



The new local council must start its own **assessment** of what the person will need.



Until that **assessment** is finished, the new local council must provide what is in the person's old care and support plan, as far as they can.

This rule does not apply for carers.



## **Choosing where to live (57)**



Sometimes a person wants to stay somewhere that costs more than the local council expects to pay. The person can choose to stay there and pay the extra cost if they want to.



## **Protecting people's property (58)**

If someone goes into hospital or a care home, the local council must do what they can to stop their things getting lost or damaged.



## Part 5

# Charging people for services

### Charging (59)



Local councils can ask people to pay towards their care and support.



Children cannot be charged for services, but their parents can.



There will be **regulations** about:

- who has to pay
- the most that a local council can charge
- the times when a local council cannot charge



## Financial assessment (60-73)



There will be **regulations** about how to work out how much a person should pay and if a person can afford it.



Local councils must find out how much money someone gets and how much savings they have got.



The local council must write to the person saying what they have decided the person should pay. Some people will pay nothing if they cannot afford it.



Sometimes people may want to pay later. For example, they may want to wait until their house is sold.

There will be **regulations** about this.



The local council can take someone to court if they do not pay.

## Part 6



# When the local council looks after children and young people



## General (74-77)

Local councils must:



- have the right local accommodation for the children they look after



- look after children who do not have an adult to look after them



- look after children who are being protected by the police



- look after children if a court has said the local council must look after them



### The local council's duty (78-81)



When the local council looks after a child, they must:



- keep the child safe



- **promote** the child's **well-being**

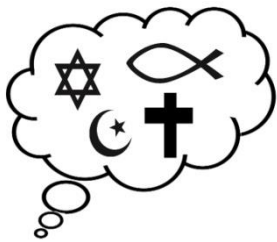


- help the child do well at school



- check if the child has care and support needs

- listen to others who know the child



- think about the child's religion, background and language



- try to find a home for the child with a family member



- look for the best place for that child to live



Children should live:

- near their home, if it is safe
- where they can carry on with school or training
- with any brothers or sisters
- with someone suitable for them



The child should be able to live in their own local council area, as long as it is safe.



Some children need to be adopted. The local council must place the child with a suitable adoptive family, or a family member or friend who can provide a home for the child.





## The child's plan (83-84)



The local council must look at a child's case before changing where the child lives, unless it is an emergency or they need to keep the child safe.



All children who are looked after by the local council need a care and support plan.



There will be **regulations** about:

- what to do if a child needs to live outside the local council area
- when a child being looked after by the council is allowed to live with their parents
- how someone becomes a local council foster carer





## Staying in touch with family and friends (95-96)



The local council must make it easy for a child to stay in touch with their parents, family members and friends.



The local council must make sure parents know where their child is living, as long as it is safe.



Parents and people with parental responsibility must tell the local council if they move house.



The local council can pay expenses to help a child stay in touch with family or friends.



## Visiting (97-98)



The local council must arrange for someone to visit any child they are looking after.



There will be **regulations** about this.

## Reviewing (99-102)



Each child will have an independent reviewing officer. This person's job is to listen to the child and to check the local council is looking after the child well.



There will be **regulations** about this.



## Age 16 to 25 (103-118)



Local councils must do what they can to **promote** a young person's **well-being** even when they stop looking after the young person.

There are 6 different groups who can get support. Each group has different rights.



### Group 1

16 and 17 year olds who are still looked after by the local council.



### Group 2

16 and 17 year old care leavers who were looked after by the local council on their 16<sup>th</sup> birthday.



### Group 3 and Group 4

Young adults aged 18 to 21 plus young adults aged 21 to 25 who are in full time education or training.



### Group 5

Young people aged 16 to 21 who were looked after by the local council as a child and then had a special guardianship order.

### Group 6

Someone aged 16 to 21 who does not fit in any of the groups, but spent at least 3 months away from their family as a 16 or 17 year old because:



- they were looked after by the local council
- they were in a private children's home
- they were living in accommodation provided by the NHS or local education council
- they were with private foster carers



Young people in Groups 1, 2, 3 and 4 must have a personal advisor, at least until they have finished full time education.



Young people in Groups 2, 3 and 4 should have a plan that says what support and advice they need.



There is a special rule for any young people in Group 1 who live with a local council foster carer.

The local council must ask the young person and the foster carer if they want to carry on living together after the young person is 18.



If they want to carry on living together, they can get support until the young person is 21.



Local councils must make sure anyone in Group 2 has enough money to live, a suitable place to live and enough support.



Local councils must support young adults in Group 3 by:



- helping with the cost of living near their job, or where they are looking for a job



- helping with the cost of living near education or training



- making a grant towards education or training costs



- helping with the young adult's **well-being**



The local council must make sure young people in Group 3 who go away to university or college have somewhere to live in the holidays.



The local council must help young adults in Group 4 until they leave education or training.



Some people in Group 5 and Group 6 will need help from their local council. The local council can help with living costs, education or training costs or may provide accommodation.



Local councils can ask parents to pay towards the cost of bringing up their child. Schedule 1 to the Act explains the rules for this.



### **Children who are in secure accommodation (119)**



The Welsh Ministers can make rules for the courts about secure accommodation.

The child must have a legal representative at court, if they want one.





**Children who are given accommodation by the NHS or education or a private care provider for over 3 months (120-123)**



The NHS or education council must tell the Director of Social Services what is happening.



The local council must make sure the child's needs are assessed.



The care provider is breaking the law if he or she does not tell the local council about the child or let the local council assess the child's needs.



The local council must arrange for someone to visit the child to provide advice and help.



The local council must provide any services that the child needs. This includes help to stay in touch with their family.



## Leaving Wales and England (124)



A court must give permission before a local council can let a child they look after live outside England and Wales.



## Death of a child (125)



If a child dies while the local council is looking after him or her, the local council must:



- tell the Welsh Ministers



- tell the child's parents and anyone with parental responsibility



The Act tells the local council what else they can do.



# Part 7

## Keeping people safe

### Adults at risk (126-129)

An adult is an adult at risk if:



- they are being abused or neglected, or there is a risk they will be



- they have care and support needs



- they cannot keep themselves safe from abuse or neglect



If the local council thinks someone is an adult at risk, they must:



- find out more about the person's life



- decide if something needs to be done



- decide who should do something and what they should do



If someone lives in the area and is at risk, the local council can ask a Justice of the Peace for an **adult protection and support order**. This is a new order.



The order means the local council can:

- go into a building with a police officer to see the person
- speak in private to the person
- check if the person is making their own choices
- check if the person is an adult at risk
- decide what to do next



If a **relevant partner** suspects someone is an adult at risk, they must tell the local council.



## Children at risk (130)



If a **relevant partner** or the youth offending team think a child may be a child at risk, they must tell the local council.



A child at risk is a child who:

- is being abused, neglected or harmed, or may be in the future
- needs care and support



Section 47 of the Children Act 1989 says what to do if there is a child at risk.



## **Safeguarding Boards (132-142)**



There will be a National Independent Safeguarding Board. The National Board will:

- help local Safeguarding Boards
- report if the new system is working
- tell the Welsh Ministers how to keep people safer





The National Board will send reports to the Welsh Ministers.



There will be **regulations** about the National Board.



There will be local Safeguarding Boards.

Each Safeguarding Board includes:



- any local council in the area
- the chief officer of any police in the area
- any local health board in the area
- any NHS trust providing services in the area
- the Secretary of State
- the Probation Service





Llywodraeth Cymru  
Welsh Government

The Welsh Ministers will say who will be in charge of the Safeguarding Board.



Safeguarding Children Boards must:



- protect children from abuse, neglect and harm, now and in the future



- stop children from becoming at risk of abuse, neglect and harm



Safeguarding Adults Boards must:



- protect adults who need care and support from abuse or neglect, now and in the future





- stop adults who need care and support from being at risk of abuse or neglect



The Safeguarding Boards must make sure everyone works together.



The Safeguarding Boards can work together.



Every year the Safeguarding Boards must write a plan saying what they will do. They must also write a report saying what they did last year.



Each Safeguarding Board partner may pay towards the cost of running the Safeguarding Board.



Safeguarding Boards must work with the National Board. They must give the National Board any information they ask for.



## Part 8

# Social Services



Every local council must have a Director of Social Services.



The Welsh Ministers will make rules about who can be a Director of Social Services.



Local councils may share a Director of Social Services.



The local council must make sure the Director of Social Services has enough staff to do everything the law says they must do.



## Codes (145-149)

A code is a set of rules about doing what the Act says.

The Welsh Ministers must talk to people about what to put in the code.

Then they will write the code.

Then they will ask the National Assembly for Wales to agree to the code.



Local councils can write a policy saying they will do something different from the code. They must write down:



- what the policy is
- why they are doing something different from the code
- publish the policy
- send a copy to the Welsh Ministers



If the Welsh Ministers think the local council policy is not good enough, the Welsh Ministers can tell the local council to do what the code says.



### **When things go wrong (150-161)**



The Welsh Ministers can take action if:



- the local council does not do what the law tells them to do



- the local council acts unreasonably
- social services are doing a poor job



First, the Welsh Ministers must give a warning notice.



Within 3 months, the Welsh Ministers must tell the National Assembly for Wales what the local council has done about the warning notice.



If the problem is not sorted, the Welsh Ministers can take action.



The local council must co-operate with the Welsh Ministers and anyone appointed by the Welsh Ministers.



They must let them into local council buildings and let them see local council information.

## Part 9

# Working together



### Cooperating (162-163)

The local council must arrange to work with:



- their **relevant partners**
- other people and organisations that help people



The **relevant partners** must help the local council.

The local council must also make it easy for different people in the local council to work together.



Here are things the local council and **relevant partners** can do:

- Share staff, property and services.
- Put money into a shared pot.

This means different partners put



money in, and different partners can take money out.

- Share information.



## Who must help? (164)

A local council can ask any of these to help them:



- a **relevant partner**
- any NHS organisation or local council
- any youth offending team



They must help unless it would stop them doing their own job properly.



Anyone who decides not to help must say why in writing.



## Making care and support work well with health care (165)



Each local council must make changes so care and support fits together with health care.



## Partnerships (166-169)

The Welsh Ministers can make **regulations** to tell these organisations to work as partners:

- 2 or more local councils
- 1 or more local councils and 1 or more local health boards



The local health board and the local council will stay responsible for what each of them does.





## Adoption services (170)



The Welsh Ministers can tell local councils to share an adoption service.



# Part 10

## Complaints



### Chapter 1 (173-178)

### Complaining about social services



There will be **regulations** for complaints about social services, local council services and services provided on behalf of the local council.

The **regulations** may tell local councils to:



- help people who want to make a complaint



- tell people about the help they can have to make a complaint



Each local council must make rules for complaints about:



- being looked after by the local council



- adoption



- special guardianships



At least one person who is not part of the local council must look at any complaint.



## Chapter 2 (179-180)

### Complaining about private social care



At the moment, the Public Services Ombudsman for Wales can only investigate complaints about local councils, the NHS and any services commissioned by the local council or the NHS.



This Act says the Ombudsman can investigate privately funded care homes, home care or end of life care services.



People will be able to get help from an independent advocacy service to make a complaint.



## Chapter 3 (181-183)

### Help to speak up about care and support



The Welsh Ministers may make **regulations** that tell a local council to arrange advocacy services for people who need care and support.

There may be **regulations** about:



- when the local council must provide advocacy services
- who can provide advocacy services



Anyone who runs a care home must tell people about advocacy services.



## Part 11

### Extra bits



#### Finding things out (184)



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Welsh Ministers can carry out or be part of research into anything to do with this Act.



Council

Local councils and local health boards can carry out or be part of research into anything under their control in this Act.



The Welsh Ministers can ask organisations for information about what they are doing.



## Being in prison, youth detention or bail accommodation (185-188)



If an adult is in prison, youth detention or bail accommodation, the local council cannot get an adult protection and support order about them.



If someone is in prison, youth detention or bail accommodation:



- they cannot be a carer



- they cannot get Direct Payments



- they cannot choose where they live



- the local council does not have to try to protect their property



- they cannot get help under Part 6 of this Act



### **When service providers close down (189-191)**



Sometimes care homes or other services shut because the business or charity has failed.



If this happens in Wales, the local council where the care home is must meet people's needs for care and support. They must do this even if the person usually lives in a different local council area.





## Recovering costs from another local council (193-195)

Usually the local council where someone is **ordinarily resident** is the one that pays to meet their care and support needs. Sometimes another council pays and claims it back from the person's own local council.



People should get the care and support they need, even if the local councils cannot agree who needs to pay.



If the local councils cannot agree who has to pay, then the Welsh Ministers will decide for them.