

## Agenda Supplement – Health, Social Care and Sport Committee

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Meeting Venue:

Committee Room 2 – Senedd

Meeting date: 11 October 2018

Meeting time: 09.00

For further information contact:

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Committee Clerk

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## Supplementary Document – Association of Directors of Social Services Cymru

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Please note the documents below are in addition to those published in the main  
Agenda and Reports pack for this Meeting

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### 3 Autism (Wales) Bill: Evidence session with Welsh Local Government Association and the Association of Directors of Social Services

(10.20 – 11.05)

(Pages 1 – 4)

Naomi Alleyne, Director, Social Services and Housing, Welsh Local  
Government Association

Keith Ingram, Autism Spectrum Disorder Project Lead Officer, Vale of  
Glamorgan Council

Claire Lister, Head of Adult Services, Conwy County Borough Council

Jo Taylor, Service Manager for Learning Disabilities, Physical Difficulties &  
Sensory Impaired, Flintshire County Council

Attached Documents:

Paper 3a – Association of Directors of Social Services Cymru





## National Assembly's Health, Social Care and Sport Committee: **Autism (Wales) Bill** Contribution by ADSS Cymru

Authority	██████████, President
Completed by	██████████, Policy and Research Lead
Date	3 October 2018

### General Comment

- 1.1 The Association of Directors of Social Services (ADSS Cymru) is the professional and strategic leadership organisation for social services in Wales and is composed of statutory Directors of Social Services and the Heads of Service who support them in delivering social services responsibilities and accountabilities; a group of more than 80 social services leaders across the 22 local authorities in Wales.
- 1.2 As the national leadership organisation for social services in Wales, the role of ADSS Cymru is to represent the collective, authoritative voice of Directors of Social Services, Heads of Adult Services, Children's Services and Business Services, together with professionals who support vulnerable children and adults, their families and communities, on a range of national and regional issues of social care policy, practice and resourcing. It is the only national body that can articulate the view of those professionals who lead our social care services.
- 1.3 As a member-led organisation, it is uniquely placed as the professional and strategic leadership organisation for social services in Wales, to lead on national service development initiatives to ensure a consistent efficient and high standard of delivery for people who access care services across Wales.
- 1.4 ADSS Cymru is committed to using the wealth of its members' experience and expertise, working in partnership with other agencies, to influence important decisions around social care to the benefit of the people it supports and the people who work within care services. Therefore, we welcome the opportunity to comment on the proposals contained in the Autism (Wales) Bill.
- 1.5 While ADSS Cymru appreciates that the fundamental objectives at heart of the Bill is to ensure that there is consistent and continued provision to meet the needs of the 34,000 autistic people in Wales, we continue to believe that, at this stage, there is not a requirement for specific legislation to address the needs expressed by this particular group, their families or their carers and we will set out the reason for that further in this paper.
- 1.6 However, it should be noted that the Welsh Government has made strides to strengthen public service provision for people with autism and their families and carers, which has built on its innovative and leading 2008 Autism Spectrum Disorder (ASD) Strategic Action Plan. That plan has been recently reviewed and revised and in addition to the establishment of the All-Age National Integrated Autism Service (IAS) in 2016, there has been increased levels of investment in both national and local structures,

all of which has helped raise the profile of the condition, as well as the development of improved services and the establishment of new services.

## Current Legislation

- 2.1 The principle reason why ADSS Cymru is, at this stage, reticent to support new specific legislation, is that there are two fundamental pieces of legislation in place – *the Social Services and Well-being (Wales) Act 2014* (SSWBA) and *the Well-being of Future Generations (Wales) Act 2015* (FGA) – which aim to develop a common understanding of what public services are required in an area and to develop joint working between public bodies, so that local activity and national goals are aligned and centred around the needs of the citizen.
- 2.2 This needs-based approach is very important, particularly in relation to the SSWBA, as it provides the legal framework for improving the well-being of people who need care and support carers who need support. The SSWBA is transforming the way social services are delivered through an integrated approach that is focused on achieving the outcomes necessary to promote a person’s well-being - as an individual, as part of a family and as part of their community; an approach that is person rather than condition specific. This needs-based approach means that resources and support is delivered according to need, not prioritised according to legislation or just linked to receiving an assessment and a diagnosis. One of the fundamental concerns that we have, given that resources in local government are so stretched, is if IAS service managers are being directed under this legislation to focus all their psychology resource to assessment and diagnosis, then this will be to the detriment of post diagnosis support. Our belief is that diagnosis is only a small part of the total input people need but practitioners will not be able to rationalise this with the legislation.
- 2.3 We should also take into account the recent enactment of the Additional Learning Needs and Education Tribunal (Wales) Act (2018). The needs-based approach is also consistent with this important piece of legislation that has the potential to bring tangible benefits to children and young people with ASD by supporting early identification of additional learning needs and effective interventions to support these needs throughout a child and young person’s education.
- 2.4 The Well Being Plan in the FGA is the overarching strategy for public service activity in an area and therefore, the SSWBA is required to fit in with this broader context for both corporate planning and work across Public Service Boards, as well as being a discreet activity. However, given that there has not been sufficient time to imbed and assess the impact of both pieces of legislation in relation to citizens with ASD, ADSS Cymru believes it would not be prudent at this stage to invest into a resource intensive process to implement additional legislation until that further assessment work has been done.
- 2.5 Moreover, we are also concern about legislation incompatibility. The legislation is attempting to deal with barriers to people with autism receiving services they need, ensuring that IQ and illness are not reasons to exclude people from services. The SSWBA, if implemented as the Act intends, already determines who has eligible needs and who does not through National Eligibility Criteria. There is a real danger if this legislation is implemented that the two pieces of legislation may be incompatible, which will cause confusion, may raise unnecessary expectation and be unfair to those without a diagnosis of autism who are in similar circumstances.

## Guidance

3.1 The other fundamental reason why ADSS Cymru believes that specific legislation is not required at this stage is the commitment Welsh Ministers have made to strengthen statutory guidance on autism under the SAA. The oral statement the Cabinet Secretary made in the National Assembly on 25<sup>th</sup> September updating the Autistic Spectrum Disorder Strategy Delivery Plan, we believe, is significant to fulfilling that commitment. The revised Plan reflects important new obligations which we believe will strengthen and improve services. These new commitments reflect feedback Welsh Government and its partners have heard from autistic people, their families and carers, and wider stakeholders. These new commitments include:


- Issuing a statutory Code of Practice on the delivery of autism services under SSWBA and the NHS Act 2006;
- Issuing a Code of Practice on the Additional Learning Needs and Education Tribunal Act 2018 and roll out of the new ALN system from 2020;
- Updating and expanding Welsh Government autism guidance for housing providers.
- Improving data collection through developing GP autism registers;
- Consulting on making autism a stand-alone theme for future population needs assessments;
- Raising awareness by improving engagement and involvement of autistic people in policy development; and
- Expanding the independent evaluation to look at alignment between children's neurodevelopmental and wider autism services and to address the continuing barriers to reducing diagnostic waiting times.

3.2 We believe that these new commitments will ensure that statutory bodies understand their responsibilities towards people with autism and take action to meet those needs. Moreover, the Cabinet Secretary has stated that the consultation document on the statutory Code of Practice will focus on five key areas which capture many of the issues set out in the Bill, these are:

- assessment and diagnosis;
- accessing care and support;
- staff training;
- planning; and
- stakeholder engagement in service planning and delivery.

3.3 Regional Partnership Boards (RPBs) established under the SSWBA, are already responsible for ensuring that there are integrated care and support services to meet the need of people in their area localities. Autism has been identified as one of their priority areas for integration and Boards will need to report annually on progress, including in relation to the delivery of the National Integrated Autism Service. However, if the Code provides additional guidance to RPBs in relation to service planning and existing duties to undertake a population needs assessment, which is coupled with making autism a mandatory stand-alone core theme for future assessments, we believe this will ensure that regions have robust and clear plans in place to deliver and monitor autism services.

3.4 ADSS Cymru believe that this recent Government announcement adds further weight to our view that, at this stage, it would not be prudent to add a further layer of legislation to meet the needs of people living with ASD, their families and carers.

  
President  
ADSS Cymru