

Fosterline Wales Factsheet

The Social Services and Well-being (Wales) Act

Introduction

The Social Services and Well-being (Wales) Act 2014 provides the legal framework for improving the wellbeing of people who need care and support, and their carers, and for transforming social services in Wales. Part 6 of the Act specifically covers looked after children and care leavers and replaces much of the Children Act 1989. The Code of Practice for Part 6 (see Resources) explains what the Act means for local authorities, fostering agencies and other agencies, such as health. The Fostering Services (Wales) Regulations 2003 will apply, until the 2019 Regulations are published by Welsh Government

Overview of the Act

In 2011, Welsh Government published Sustainable Social Services as their vision for the future. Some of the actions required new legislation. The Welsh Government took the opportunity to create a new piece of legislation, the Social Services and Well-being (Wales) Act as a one-stop shop for social care legislation.

The Act came into force April 2016. It has 11 parts.

1. Introduction
2. General functions
3. Assessing the needs of individuals
4. Meeting needs
5. Charging and financial assessment
6. Looked after and accommodated children
7. Safeguarding
8. Social services functions
9. Cooperation and partnership
10. Complaints, representations and advocacy services
11. Miscellaneous and general

Information and Learning Hub

Social Care Wales has an Information and Learning Hub providing the public with a range of useful information on the 2014 Act.

socialcare.wales/hub/sswbact

The whole of the Act is potentially relevant to foster carers, particularly if you foster a disabled child, although the key part is Part 6.

The Act itself is very short. For most purposes, the more useful documents are the Codes of Practice. The Part 6 Code of Practice (see Resources) explains how to put the Act into practice for looked after children and foster carers. Some of the Code is statutory guidance, meaning it is legally binding. Some is non-statutory guidance, meaning it is recommended.

For care leavers, in addition to Part 6 Code of Practice, Chapter 5, there is important information in the Care Leavers (Wales) Regulations 2015 (see Resources).

What's new?

The Act makes major changes for adults who need care and support, and also disabled children, but much smaller changes for looked after children and young people. The Codes of Practice are the most useful resource for the public, in describing how the legislation is converted into current practice.

The Act explains new principles for providing care and support, including foster care:

- voice and control, about how they get support to achieve wellbeing
- prevention and early intervention
- an overall focus on protecting and promoting the individual's wellbeing, not just immediate welfare
- co-production, which means people becoming more involved in the design and delivery of services

Co-production sets out the challenge to local authorities, that foster carers, fostered children and young people be offered meaningful and greater involvement in the design and delivery of services. This principle is re-stated more strongly in the Wellbeing of Future Generations (Wales) Act 2015.

Key changes are:

- The focus is on children and young people's overall wellbeing, not just their immediate welfare. This is explained in the Social Care Wales Essentials guide (see Resources)
- Foster-to-adopt placements (see 'Resources')
- A national adoption service
- Stronger role for the Independent Reviewing Officer (see factsheet '[Role of the IRO](#)')
- The Children (Leaving Care) Act categories of care leaver have been replaced by an easier-to-understand set of categories (see Part 6, Code of Practice in Resources)
- More statutory guidance about When I Am Ready

A key companion to the 2014 Act is the **Regulation and Inspection of Social Care (Wales) Act 2017**, placing the quality of services and improvement at the heart of regulation. It strengthens protection for those who need it, establishes a regulatory system that is in line with the Social Services and Well-being (Wales) Act 2014 and creates a regulatory system that is centred on people who need care and support, and the social care workforce.

Resources

The Social Services and Well-being (Wales) Act 2015
legislation.gov.uk/anaw/2014/4/contents

Overview of the Act
gov.wales/docs/dhss/publications/141117acteasyen.pdf

Part 6 Code of Practice
gov.wales/docs/dhss/publications/180328pt6en.pdf

The Care Planning, Placement and Case Review (Wales) Regulations 2015
legislation.gov.uk/wsi/2015/1818/pdfs/wsi_20151818_mi.pdf

The Care Leavers (Wales) Regulations 2015
legislation.gov.uk/wsi/2015/1820/made/data.pdf

Technical briefing about short breaks for children
gov.wales/docs/phhs/publications/160128part4and6en.pdf

Social Care Wales has an Information and Learning Hub about the 2014 and 2016 Acts
socialcare.wales/hub/sswbact

Social Care Wales has also produced a number of resources including The Essentials
gov.wales/docs/dhss/publications/160127socialservicesacten.pdf

Explanation of how the Act affects looked after children
lukeclements.co.uk/wp-content/uploads/2017/10/2017-03-LAC-Julie-Doughty.pdf

Wellbeing of Future Generations (Wales) Act 2015
futuregenerations.wales/about-us/future-generations-act/

The Regulation and Inspection of Social Care (Wales) Act
Summary of Act for young people
gweddill.gov.wales/docs/dhss/publications/160708regulationchildren.pdf

How The Fostering Network can help

The Fostering Network offers advice, information and support. Our expertise and knowledge are always up-to-date and available through our vital member helplines, publications, training and consultancy.

Advice

Fosterline Wales

Call us on 0800 316 7664 from 9.30am - 12.30pm Monday to Friday.

If you call outside this time, please leave a message and someone will call you back as soon as possible.

You can email us at:

fosterlinewales@fostering.net

Support and resources

Our website is an essential source of information, while our online community brings together foster carers for peer support and advice. You can login to share your experience and get advice from other foster carers. Our online community is a safe and secure area to discuss foster care matters.

thefosteringnetwork.org.uk

Training and consultancy

Wherever you are in your fostering career, as a foster carer, social worker or manager, The Fostering Network has a range of training designed to meet your development needs.

For more information contact our learning and development manager, Sarah Mobedji at sarah.mobedji@fostering.net

About The Fostering Network

The Fostering Network is the UK's leading fostering charity, bringing together everyone who is involved in the lives of fostered children to make foster care the very best it can be.

Contact

To find out more about our work in Wales, please contact:

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