

CABINET MEETING: 22 JUNE 2023

**CARDIFF AND VALE REGIONAL PARTNERSHIP BOARD JOINT
AREA PLAN 2023-28**

**SOCIAL SERVICES (COUNCILLORS ASH LISTER AND NORMA
MACKIE)**

AGENDA ITEM: 8

Reason for this Report

1. To recommend endorsement of the Cardiff and Vale Regional partnership Board (RPB) Joint Area Plan for 2023 to 2028.

Background

2. Section 166 of the Social Services and Wellbeing Act 2014 provides for formal partnership arrangements to be established between Local Authorities and Local Health Boards to:
 - Improve the outcomes and wellbeing of people and
 - improve the effectiveness of service delivery.
3. The RPB includes representatives from Cardiff Council, Vale of Glamorgan Council, Cardiff and the Vale University Health Board, Welsh Ambulance Service NHS Trust, a range of representatives from the Third Sector, the Independent Sector and Carers Representatives.
4. The Wellbeing of Future Generations (Wales) Act 2015 added a requirement into the Social Services and Wellbeing Act for Local Authorities and LHB's to publish an Area Plan.
5. Joint Area Plans are reviewed every 5 years and should take into account the findings of the most recent regional Population Needs Analysis and Market Stability report approved by Cabinet in October 2022. The Area Plan should build on what is already happening across the partnership and set out how, together, organisations will address identified gaps.
6. The RPB's Joint Area Plan sits alongside Cardiff's Public Service Board (PSB) Wellbeing Plan and the Vale of Glamorgan's PSB Wellbeing Plan to provide a whole system approach to improving the health and wellbeing of the population of the Cardiff and Vale region.

7. The Area Plan must also take into account national policy requirements with a very wide range of guidance providing direction in this arena.

Issues

8. As the Area Plan makes clear the regional partnership environment is both complex and interconnected with organisations working towards common ambitions across a range of strategies and plans. An important feature of the Area Plan is the recognition that the RPB provides a framework to harness the energy and capacity of individual organisations to create better integrated services to meet need. A prerequisite is a clear and shared understanding across the partners of how service capacity is being directed to deliver those strategic plans and to assist in making the connections to improve alignment and reduce duplication.
9. The work of the RPB complements work directed through the Public Service Boards. Recent work in the region to clarify and simplify our partnership arrangements will assist in reducing the potential for duplication of activity. It will also address any confusion about organisational priorities helping to ensure the best possible use of change capacity across all partners.
10. The key principles that will guide the work of the RPB partners over the 5 years of the plan are:

Prevention: promoting early intervention that prolongs good health and well being for all age groups whilst reducing reliance on long term service provision

Care Closer to Home: providing care and support as close to people's homes as possible.

Inclusion and Diversity: ensure that people are involved in planning their care and that we reach out to all people from across our diverse communities.

Sustainability: ensuring the long-term viability of our environment through carbon reduction is a fundamental necessity and we are committed to ensuring that our plans reflect this need

Social value: ensuring that the things we do have the best possible impact on our well-being.

11. The Joint Area Plan is organised around three life stages. Each life stage in the report begins with a brief summary of existing work across the partnership and identifies those pieces of work that are being prioritised for management within the RPB programme. The life stages are:
 - **Starting Well:** giving every child the best start in life
 - **Living Well:** supporting people to live well and do the things that matter to them.
 - **Ageing Well:** enabling people to stay independent as they become older.

Starting Well

12. The focus for the partnership for the Starting Well life stage is for children and young people with complex needs. The increase in demand both in terms of the number of children and young people presenting across partner services and in the and complexity of their needs was a clear finding in the population needs assessment. The lack of integrated provision and insufficiency of provision made this an urgent priority for all partners. Work in this area is organised into 3 workstreams:
- **The EmPower Programme** – Including delivery of accommodation and psychologically informed care and support for young people with complex emotional and mental health needs.
 - **Strategic Developments** – most notably the potential co-location of services at Michaelston in Ely
 - **The Early Years programme** – looking at pathways to support for Neurodiversity and Perinatal support for Mental Health
13. The report makes reference to the Cardiff Childrens Services strategy 23/26 which is important in setting the local context for the focussed partnership work. The report also outlines the partners commitment to babies, children and young people with ambitious “we will” delivery commitments including a joint approach to commissioning and funding complex care and better transition between services.

Living Well

14. The Living Well life stage covers work to improve services to meet a wide range of identified needs including support for those with learning disabilities, people with physical and sensory impairment, those impacted by violence and abuse and for Carers both paid and unpaid. Activity in this area is organised into 6 workstreams:
- Learning disabilities – developing more integrated services to enable people to live as independently as possible in their local community
 - Unpaid carers – to deliver easy to access, practical support to enable carers to have a life alongside caring.
 - Reducing violence against women, domestic abuse and sexual violence – to ensure that people who live, work, study in and visit Cardiff and the Vale of Glamorgan can live positive, independent lives without being affected by violence and abuse.
 - Physical and sensory impairment – to find out more about people’s needs, experiences and priorities, developing and delivering changes that enable people to do the things that matter to them most.
 - Neurodiversity – to strengthen the provision of neurodiversity services with a focus on providing the right support at the right time.

- Mental Health – working with people with Mental Health needs and other stakeholders to find out more about their experiences and priorities and to develop and deliver services that support people to have good mental health.
15. The Living Well life stage references a number of key Cardiff strategies, services and plans including the hub strategy in Cardiff and the latest developments to integrate day service provision with the “Hubs for All” approach, our community engagement and well-being teams and Cardiff’s equality and Inclusion Strategy.

Ageing Well

16. The Ageing Well life stage has an overarching focus to ensure that older people remain independent at home for all their lives where possible and to provide integrated services to support that ambition. The Cardiff Ageing Well Strategy provides a comprehensive approach to delivering this objective and the Area Plan focus for this life stage references the 6 national goals for urgent and Emergency Care, the strategic programme for primary care and ageing well and the recent national “Further Faster” model. There are 2 workstreams for this life stage:
- @Home – aiming to deliver an integrated workforce, integrated care records and integrated business intelligence to support more co-ordinated access to community services and intermediate care within the context of more clustered/localised provision.
 - Dementia Care – Raising awareness of dementia and its determinants whilst working to develop community-based services to improve access to diagnosis and care.

Engagement and Consultation

17. The Area plan has been developed and is the outcome of many conversations across the region with a wide range of staff and those who live and work in Cardiff and the Vale. The consultation that informed the population needs assessment and the market stability reports that informed the prioritisation of the plan are referenced in the document and each workstream has access to the existing service user networks to ensure that people with lived experience of the key issues being addressed are fully and consistently involved in service development.
18. Examples of the public idea boards for services for Children and Young people and also for People with dementia are demonstrated in the engagement segment of the Plan.

Reason for Recommendations

19. To endorse the RPB Area Plan 23/28 as required by the Social Services and Wellbeing Act 2014

Financial Implications

20. There are no direct financial implications arising from this report. The Area Plan sets out a number of key principles and workstreams that will underpin the regional partnership's approach over the next five years. Financial implications of specific initiatives will need to be considered in further detail on a case by case basis.

Legal Implications

21. The proposal set out in this report stems from a legislative requirement.
22. By way of background, Sections 166 to 169 of the Social Services and Well-being (Wales) Act 2014 ("SSWB Act ") make provision for partnership arrangements between local authorities and Local Health Boards.
23. The Cardiff and Vale Regional Partnership Board ("the Regional Partnership Board") comprises of (but not exclusive to) Cardiff Council, the Vale of Glamorgan Council and the Cardiff and Vale Local Health Board, and has been established pursuant to the regulations made under sections 166 to 169 of the SSWB Act.
24. In addition to the statutory duty referred to above, the Part 9 Statutory guidance (Partnership Arrangements) issued by the Welsh Government sets out, amongst other things, a list of matters which it expects the Regional Partnership Board to undertake. It is important to note that this is statutory guidance which the Council must have regard to. The body of the report addresses the work undertaken and to be undertaken by the Regional Partnership Board in respect of those expectations.
25. Matters such as this one become complex because there are a number of practical issues that need to be addressed before an integrated service provision can be procured or developed.
26. The proposal, in effect, provides for an integrated approach, to numerous matters like budget, procurement, services and the like. The future steps focus on the integrated approach. The potential legal concerns being whether the first step will be sufficient to meet the legal requirements.

Consultation

27. The report refers to a consultation with all partners to feed into the Strategy (see paragraphs 16 of the report). Legal Services have not had sight of any of this data surrounding this matter and are therefore unable to comment in this respect. However where a consultation is embarked upon the Directorate should ensure that it was carried out properly and conforms to the established law on consultation. The general principles

applicable to consultation by public bodies were outlined in the case of *R v North and East Devon Health Authority, ex parte Coughlan* [2001] QB 213 (at paragraph 108),

- 1) The proposals must be set out clearly and accompanied by enough information to enable those being consulted upon to engage in the process and give an informed view. Sufficient information to enable an intelligible response requires the consultee to know not just what the proposal is, but also the factors likely to be of substantial importance to the decision, or the basis upon which the decision was likely to be taken;
 - 2) The consultation should be undertaken when the proposals are in their formative stage;
 - 3) Sufficient time to respond to the consultation must be given; and
 - 4) The decision maker must approach the process with an open mind and be prepared to change course if necessary. This is not to say that the decision maker cannot have an opinion in advance of the decision and it is not to say that the decision maker must act in accordance with the responses to consultation. The decision maker must properly consider the relevant considerations and be prepared to change the pre-held opinion if necessary.
28. Whilst there is not a defined period for this consultation or general rules as to what will, or will not, constitute an adequate period consultations for periods of a few days or a week have been held to be insufficient (*R v Devon CC, ex p Baker* [1995] 1 All ER 73)
29. Of relevance, it is understood that the first steps of the proposed arrangements do not propose any formal delegation of functions between the partners, any provision of staff, goods or services or making of payments between the partners in connection with the arrangements as may occur under a more formal partnership arrangement (by way of example only, a Section 33 arrangement). Notice must also be taken of the previous RPB's and their accomplishments. The legal issue that could be raised – 'are the first steps of the proposed arrangements, bearing in mind what has previously been undertaken, sufficient to meet the requirements of the legislation?' Should the Welsh Government form this view, then it may decide to exercise its powers of intervention under the SSWB Act.
30. That said, Legal Services are instructed that many matters require resolution before proceeding to future steps such as an integrated approach to agreeing fees with providers and developing joint commissioning strategies. It is noted that there is a plethora of work being undertaken by the Regional Partnership Board, and that there are matters being considered and worked up in order to develop wider integration

across the region in relation to these services. Put simply, the proposal set out in this report is one stage of the journey towards the partner authorities developing an integrated approach to the development of these services. Legal Services are instructed that it is not the case that the Council is seeking to circumvent the full requirements of the legislation but that matters need to be developed incrementally, given the complexity.

31. Legal Services will provide support to the Directorate, including assisting with drawing up the partnership agreement, and shall continue to provide legal advice as the future steps are worked up. Should the future steps include any proposals for the Council to delegate a function to or accept a delegation of function from its partners, further reports may need to be submitted.
32. The Council has to satisfy its public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics.

Protected characteristics are:

- Age
- Gender reassignment
- Sex
- Race – including ethnic or national origin, colour or nationality
- Disability
- Pregnancy and maternity
- Marriage and civil partnership
- Sexual orientation
- Religion or belief – including lack of belief

33. The decision on whether to adopt the Strategy in accordance with the recommendation in this report has to be made in the context of the Council's Equality Act public sector duties. An Equality Impact Assessment has been undertaken to ensure that the Council has properly understood and assessed the potential impacts of the proposal in terms of equality so that it can ensure that it is making proportionate and rational decisions having due regard to its public sector equality duty.

Generic Advice

34. In considering the matters set out in this report regard should be had, amongst other things, to:
 - (a) the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards
 - (b) Public sector duties under the Equalities Act 2010 (including specific Welsh public sector duties). Pursuant to these legal duties Councils must in making decisions have due regard to the need to (1) eliminate

unlawful discrimination, (2) advance equality of opportunity and (3) foster good relations on the basis of protected characteristics. Protected characteristics are : a. Age; b. Gender reassignment; c. Sex; d. Race – including ethnic or national origin, colour or nationality; e. Disability; f. Pregnancy and maternity; g. Marriage and civil partnership; h. Sexual orientation; i. Religion or belief – including lack of belief

- (c) When taking strategic decisions, the Council also has a statutory duty to have due regard to the need to reduce inequalities of outcome resulting from socio-economic disadvantage ('the Socio-Economic Duty' imposed under section 1 of the Equality Act 2010). In considering this, the Council must take into account the statutory guidance issued by the Welsh Ministers ([WG42004 A More Equal Wales The Socio-economic Duty Equality Act 2010 \(gov.wales\)](#)) and must be able to demonstrate how it has discharged its duty.
- (d) the Social Services and Well Being (Wales) Act 2014 –
- (e) the Well Being of Future Generations (Wales) Act 2015 –

Social Services and Well Being (Wales) Act 2014

- 35. In considering this matter, the decision maker must have regard to the Council's duties pursuant to the Social Services and Well Being Act 2014, and associated regulations and Code of Practice. In brief the Act provides the legal framework for improving the well-being of people who need care and support and carers who need support and for transforming social services in Wales.
- 36. Section 14 of the 2014 Act and accompanying Part 3 Code of Practice places a responsibility on local authorities, and other public bodies, exercising functions under the 2014 Act to assess an adult where it appears the adult may have needs for care and support. Where a local authority has carried out an assessment which has revealed that the person has needs for care and support then the local authority must decide if those needs meet the eligibility criteria, and if they do, it must meet those needs (section 32 of the 2014 Act and Part 4 Code of Practice (Meeting Need)).
- 37. Any future provision of services would need to be considered in accordance with the 2014 Act. Local authorities have a general duty under section 1(3) (a) of the 2014 Act to promote wellbeing. Local authorities are required to have regard to this not only when considering decisions in respect of people who need care and support, but when designing and arranging services. In doing so, local authorities must think about whether their approach to arranging and delivering services, supports and promotes the wellbeing of every person, and carer, receiving those services.

Well-Being of Future Generations (Wales) Act 2015

- 38. The Well-Being of Future Generations (Wales) Act 2015 ('the Act') places a 'well-being duty' on public bodies aimed at achieving 7 national well-

being goals for Wales - a Wales that is prosperous, resilient, healthier, more equal, has cohesive communities, a vibrant culture and thriving Welsh language, and is globally responsible.

39. In discharging its duties under the Act, the Council has set and published well being objectives designed to maximise its contribution to achieving the national well being goals. The well being objectives are set out in Cardiff's Corporate Plan 2023-26.
40. When exercising its functions, the Council is required to take all reasonable steps to meet its well being objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the well being objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
41. The well being duty also requires the Council to act in accordance with a 'sustainable development principle'. This principle requires the Council to act in a way which seeks to ensure that the needs of the present are met without compromising the ability of future generations to meet their own needs. Put simply, this means that Council decision makers must take account of the impact of their decisions on people living their lives in Wales in the future. In doing so, the Council must:
 - Look to the long term
 - Focus on prevention by understanding the root causes of problems
 - Deliver an integrated approach to achieving the 7 national well-being goals
 - Work in collaboration with others to find shared sustainable solutions
 - Involve people from all sections of the community in the decisions which affect them
42. The decision maker must be satisfied that the proposed decision accords with the principles above; and due regard must be given to the Statutory Guidance issued by the Welsh Ministers, which is accessible using the link below:

<http://gov.wales/topics/people-and-communities/people/future-generations-act/statutory-guidance/?lang=en>

HR Implications

43. There are no HR implications directly related to this report.

Property Implications

44. There are no property implications directly related to this report.

RECOMMENDATION

Cabinet is recommended to approve the Cardiff and the Vale of Glamorgan Regional Partnership Board Area Plan 2023-2028 (as set out in Appendix A).

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| SENIOR RESPONSIBLE OFFICER | Sarah McGill Corporate Director People & Communities |
| | 16 June 2023 |

The following appendix is attached to this report:

Appendix A - Cardiff & Vale Regional Partnership Board Joint Area Plan 2023-2028