



# Social Services and Well-being (Wales) Act 2014

2014 anaw 4

## PART 9

### CO-OPERATION AND PARTNERSHIP

#### *Co-operation*

#### **162 Arrangements to promote co-operation: adults with needs for care and support and carers**

- (1) A local authority must make arrangements to promote co-operation between—
  - (a) the local authority,
  - (b) each of the authority's relevant partners in the exercise of—
    - (i) their functions relating to adults with needs for care and support or to adults who are carers, and
    - (ii) their other functions the exercise of which is relevant to the functions referred to in sub-paragraph (i), and
  - (c) such other persons or bodies as the authority considers appropriate, being persons or bodies of any nature who or which exercise functions or are engaged in activities in relation to—
    - (i) adults within the authority's area with needs for care and support, or
    - (ii) adults within the authority's area who are carers.
- (2) A local authority must also make arrangements to promote co-operation between the officers of the authority who exercise its functions.
- (3) The arrangements under subsections (1) and (2) are to be made with a view to—
  - (a) improving the well-being of—
    - (i) adults within the authority's area with needs for care and support, and
    - (ii) adults within the authority's area who are carers;

- (b) improving the quality of care and support for adults, and of support for adults who are carers, provided in the authority's area (including the outcomes that are achieved from such provision);
  - (c) protecting adults with needs for care and support who are experiencing, or are at risk of, abuse or neglect.
- (4) For the purposes of this section each of the following is a relevant partner of a local authority—
- (a) the local policing body and the chief officer of police for a police area any part of which falls within the area of the local authority;
  - (b) any other local authority with which the authority agrees that it would be appropriate to co-operate under this section;
  - (c) the Secretary of State to the extent that the Secretary of State is discharging functions under sections 2 and 3 of the Offender Management Act 2007 in relation to Wales;
  - (d) any provider of probation services that is required by arrangements under section 3(2) of the Offender Management Act 2007 to act as a relevant partner of the authority;
  - (e) a Local Health Board for an area any part of which falls within the area of the authority;
  - (f) an NHS trust providing services in the area of the authority;
  - (g) the Welsh Ministers to the extent that they are discharging functions under Part 2 of the Learning and Skills Act 2000;
  - (h) such a person, or a person of such description, as regulations may specify.
- (5) Regulations under subsection (4)(h) may not specify a Minister of the Crown or the governor of a prison (or, in the case of a contracted out prison, its director) unless the Secretary of State consents.
- (6) The relevant partners of a local authority must co-operate with the authority in the making of arrangements under this section.
- (7) A local authority and any of its relevant partners may for the purposes of arrangements under this section—
- (a) provide staff, goods, services, accommodation or other resources;
  - (b) establish and maintain a pooled fund;
  - (c) share information with each other.
- (8) For the purposes of subsection (7) a pooled fund is a fund—
- (a) which is made up of contributions by the authority and the relevant partner or partners concerned, and
  - (b) out of which payments may be made towards expenditure incurred in the discharge of functions of the authority and functions of the relevant partner or partners.
- (9) A local authority and each of its relevant partners must, in exercising their functions under this section, have regard to any guidance given to them for the purpose by the Welsh Ministers.
- (10) The Welsh Ministers must consult the Secretary of State before giving guidance under subsection (9).
- (11) In this section—

- (a) a reference to a prison includes a young offender institution;
- (b) a reference to a contracted out prison has the meaning given by section 84(4) of the Criminal Justice Act 1991.

### **163 Arrangements to promote co-operation: children**

- (1) Section 25 of the Children Act 2004 (co-operation to improve well-being: Wales) is amended as follows.

- (2) After subsection (1) insert—

“(1A) Each local authority in Wales must also make arrangements to promote co-operation between officers of the authority who exercise its functions.”

- (3) For subsection (2) substitute—

“(2) The arrangements under subsections (1) and (1A) are to be made with a view to—

- (a) improving the well-being of children within the authority’s area, in particular those with needs for care and support;
- (b) improving the quality of care and support for children provided in the authority’s area (including the outcomes that are achieved from such provision);
- (c) protecting children who are experiencing, or are at risk of, abuse, neglect or other kinds of harm (within the meaning of the Children Act 1989).”

- (4) In subsection (4)—

- (a) after paragraph (a) insert—

“(aa) any other local authority in Wales with which the authority agrees that it would be appropriate to co-operate under this section;”;

- (b) in paragraph (f) for “Assembly” substitute “Welsh Ministers” and for “it is” substitute “they are”;

- (c) after paragraph (f) insert—

“(g) such a person, or a person of such description, as regulations made by the Welsh Ministers may specify.”

- (5) After subsection (4) insert—

“(4A) Regulations under subsection (4)(g) may not specify a Minister of the Crown or the governor of a prison or secure training centre (or, in the case of a contracted out prison or secure training centre, its director) unless the Secretary of State consents.”

- (6) In subsections (8) and (9) for “Assembly” substitute “Welsh Ministers”.

- (7) After subsection (10) insert—

“(11) In this section—

“care and support” means—

- (a) care;
- (b) support;
- (c) both care and support;

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*Status: This is the original version (as it was originally enacted).*

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“well-being” means well-being in relation to any of the following—

- (a) physical and mental health and emotional well-being;
- (b) protection from abuse and neglect;
- (c) education, training and recreation;
- (d) domestic, family and personal relationships;
- (e) contribution made to society;
- (f) securing rights and entitlements;
- (g) social and economic well-being;
- (h) suitability of living accommodation;
- (i) physical, intellectual, emotional, social and behavioural development;

and it includes “welfare” as that word is interpreted for the purposes of the Children Act 1989.”

- (8) In consequence of the amendment made by subsection (4)(b), in section 66 of the Children Act 2004 (regulations and orders), in subsection (7), after “section” insert “25 or”.

#### **164 Duty to co-operate and provide information in the exercise of social services functions**

- (1) If a local authority requests the co-operation of a person mentioned in subsection (4) in the exercise of any of its social services functions, the person must comply with the request unless the person considers that doing so would—
- (a) be incompatible with the person’s own duties, or
  - (b) otherwise have an adverse effect on the exercise of the person’s functions.
- (2) If a local authority requests that a person mentioned in subsection (4) provides it with information it requires for the purpose of the exercise of any of its social services functions, the person must comply with the request unless the person considers that doing so would—
- (a) be incompatible with the person’s own duties, or
  - (b) otherwise have an adverse effect on the exercise of the person’s functions.
- (3) A person who decides not to comply with a request under subsection (1) or (2) must give the local authority which made the request written reasons for the decision.
- (4) The persons are—
- (a) a relevant partner of the local authority making the request;
  - (b) a local authority, a Local Health Board or an NHS trust which is not a relevant partner of the local authority making the request;
  - (c) a youth offending team for an area any part of which falls within the area of the local authority making the request.
- (5) A local authority and each of those persons mentioned in subsection (4) must in exercising their functions under this section have regard to any guidance given to them for the purpose by the Welsh Ministers.
- (6) The Welsh Ministers must consult the Secretary of State before giving guidance under subsection (5).

- (7) For the purpose of this section a relevant partner of a local authority is a person who is a relevant partner of the authority for the purposes of section 162.

## **165 Promoting integration of care and support with health services etc**

- (1) A local authority must exercise its social services functions with a view to ensuring the integration of care and support provision with health provision and health-related provision where it considers that this would—
- (a) promote the well-being of—
    - (i) children within the authority’s area,
    - (ii) adults within the authority’s area with needs for care and support, or
    - (iii) carers within the authority’s area with needs for support,
  - (b) contribute to the prevention or delay of the development by children or adults within its area of needs for care and support or the development by carers within its area of needs for support, or
  - (c) improve the quality of care and support for children and adults, and of support for carers, provided in its area (including the outcomes that are achieved from such provision).
- (2) “Care and support provision” means—
- (a) provision to meet the needs of children and adults for care and support, and
  - (b) provision to meet carers’ needs for support.
- (3) “Health provision” means provision of health services as part of the health service.
- (4) “Health-related provision” means provision of services which may have an effect on the health of individuals but which are not—
- (a) health services provided as part of the health service, or
  - (b) services provided in the exercise of social services functions.
- (5) The “health service” means the health service continued under section 1(1) of the National Health Service (Wales) Act 2006.

### *Partnership arrangements*

## **166 Partnership arrangements**

- (1) Regulations may require specified partnership arrangements to be made by—
- (a) two or more local authorities, or
  - (b) one or more local authorities and one or more Local Health Boards.
- (2) Partnership arrangements are arrangements for carrying out—
- (a) functions of a local authority specified in regulations which—
    - (i) are social services functions, or
    - (ii) in the opinion of the Welsh Ministers, have an effect on, or are affected by, a local authority’s social services functions, or
  - (b) functions specified in regulations of—
    - (i) a Local Health Board, or
    - (ii) an NHS trust.

- (3) Regulations under subsection (1) must make provision—
- (a) specifying the local authorities and Local Health Boards that are to take part in partnership arrangements;
  - (b) about the form that partnership arrangements are to take;
  - (c) about the responsibility for, and the operation and management of, partnership arrangements;
  - (d) for sharing information between the following—
    - (i) local authorities;
    - (ii) Local Health Boards;
    - (iii) any teams or persons carrying out partnership arrangements in accordance with regulations made by virtue of subsection (4)(b);
    - (iv) any partnership boards established under regulations under section 168.
- (4) Regulations under subsection (1) may make provision—
- (a) for a local authority or a Local Health Board to carry out any of the functions specified for the purposes of subsection (2) for the purposes of partnership arrangements;
  - (b) for the establishment of teams or for the appointment of persons to carry out partnership arrangements and for assigning to those teams or persons any of the functions specified for the purposes of subsection (2);
  - (c) specifying the persons or categories of persons for whose benefit partnership arrangements are to be carried out;
  - (d) for the referral of persons to services provided in accordance with partnership arrangements.
- (5) The provision that may be made under subsection (3)(c) includes, for example, provision—
- (a) requiring partnership arrangements to be carried out under the direction of a partnership board established under regulations under section 168;
  - (b) about the review of cases referred in accordance with partnership arrangements;
  - (c) about complaints and disputes about the exercise of functions in accordance with partnership arrangements;
  - (d) about the provision of information about partnership arrangements;
  - (e) about accounts and audit in respect of functions carried out in accordance with partnership arrangements.
- (6) Partnership arrangements made under regulations under this section do not affect—
- (a) the liability of a Local Health Board for the exercise of any of its functions,
  - (b) the liability of a local authority for the exercise of any of its functions, or
  - (c) any power or duty to recover charges in respect of services provided in the exercise of any local authority functions.

## **167 Resources for partnership arrangements**

- (1) A local authority and a Local Health Board may pay towards the expenditure incurred for the purpose of, or in connection with, partnership arrangements made under regulations under section 166—

- (a) by making payments directly, or
  - (b) by contributing to a pooled fund.
- (2) A local authority and a Local Health Board may provide staff, goods, services, accommodation or other resources for the purpose of, or in connection with, partnership arrangements.
- (3) Regulations may make further provision about the funding of partnership arrangements, including (among other things) provision—
  - (a) requiring a local authority or a Local Health Board to establish and maintain a pooled fund;
  - (b) for determining the amount of contributions to be made by a local authority or a Local Health Board to a pooled fund;
  - (c) about expenditure for posts or categories of post established for the purpose of, or in connection with, partnership arrangements;
  - (d) about expenditure for services provided in accordance with partnership arrangements;
  - (e) about expenditure for the administration of partnership arrangements;
  - (f) about expenditure for any other purpose connected to partnership arrangements.
- (4) In this section “a pooled fund” means a fund established and maintained by a local authority or a Local Health Board, out of which the payments may be made towards the expenditure incurred for the purpose of, or in connection with, partnership arrangements.

## **168 Partnership boards**

- (1) Regulations may require a partnership board in respect of partnership arrangements made under regulations under section 166 to be established by—
  - (a) one or more local authorities,
  - (b) one or more Local Health Boards, or
  - (c) one or more local authorities and one or more Local Health Boards.
- (2) Regulations may make provision about—
  - (a) the membership of partnership boards;
  - (b) the payment of remuneration and allowances to members of partnership boards;
  - (c) the objectives and functions of partnership boards;
  - (d) the procedures to be followed by partnership boards;
  - (e) the making of reports by partnership boards and their form, content, timing and publication.

## **169 Guidance about partnership arrangements**

- (1) The Welsh Ministers must issue, and from time to time revise, guidance about partnership arrangements made under regulations under section 166.
- (2) In exercising functions conferred on them under or by virtue of sections 166 to 168, the following must have regard to that guidance and to any outcomes specified in a statement issued under section 8—

- (a) a local authority;
- (b) a Local Health Board;
- (c) a team or person carrying out partnership arrangements in accordance with regulations made by virtue of section 166(4)(b);
- (d) a partnership board established under regulations under section 168.

### *Adoption*

## **170 Adoption service: joint arrangements**

Insert after section 3 of the Adoption and Children Act 2002—

### **“3A Wales – joint arrangements**

- (1) The Welsh Ministers may direct two or more local authorities in Wales to enter into specified arrangements with each other in relation to the provision of specified services maintained under section 3(1).
- (2) Before giving a direction under this section the Welsh Ministers must consult the local authorities to which it is to be given.
- (3) Specified arrangements may include (among other things) arrangements—
  - (a) as to the establishment and maintenance of a pooled fund;
  - (b) as to the provision of staff, goods, services, accommodation or other resources;
  - (c) for determining the amount of payment or other contribution to be made towards relevant expenditure by the authorities which are parties to the arrangements;
  - (d) for working in conjunction with registered adoption societies;
  - (e) as to the responsibility for, and the operation and management of, the arrangements;
  - (f) as to the establishment and operation of a panel to make recommendations as to—
    - (i) whether a child should be placed for adoption;
    - (ii) whether a prospective adopter is suitable to adopt a child;
    - (iii) whether a particular child should be placed for adoption with a particular prospective adopter;
  - (g) for resolving complaints about services provided in accordance with the specified arrangements;
  - (h) as to the determination of disputes between the authorities which are parties to the arrangements.
- (4) Where the Welsh Ministers exercise their power of direction under subsection (1) they must within 21 days of the giving of the direction—
  - (a) report to the National Assembly for Wales that the power has been exercised, and
  - (b) lay a copy of the direction before the National Assembly for Wales.
- (5) In this section—



“a pooled fund” is a fund made up of contributions by two or more local authorities out of which payments may be made towards relevant expenditure;

“relevant expenditure” is expenditure incurred in connection with the provision of services provided in accordance with the specified arrangements;

“specified” means specified in a direction under this section.”