

**DRAFT 'DIRECTOR OF SOCIAL SERVICES ANNUAL REPORT 2016-17'**

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**Purpose of Report**

1. To provide Members with background information to facilitate scrutiny of the draft Annual Report, attached at **Appendix A**, prior to consideration by the Cabinet and Council. Members will be able to provide any comments, observations or recommendations for consideration prior to approval of the report at Cabinet.

**Scope of Scrutiny**

2. The scope of this scrutiny is to ensure that it adequately evaluates the Director of Social Services responsibility for the effective delivery of the local authority's social services function.
3. To review the draft Director's report and to consider :
  - a. The report's evaluation of the performance in delivering social services functions for the past year including lessons learned;
  - b. how the local authority has achieved the six quality standards for well-being outcomes;
  - c. qualitative and quantitative data relating to the achievement of well-being outcomes;
  - d. the extent to which the local authority has met requirements under Parts 3 and 4 of the SSWB Act as set out in separate codes covering assessing needs and meeting needs;
  - e. objectives for promoting the well-being of people needing care and support and carers needing support for the following year including those identified by population needs assessments;
  - f. assurances concerning:
    - i. structural arrangements enabling good governance and strong accountability
    - ii. effective partnership working via Partnership Boards

- iii. safeguarding arrangements
- g. the local authority's performance in handling and investigating complaints
- h. responses to any inspections of its social services functions
- i. an update on Welsh language provision
- j. how the local authority has engaged people (including children) in the production of the report.
- k. discuss whether further scrutiny is required, within each Committee's work programme.

## **Background Context**

- 4. The former reporting requirements for Directors of Social Services in part 6 of the "Statutory Guidance on the Role and Accountabilities of the Director of Social Services" (Welsh Government June 2009) are being replaced as a consequence of both the Social Services and Well-being (Wales) Act 2014 (SSWB) and the Regulation and Inspection of Social Care (Wales) Act 2016 (R&I).
- 5. To ensure effective accountability, the annual report must be presented to the Council by the Director of Social Services. A copy of the published annual report must be sent to Welsh Ministers. They must also be available on the local authority website.
- 6. The annual report should reflect the experiences of service providers and services users. The annual report is a key way for local authorities to demonstrate accountability to citizens and should therefore be accessible to people, including service users. The Director of Social Services should ensure that annual reports are not overly long and are written in a clear and concise way.

## **Director of Social Service responsibilities**

- 7. The Director of Social Services is accountable for the effective delivery of the local authority's social services functions. There are parallel obligations on the Head of Paid Service and other officers to support the Director of Social Services in the discharge of these duties. The Head of Paid Service and the Director of Social Services must have regular meeting time as part of their relationship of accountability.

8. Where services are delivered in partnership, accountability for the delivery of social services functions still rests with the Director of Social Services.
9. Directors of Social Services must raise awareness of their role amongst Councillors. This includes how Councillors, including Scrutiny Committees and the relevant Lead Members, can both support the role and hold post holders to account, including in relation to the production of the annual report as set out in chapter 5. The Director of Social Services must ensure that there are clear commitments setting out what information Councillors should expect to receive in relation to both the discharge of specific social services functions and wider activities to promote the well-being of people with care and support needs.
10. The Director of Social Services must:
  - a. ensure the Head of Paid Service, Executive and Councillors have access to the best, up-to-date professional advice and information on all aspects of care and support services;
  - b. assure the Head of Paid Service and Councillors that statutory functions laid on the authority have been carried out, and that proper management information and accurate records are being kept;
  - c. ensure effective performance management processes are in place;
  - d. identify and advise Councillors on priorities, challenges and risks across all aspects of social services, including areas of co-dependency between agencies and circumstances where staffing issues affect the Council's ability to discharge its statutory responsibilities;
  - e. brief the Head of Paid Service and Councillors on high-profile cases and other matters likely to cause public concern; and
  - f. advise Councillors on strategies for improving methods of intervention, service provision, practice and use of resources.
11. In addition the Director of Social Services also has responsibility for:
  - a. **Well-being and overarching duties** - must have regard to the well-being duty and other overarching duties in relation to how the local authority exercises all its social services functions. The Director of Social Services must show strategic leadership in ensuring all care and support services in the local authority area seek to promote the well-being of all people with care and support needs.

- b. **Co-operation, partnership and integrated working** -The Director of Social Services must lead on the development of effective arrangements, including at regional partnership level, to promote co-operation to achieve the following purposes:
  - i. improve the well-being of people with care and support needs, including carers who need support;
  - ii. improve the quality of care and support for people, including support for carers;
  - iii. protecting adults with care and support needs who are at risk or experiencing abuse or neglect; and
  - iv. protecting children who are at risk or experiencing abuse or neglect.
- c. **Children's Services** - Section 27 of the Children Act 2004 requires local authorities to appoint a Lead Director for children and young people's services to co-ordinate and oversee arrangements to improve the well-being of children in the local authority area. This role is to champion children's rights and can be attached to any appropriate director within the corporate management team, the current lead director is the Director of Education and Lifelong learning.
- d. **Partnership working** - The person appointed as Director of Social Services in respect of each local authority which established the Regional Partnership Board (established under Part 9 of the Social Services and Well Being [Wales] Act 2014), or a nominated representative, must be a member of the Board.
- e. **A preventative approach to care and support needs** - The Director of Social Services must ensure that the local authorities and partners develop a strategic approach to prevention. It is vital that care and support services do not wait to respond until people reach crisis point.
- f. **Citizen and community engagement** - The Director of Social Services must ensure that, in identifying the range and level of services required to respond to care and support needs identified by the population assessment, a co-operative approach to the planning, development, procurement and delivery of services is taken.
- g. **Safeguarding** – the Director of Social Services must show leadership to ensure effective safeguarding arrangements are in place both within the local authority and by relevant partners. The Director of Social Services must oversee and report to councillors, on a consistent basis, regarding the operation, monitoring

and improvement of child and adult safeguarding systems within the local authority

- h. **Workforce development** - The Director of Social Services has a strategic leadership role to promote high standards across the care and support workforce, including the private and third sectors.

### **Director of Social Service Annual Report**

12. The former reporting requirements for Directors of Social Services in part 6 of the “Statutory Guidance on the Role and Accountabilities of the Director of Social Services” (Welsh Government June 2009) are being replaced as a consequence of both the SSWB and Regulation and Inspection of Social Care (Wales) Act 2016.
13. In purely headline terms, the requirements are that every local authority must produce an annual report on the discharge of its social services functions and the report must include:
- an evaluation of the performance in delivering social services functions for the past year including lessons learned (Part 8 Code on the role of the director)
  - how the local authority has achieved the six quality standards for well-being outcomes (in a code about measuring social services performance made under s145 of the SSWB Act 2014)
  - qualitative and quantitative data relating to the achievement of well-being outcomes (also set out in the code on measuring performance)
  - the extent to which the local authority has met requirements under Parts 3 and 4 of the SSWB Act as set out in separate codes covering assessing needs and meeting needs
  - objectives for promoting the well-being of people needing care and support and carers needing support for the following year including those identified by population needs assessments under section 14 of the SSWB Act
  - assurances concerning:
    - structural arrangements enabling good governance and strong accountability
    - effective partnership working via Partnership Boards
    - safeguarding arrangements
  - the local authority’s performance in handling and investigating complaints
  - responses to any inspections of its social services functions

- an update on Welsh language provision
- how the local authority has engaged people (including children) in the production of the report.

14. The report must be:

- published “as soon as practicable” after the year to which it relates
- presented to the council by the Director
- copied to Welsh Ministers
- available on the local authority’s website.

15. A template for the report is also set out in the Guidance and covers:

- a. Introduction
- b. Director’s Summary of Performance
- c. How are People shaping our services
- d. Promoting and improving the well-being of those we help across the 6 Quality Standards, namely
  - i. Working with people to define and co-produce personal well-being outcomes that people wish to achieve
  - ii. Working with people and partners to protect and promote people’s physical and mental health and emotional well-being
  - iii. Protecting and safeguarding people from abuse, neglect or harm
  - iv. Encouraging and supporting people to learn, develop and participate in society
  - v. Supporting people to develop safely and to maintain healthy domestic, family and personal relationships
  - vi. Working with and supporting people to achieve greater economic well-being, have a social life and live in suitable accommodation that meets their needs

16. **Report Style and Content** - the report needs to be written in a way that can be read and readily understood by a range of audiences including:

- service users and carers and all those whose well-being is affected by what the local authority’s social services and related functions do, so that the impact of those services is explained;
- the general public who have an interest in what their local authority is doing, how it is performing and how their money is being spent;

- elected members and others involved in scrutiny processes;
- the local authority's partners including both formal partners and others in the public, private and third sectors who need to understand the local authority's programme and priority objectives;
- regulators (including the Wales Audit Office, CSSIW, Social Care Wales and the Statutory Commissioners);
- the Welsh Government.

17. **Overall page and word limit** - Paragraph 88 of the Part 8 Code says that the director should ensure that "the report is not overly long and written in a clear, concise way."
18. **Accessibility** - As the report is a public-facing document it needs to be written in plain, every day, jargon-free English and Welsh.
19. **Corporate** - Although the report must be delivered to the Council by the Director, it is the Local Authority's report on the performance of its social services functions. It needs to explain how the wider functions of the local authority such as transport, housing, education and leisure have contributed and will continue to contribute to the achievement of individuals' well-being outcomes.
20. **Timely** - Paragraph 80 of the Part 8 Code says the annual report "must be published as soon as reasonably practicable after the end of a financial year". If all the supporting processes are working well, it is recommended that local authorities publish the report by the end of July. It should be referenced that not all performance data will have been externally validated by this point.
21. **Open and Evaluative** - The report should give an open and honest account that highlights not just the successes but the challenges and priority areas for improvement identified through a rigorous, non-defensive process of self-evaluation.
22. **Improvement objectives** - The 2016–17 report should set out its improvement priority objectives for 2017–18. From the 2017–18 report onwards, the report should set out the extent to which the planned improvement objectives have been met. There should be no gaps in the story. Where the previous year's report highlighted a priority area for improvement, the following year's report should say what actually happened

in that area. Where the local authority failed, partly or wholly, to achieve its improvement objective, the report should say so and explain what is being done as a consequence. Against every quality standard the report should say:

- what the local authority had planned to do in the previous year
- how it succeeded
- what difference it made to outcomes for well-being of people
- what the priority objectives are for next year and why.

23. **Experience of Citizens** - Local authorities should reflect the experience of citizens in their self-evaluation throughout the report. It should be remembered that the Code for measuring social services performance requires that, in addition to collecting the required qualitative data, local authorities must give people “an opportunity to provide a narrative account of their experience, regardless of the method chosen to collect the data”. Such narrative accounts are intended to:

- provide an enriched account when assessing the effectiveness of care and support
- help ensure that people’s experiences drive improvement
- help local authorities identify areas of improvement and good practice
- demonstrate effective engagement with advocates and family members

24. **Measuring social services performance** - The Code on measuring social services performance sets out:

- the six quality standards that local authorities must achieve to discharge their duties under the SSWB Act
- the actions the local authority must undertake to achieve the quality standards
- the quantitative and qualitative data related to the standards that local authorities must collect, report annually to the Welsh Government and include in the annual report.

25. **Reflecting Local Circumstances** - Section 2 provides space and opportunity for local authorities to include local and regional initiatives. In responding to the annual reporting requirements, Directors could consider the following framework to reflect a national/regional/local balance:

- specific initiatives to meet local circumstances including local branding of services (e.g. urban, rural, language, etc. needs)



- regional partnership examples such as information, advice and assistance, commissioning, training, etc.
- collaboration with the local health boards and other partners
- participating in national initiatives to ensure Wales-wide consistency such as the Delivering Transformation Grant work programmes, workforce development, Dewis Cymru and the Welsh Community Care Information System.

26. **Aligning Reporting to the National Quality Standards** - The template in Section 2 of this guidance sets out the chapters for the report and the most significant section is aligning the way that local authorities report to the national quality standards for well-being:

- working with people to define and co-produce personal well-being outcomes that people wish to achieve
- working with people and partners to protect and promote people's physical and mental health and emotional well-being
- taking steps to protect and safeguard people from abuse, neglect or harm
- encouraging and supporting people to learn, develop and participate in society
- supporting people to safely develop and maintain healthy domestic, family and personal relationships
- working with and supporting people to achieve greater economic well-being, have a social life and live in suitable accommodation that meets their needs.

27. **Quality standards** - Chapter 4 is the substantive section of the report and requires local authorities to report their progress and plans against the six quality standards reflecting the whole range of need. This is to help to ensure that:

- the report provides clear and direct assurance that the local authority is working to the required quality standards and the supporting activities are being undertaken as the code requires
- it provides a narrative of where the local authority has reached in their improvement journey using evidence from population assessments
- where priority objectives have changed from year to year, it explains what has happened and why
- it keeps the focus on achieving well-being outcomes for individuals
- it aligns with the new CSSIW inspection framework (see para 2.8 above)
- it allows easier comparison across local authorities

- there is a clear link between the report and the National Outcomes Framework
- it makes it easier for local authorities to share good practice in the style and content of their reports.

28. The Director of Social Services Annual Report 2016-17, attached at **Appendix A**. Each section, from **pages 19 – 75**, starts by stating the Outcome achieved, What did we plan to do last year, How far did we succeed and What difference did we make, and What are our priorities for next year and why. The report includes:
- a. Introduction (page 3)
  - b. Director's summary of Performance (page 7 to 14)
  - c. How people shape our services (pages 15 to 18)
  - d. Promoting and improving the well-being of those we help (page 19):
    - i. Working with people to define and co-produce personal well-being outcomes that people wish to achieve (/pages19 to 27);
    - ii. Working with people and partners to protect and promote people's physical and mental health and emotional well-being(pages 28 to 35);
    - iii. Taking steps to protect and safeguard people from abuse, neglect or harm (pages 36 to 42);
    - iv. Encouraging and supporting People to learn, develop and participate in society (pages 43 to 52);
    - v. Supporting people to safely develop and maintain healthy domestic, family and personal relationships (pages 53 to 58)
    - vi. Working with and supporting people to achieve greater economic well-being, have a social life and live in suitable accommodation that meets their needs (pages 59 to 62)
  - e. How we do what we do (page 63)
    - i. Our workforce and how we support their professional roles (pages 63 to 69)
    - ii. Our financial resources and how we plan for the future (pages 70 to 75)
    - iii. Our partnership working, political and corporate leadership, Governance and accountability (page 76 to 80)
  - f. Accessing further information and key documents (page 81)

## Care and Social Services Inspectorate Wales Engagement process

29. The CSSIW will hold Performance review meetings (PRMs) twice a year, in March and September with the Director of Social Services. These are focused, strategic meetings and it is not expected that the director will invite more than the heads of service to attend (though this will be at the director's discretion).
30. The purpose of the PRM is to consider and review progress against the local authority's strategic priorities, aligned to the requirements of the Social Services and Well-being (Wales) Act and the national outcomes framework, including improvement objectives identified in any relevant inspection, or through the routine scrutiny of local authority performance. PRM meetings will also provide feedback on CSSIW's local engagement activity.
31. At the PRM in March (in advance of the next business year), CSSIW will meet with the director together with chair(s) of relevant scrutiny committee(s). It will be for the director to decide whether they wish to invite the scrutiny chair(s) to all or part of the meeting. The Specimen Agenda for March Performance review meeting will include the Scrutiny forward work programme.

## Care and Social Services Inspectorate Wales Performance review of Cardiff Council Social Services 2016/17

32. The CSSIW sent a letter to the Director of Social Service in June 2017, providing its feedback from their inspections, engagement and performance review activities undertaken over the past year. Copy attached at **Appendix B**. The letter sets out a number of comments on the key areas it has reviewed, a summary of which is listed below:
33. **Progress on key areas for improvements and developments in the last year -** Stability in leadership has brought much needed direction and clarity to the department which is of benefit to the service as a whole.

34. **Implementation of the Social Services and Well-being Act** has not been without challenge but work continues to embed both culture and practice into the new ways of working. Additional resources have been allocated to the 'front door' with additional social worker support allocated to provide assistance and a prompt response to enquiries which is providing good outcomes for citizens.
35. **Capacity within residential and domiciliary care services** remains fragile. We are aware of a specific issue with local sufficiency of dementia nursing provision.
36. **Deprivation of liberty safeguards (DoL's)** - there have been issues with capacity in undertaking assessments.
37. **Children's services in regards to care proceedings** - There are current challenges within children's services in regards to the continued rise in the number of care proceedings.
38. **Social worker resource** - The local authority has increased resources to respond effectively to connected person applications. A dedicated team of four social workers have been appointed. We will follow up on this new development in the coming year.
39. **Feedback on annual engagement themes** - During 2016-17 we carried out a range of engagement activities across local authorities in Wales. This engagement activity has focussed on two main themes, adult safeguarding and carers.
40. **Safeguarding** - The local authority needs to improve how it communicates and involves the person subject of the safeguarding concern and their family in the process. In addition, the local authority should work with providers to better clarify what constitutes a safeguarding referral.
41. **Carers** - It was difficult to evidence what was being provided to the carer in terms of their own support rather than support to the person they care for. This is an area the local authority needs to address.

42. **Inspection, Engagement & Performance Review Plan** - In 2017-18 in addition to areas identified for follow up above, CSSIW themes for inspection, engagement and performance are:
- Support provided for people with mental health needs with a focus on Community Mental Health Team's
  - Placement decisions for children looked after
43. CSSIW will provide six weeks' notice if the authority is scheduled for an inspection during 2017/18. CSSIW will also continue to consider what actions have been taken by the local authority in relation to recommendations contained in its national thematic reviews including Deprivation of Liberty Safeguards, services for people with learning disability, domiciliary care and Public Law Outline.

### **Previous Scrutiny**

44. In July 2016, a joint meeting of the Children & Young People Scrutiny Committee and Community & Adult Services Scrutiny Committee considered the previous format and content of the Director of Social Services Annual Report 2015-16. The Members focussed their scrutiny on the Overall report, and then the Children's services section and Adult service.
45. The letter resulting from the joint meeting of the Committees included a number of recommendations to make the report more robust, together with a number of requests for further information. A full copy of the letter sent from the joint meeting of the Committees is attached at **Appendix C**. The Cabinet response, which is attached at **Appendix D**, details the reasoning behind the response to each recommendation.

### **Way Forward**

46. Councillor Susan Elsmore, Cabinet Member for Social Care and Health and well-being, and Councillor Graham Hinchey, Cabinet Member for Children's and Families, will be in attendance and may wish to make statements. Tony Young, Director of Social Services, will present the Draft Annual Report, attached as **Appendix A**. Officers from Children's Services and Adult Services will be in

attendance. The panel of witnesses will be available to answer any questions that Members may have relating to the Draft Annual Report.

47. The scope of this scrutiny is set out at Paragraph 2 of this report and provides a useful check list of the areas which Members may wish to scrutinise.

### **Financial Implications**

48. There are no direct financial implications arising from this report. However, financial implications may arise if and when the matters under review are implemented with or without any modifications. These financial implications will need to be considered before any changes are implemented.

### **Legal Implications**

49. The Scrutiny Committees are empowered to enquire, consider, review and recommend but not to make policy decisions. As the recommendations in this report are to consider and review matters there are no direct legal implications. However, legal implications may arise if and when the matters under review are implemented with or without any modifications. Any report with recommendations for decision that goes to Cabinet/Council will set out any legal implications arising from those recommendations. All decisions taken by or on behalf of the Council must (a) be within the legal powers of the Council; (b) comply with any procedural requirement imposed by law; (c) be within the powers of the body or person exercising powers on behalf of the Council; (d) be undertaken in accordance with the procedural requirements imposed by the Council e.g. Scrutiny Procedure Rules; (e) be fully and properly informed; (f) be properly motivated; (g) be taken having regard to the Council's fiduciary duty to its taxpayers; and (h) be reasonable and proper in all the circumstances.

## **RECOMMENDATIONS**

The Committees are recommended to:

- I. Consider the contents of the report, appendices and information provided at the meeting and report any comments, observations and recommendations to the Cabinet prior to its consideration of the report;
- II. Consider the way forward for the future scrutiny of the issues raised in the Annual Report 2016-17 and the future challenges and areas for development highlighted for 2017- 18, in the committee's work programme.

**DAVINA FIORE**

**Director of Governance and Legal Services**

**13 July 2017**