

COUNCIL: 30 NOVEMBER 2023

CABINET PROPOSAL

LOCAL AUTHORITY SOCIAL SERVICES ANNUAL REPORT 2022/23

Reason for this Report

1. To enable Council to consider the 14th Local Authority Social Services Annual Report as required under Part 8 of the Social Services and Well-Being (Wales) Act 2014 (SSWB Act).

Background

2. From 2009/10, each Director of Social Services in Wales has been required to produce and publish an Annual Report as part of an Annual Council Reporting Framework for Social Services.

Issues

3. This is the 14th Local Authority Social Services Annual Report, and the seventh such report since the implementation of the SSWB Act in April 2016.
4. The Regulation and Inspection of Social Care (Wales) Act 2016 places the Annual Report on a statutory footing and Care Inspectorate Wales (CIW) no longer produce an individual performance evaluation report for each council.
5. CIW do, however, send each local authority an annual letter which:
 - a. Provides feedback on inspection and performance evaluation activity completed by CIW during the year.
 - b. Reports on progress the local authority has made in implementing recommendations from inspections and/or child and adult practice reviews.
 - c. Outlines their forward work programme.

The 2022/23 letter is due to be received by the authority.

6. The structure and content of the report are prescribed by the Welsh Government. Officers have recently contributed to the Welsh Government consultation on their Rebalancing Care and Support Programme – one element

of which relates to proposed changes to the Part 8 Code of Practice on the role of the Director of Social Services and the Local Authority Social Services Annual Report Regulations. The changes will provide a different structure for the report that will apply across all Welsh Local Authorities.

Overview of Progress – 2022/23

7. The ability to manage and respond to the ongoing high level of demand for services and complexity of issues being faced by our citizens is increasingly challenging – particularly in the context of striving to deliver a balanced budget and achieve value for money. We are currently operating in an ever-changing environment of uncertainty with increasing complexity and pressure on systems. It has become clear that this will remain the case for a significant time, so we are working hard to develop our understanding of the issues as they emerge to inform our long-term planning. The issues that we are experiencing are not particular to Cardiff – they are national issues that are in part due to the longer-term impact of the COVID-19 pandemic, but also reflect workforce supply challenges and a shortage of accommodation for children who need to be looked after. The fragility of the care market remains a concern for Adult Services due to an ongoing shortage of care workers. Despite this, work to deliver our strategic priorities continues and significant progress has been achieved in a range of areas with key highlights being:

Children’s Services:

- Children’s Services Strategy for 2023-26 agreed.
- Accommodation Strategy for 2023-26 agreed – and will support our implementation of The Right Place Model.
- Improvements to Youth Justice Service recognised in inspection and resulted in complete de-escalation.
- Interventions Hub embedded.
- Reviewing Hub embedded.

Adult Services:

- Continued implementation of the Ageing Well Strategy.
- Integrated Discharge Hub strengthened and clear pathways developed to improve the process of hospital discharge.
- Further development of our Well-being Mentor Service in partnership with MIND and a new mental health supported living scheme established as step down from residential care.
- Regional Carers Charter agreed and a full action plan developed to implement this in Cardiff.
- Embedding best practice in dementia care through whole home reviews by our Dementia and Care Quality Team.

8. The strategic priorities that we are delivering to respond to the challenge of increasing demand and complexity are identified in the Annual Report. The detail of how we will deliver our priorities is included in the Directorate Delivery Plans for Children’s Services and Adult, Housing and Community Services for 2023/24 (please see appendices 3 and 4).

9. Children’s Services will:

- Implement the Children's Services Strategy for 2023-26 with a continued focus on shifting the balance in relation to:
 - **Place** - Ensuring a range of support in the community and a variety of homes for children are available in Cardiff.
 - **People** - Supporting a permanent workforce.
 - **Practice** - Develop our practice and procedures.
- Continue to work with partners to develop and implement pathways and a joint model of service provision for children with serious mental health and emotional well-being issues.
- Implement the Safeguarding Adolescents from Exploitation (SAFE) model across the Directorate and working with partners to address serious youth violence.
- Develop the in-house Fostering Service to meet demand for placements and ensure that foster carers have the necessary skills to care for children and young people with complex needs.
- Respond to the increasing numbers of children with a range of needs including neurodiversity / learning disability / mental health / behaviours that challenge and shortage of appropriate services.

10. Adult Services will:

- Continue to implement the Ageing Well Strategy across Older People's services, to include further embedding preventative services and strength-based working; improving hospital discharge; developing the use of technology and equipment; improving the support available for informal carers and reviewing our services for those living with dementia.
- Continue to work in partnership with care providers and third sector to ensure the sustainable delivery of high-quality care and support, implementing a trusted partner approach and seeking to actively shape the care market to meet current and future need.
- Support individual voice and control by improving access to advocacy and direct payments and rolling out Mental Capacity Act training across the service to ensure that knowledge and principles are embedded in practice.
- Increase the range of local accommodation and support options including increased provision of local services for people with learning disabilities and complex needs, increased accommodation options for those with mental health issues to allow step down from residential and developing older persons community living projects which support those with higher needs.
- Implement our Workforce Strategy to ensure we have a workforce that receives appropriate support, training and development opportunities to meet the needs of our service users, improving recruitment and promoting retention.

Consultation

11. The Local Authority Social Services Annual Report has been shared with staff and partners offering them the opportunity to feedback and share their views

with us and a workshop with young people was held to discuss the themes and details in the report. A summary of feedback, responses and subsequent amendments made to the report is available at Appendix 2.

Social Services Annual Feedback Report

12. Attached at Appendix 5 is the Social Services Annual Feedback Report for 2022/23. This report summarises the compliments, complaints and representations received by Children's and Adult Services during the year. During 2022/23 there were 685 cases of feedback recorded for Social Services of which 334 were compliments and 351 were complaints. This is a similar position compared with 2021/22.
13. Key themes arising from complaints to Children's Services are disputed decisions, general standard of service and communication issues. 10% of Stage 1 complaints received by Children's Services were upheld, 13% were part-upheld, and the majority (56%) were not upheld. 4% were withdrawn and the remaining 17% did not proceed (for example because the case was in Court or there was no consent). In response to this feedback, we are continuing to develop and implement our Quality Assurance Framework with a focus on embedding a strong case audit process.
14. Key themes arising from complaints to Adult Services are communication and relationships, delays in service access and issues regarding commissioned services. 23% of complaints received during 2022/23 were upheld and 61% not upheld. Feedback from complaints is being used to inform training plans, quality assurance activity and policy development.

Corporate Safeguarding Annual Report

15. Attached at Appendix 6 is Cardiff Council's Corporate Safeguarding Annual Report 2022/23. Corporate Safeguarding is the activity required by all Council Directorates to effectively protect the health, wellbeing and human rights of children and adults so that they are able to live free from harm, abuse and neglect.
16. The purpose of the Corporate Safeguarding Annual Report is to provide an update on the work undertaken in relation to corporate arrangements for safeguarding across the Council, during the year 2022/23. It also sets out the priorities for the year ahead in relation to the following key aims:
 - Safe Governance
 - Safe Employment
 - Safe Workforce
 - Safe Practice
 - Safe Partnerships
17. Progress has been made in many of the key areas. Particular achievements include the publication of our [PDF Corporate Safeguarding Policy 2022-2025](#) which was refreshed in line with Welsh Government best practice guidance and sets out the roles and responsibilities of staff within the organisation in relation to keeping children and adults at risk safe. The policy also highlights the need

to engage our non-statutory partners to ensure 'safeguarding is everyone's responsibility'. There have been marked improvements in the Corporate Safeguarding training compliance rates, increasing from 65% at the end of 2022 to a compliance figure of 85% at the time of writing. Members training compliance has also improved and currently stands at 98.7%. The non-PC users pilot was a success seeing compliance figures in the service area rise by 11%. There are now plans to roll this out to wider teams. We have also made positive changes to the commissioning and procurement process, in particular ensuring safeguarding is a key component of the contract management framework being embedded across teams.

18. Key recommendations for the year ahead are laid out in the report and include steps to further increase the training rates across the authority and plans to enhance our partnership approach with wider non-statutory partners to strengthen safeguarding mechanisms in our communities as well as strengthening the arrangements between the Corporate Safeguarding Board and the Regional Safeguarding Board.

Scrutiny Consideration

19. The Local Authority Social Services Annual Report has been shared with the Community and Adult Services and Children and Young People's Scrutiny Committees – their comments have been received and responded to (please see Appendix 2). The report will be discussed at their respective committee meetings in September.

Reason for Recommendations

20. To receive the Local Authority Social Services Annual Report for 2022/23 in order to fulfil the responsibilities required by the Welsh Government in the document entitled 'Part 8 Code of Practice on the Role of the Director of Social Services (Social Services Functions)'.

Legal Implications

21. The reporting requirements for local authority social services have been placed on a statutory footing by Part 8 of the SSWB Act and Regulations and Codes issued thereunder. The new legal provisions came into effect in September 2017.
22. Each local authority is required to produce an annual report on the discharge of its social services functions during the previous financial year (pursuant to s.144A of the SSWB Act), which must include:
 - i. an evaluation of the performance in delivering social services functions for the past year, including lessons learned;
 - ii. how the local authority has achieved the six quality standards for well-being outcomes;
 - iii. qualitative and quantitative data relating to the achievement of well-being outcomes;
 - iv. the extent to which the local authority has met the requirements under Parts 3 and 4 of the SSWB Act;

- v. 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;
 - vi. assurances concerning:
 - structural arrangements enabling good governance and strong accountability;
 - effective partnership working via Partnership Boards; and
 - safeguarding arrangements;
 - vii. the Local Authority's performance in handling and investigating complaints;
 - viii. responses to any inspections of its social services functions;
 - ix. an update on Welsh language provision; and
 - x. how the local authority has engaged people (including children) in the production of the report.
23. The report must be:
- i. published as soon as reasonably practicable after 31st March of the year to which it relates;
 - ii. presented to the Council by the Director;
 - iii. copied to Welsh Ministers; and
 - iv. made available on the Local Authority's website.
24. The Local Authority Social Services Annual Reports (Prescribed Form) (Wales) Regulations 2017 prescribe the format and headings of the report, which must be followed.
25. Non-statutory guidance has been issued by the Association of Directors of Social Services and Welsh Government [Microsoft Word - Annual Report Guidance.docx \(socialcare.wales\)](#) which provides guidance on the statutory requirements and best practice. The guidance states that: '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.' (paragraph 4.13)
26. The decision maker needs to be satisfied that the Local Authority Social Services Annual Report for 2022/23 meets the requirements set out in Part 8 of the SSWB and the Codes and Regulations issued thereunder, and complies with the non-statutory guidance, as referred to above.
27. Under executive arrangements, social services functions are the responsibility of the Cabinet (pursuant to section 13(2) of the Local Government Act 2000 and Regulations made thereunder, SI 2007/399), which means that the Cabinet is authorised to approve the Local Authority's Social Services Annual Report, prior to submission of the report by the Director of Social Services to full Council.

Equality Requirements

28. In considering this matter the decision maker must have regard to the Council's duties under the Equality Act 2010. 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.
29. 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.

Well-being of Future Generations (Wales) Act 2015

30. 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.
31. In discharging its duties under the Act, the Council has set and published wellbeing objectives designed to maximise its contribution to achieving the national wellbeing goals. The wellbeing objectives are set out in Cardiff's Corporate Plan 2022-25. When exercising its functions, the Council is required to take all reasonable steps to meet its wellbeing objectives. This means that the decision makers should consider how the proposed decision will contribute towards meeting the wellbeing objectives and must be satisfied that all reasonable steps have been taken to meet those objectives.
32. The wellbeing 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.

33. 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>
34. The decision maker should also have regard, when making its decision, to the Council's wider obligations under the Welsh Language (Wales) Measure 2011 and the Welsh Language Standards.
35. The Council must ensure that its procurement of services (and of any goods and works) are carried out in accordance with all procurement law requirements and with regard to the Council's wider public sector legal duties. Legal advice should be taken on each proposed procurement including as to the form of contract to be used. Appropriate resources (including legal resource) will need to be provided and adequate time allowed for the planning and carrying out of such procurements.

Financial Implications

36. There are no direct financial implications arising from this report. However as mentioned in the report, social services adults and Childrens for a significant and increasing proportion of the Council's current and future revenue budget. The current and forecast state of the social care market, pressures and risks should be monitored closely including those of a financial nature. Whilst financial pressures are recognised, where budget savings and efficiency targets are offered and accepted, performance against such targets should be prioritised and monitored closely in line with budget responsibilities as these are key risks to financial resilience.
37. The report refers to a number of strategies, linked to the directorate delivery plan. Targets or actions with the plan will have associated costs. As each piece of work is developed and implemented, specific financial implications will need to be considered to inform both officer and member decisions, and reported as necessary at that time to ensure within the budget framework. Any grants used to support delivery of services and outcomes should be used in accordance with the terms and conditions of grant.
38. The Childrens strategy currently involves the acquisition of a number of additional properties. In line with best practice, post project appraisal should take place to ensure the outcomes of this strategy and actions to meet the plan are meeting the service and financial performance originally expected, prior to further investment.

HR Implications

39. There are no HR implications arising directly from this report. The directorate delivery plans identify ongoing employee related challenges including improving recruitment and retention of Social Workers and Occupational Therapists. A comprehensive Workforce Development plan is being developed as part of the Council's Workforce Strategy to address the challenges and

develop robust and sustainable solutions. Trade Unions will be consulted on any future proposals that affect employees. If any changes to employees' terms and conditions or working practices are required, these will take place in line with corporately agreed processes.

Property Implications

40. There are no specific property implications in respect of the Local Authority Social Services Annual Report 2022/23. Where there are any property transactions or valuations required to deliver any proposals, they should be done so in accordance with the Council's Asset Management process and in consultation with Strategic Estates and relevant service areas.

CABINET PROPOSAL

Council is recommended to approve the Local Authority's Social Services Annual Report for 2022/23.

The following Appendices are attached:

- Appendix 1: Director of Social Services Annual Report 2022/23
- Appendix 2: Response to Challenge
- Appendix 3: Children's Services Directorate Delivery Plan 2023/24
- Appendix 4: Adult Services Directorate Delivery Plan 2023/24
- Appendix 5: Social Services Annual Feedback Report 2022/23
- Appendix 6: Corporate Safeguarding Annual Report 2022/23

The following Background Papers have been taken into account:

- Part 8 Code of Practice on the Role of the Director of Social Services (Social Services Functions)
- The Local Authority Annual Social Services Reports - Guidance