

SOCIAL & HEALTHCARE OVERVIEW & SCRUTINY COMMITTEE

Date of Meeting	Thursday 28 July, 2022
Report Subject	North Wales Market Stability Report
Cabinet Member	Deputy Leader of the Council and Cabinet Member for Social Services and Wellbeing
Report Author	Chief Officer (Social Services)
Type of Report	Strategic

EXECUTIVE SUMMARY

To provide an overview of the North Wales Market Stability Report 2022 [MSR] which has been produced as a requirement of the Social Services and Well-being (Wales) Act 2014.

A single regional MSR report must be produced for the North Wales Region and be approved by Full Council for each of the local authority areas (Gwynedd, Ynys Mon, Conwy, Denbighshire, Flintshire and Wrexham) and the Board of the Local Health Board.

The assessment of the care market should be produced and published by June 2022. A draft of this report has been shared with Welsh Government. However it has been made very clear to Welsh Government that this is an early draft that has not been approved yet by the full Councils of each Local Authority and the Health Board. This approval process is taking place July – October 2022 with the Final version of the MSR going to the Regional Partnership Board (RPB) at their November 2022 meeting before being submitted to Welsh Government.

The final MSR report must be published on all local authority websites, the health board website and the regional partnership website in both English and Welsh. A copy of the report will be submitted to Welsh Ministers. The Full Regional MSR is a lengthy document and summary reports and an executive summary and accessible formats will also be made available in order to make the content and key messages more accessible and digestible.

RECOMMENDATIONS

1	That members approve the North Wales Market Stability Report 2022
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REPORT DETAILS

1.00	EXPLAINING THE MARKET STABILITY REPORT
1.01	The Welsh Government has introduced the Code of Practice for the preparation of Market Stability Reports to support this requirement stated in the Social Services and Wellbeing Act (2014).
1.02	<p>The MSR Code of Practice requires that local authorities and local health boards work in partnership to prepare and publish market stability report based on data for each local authority area as well as an aggregated version on an Regional Partnership Board (RPB) footprint. The Code of Practice states that:</p> <p><i>“The duty to prepare and publish a market stability report, as set out in the 2014 Act, sits with each local authority, but the Regulations require them to carry out this function on a regional footprint and in partnership with the Local Health Board, so that one market stability report will be prepared for each of the seven RPB areas across Wales”</i> [CoP Section 3.11]</p>
1.03	However, local authorities must ensure that the market stability report also contains an assessment of the market for care and support within each local authority area as well as across the RPB area as a whole [CoP Section 3.13].
1.04	In this way, the report will inform both regional and local decision-making around commissioning care and support (especially, but not exclusively, regulated services), feeding into the strategic area plan for the RPB area and helping shape local and regional commissioning strategies [CoP Section 3.14].
1.05	<p>In preparing their market stability reports, local authorities must carry out, in partnership with the Local Health Board and other RPB partners, an assessment of both:</p> <ul style="list-style-type: none">• the sufficiency of care and support in meeting the needs and demand for social care as set out in the population needs assessment, and• the stability of the market for regulated services providing care and support [CoP section 4.2]. <p>The market stability assessment focuses on regulated services. These are:</p> <ul style="list-style-type: none">• care home services (adult and children’s)• secure accommodation services (for children)• residential family centre services• adoption services

	<ul style="list-style-type: none"> • fostering services • adult placement ('shared lives') services • advocacy services • domiciliary support service
1.06	The MSR Code of Practice also states that whilst preventative services are not regulated services it requires local authorities and Local Health Boards to set out the range and level of preventative services that will be required to meet those needs identified in the Population Needs Assessment and assess how the availability of preventative services can also have a major impact upon the need for regulated services. Therefore, preventative services must be considered as part of the MSR.
1.07	The Code of Practice also notes other themes that must be considered in the MSR including: <ul style="list-style-type: none"> • Social Value • The Welsh Language • Workforce • Direct Payments and self-funded provision
1.08	There is a strong link between the MSR and the recently produced North Wales Population Needs Assessment 2022 where the population needs assessment sets out current and projected need and demand for care and support, and the range and level of services that will be required to meet that demand. The market stability report will assess the sufficiency of the care and support provided in meeting the needs and demand established through the population needs assessment.
1.09	Whilst the MSR is a statutory requirement, this is not the main reason for undertaking the work. The MSR is a vital document that provides an evidence base to support organisations and services across the region, specifically it is to be used for strategic planning cycles underpinning the integration of services and support partnership arrangements.
1.10	Significant officer time has been involved in the production of local information, data analysis and research to inform the regional report. These documents, although not published as part of the regional report, are valuable local planning documents.
1.11	A Flintshire Market Stability Report has been developed, which includes the narrative that has been contributed to the development of the regional document, alongside local key messages. This may differ in some areas from the regional MSR, as we have incorporated updated information as we a results on producing the recent Children's Commissioning & Placement Strategy for Welsh Government. The local version is attached as Appendix 2.
1.12	Both the PNA and MSR documents will be used to plan local and regional delivery plan and service development plans going forward.

1.13	It is also vital that both documents are kept up to date and are used as live document for on-going planning. Therefore, the PNA-MSR Steering Group will continue to meet to undertake this updating and ongoing review of both documents and to work with the local teams on the development of the regional and local implementation/delivery plans.
1.14	The requirement to produce an accessible, regional report in a short timescale has limited what can be included. The work has been carried out during a very challenging time due to the pressures and capacity across the partner organisations. It has involved a significant effort by officers to ensure that a meaningful document was produced.
1.15	It should also be noted that very little national data on the care market was available and thus local and regional commissioning information has been relied upon.
1.16	The regional steering group recommend updating the document as new national data becomes available and more work is carried out locally e.g. the impact of Covid, financial challenges and the impact of re-balancing social care on the on the care market. The regional steering group will develop an on-going process to improve and update the MSR so that it remains meaningful and current. This will also help make it a more manageable process.
1.17	The MSR is a co-produced document and engagement led. Local and regional lead officers undertook data analysis, background literature reviews, service reviews and additional focussed local engagement work. The key issues and themes identified are based on consultation and feedback from staff, partner organisations, Public Health Wales and local Health Board colleagues, service users and the general public to identify strategic needs for care and support. This included information from existing commissioning strategies and needs assessments.
1.18	This co-production approach results in a meaningful and informed MSR document that involved a wide variety of people, as opposed to a document created in isolation via a desk-top exercise, which has been the approach employed by some other regions of Wales.
1.19	The full MSR document will be used locally to inform future service planning, particularly in post pandemic recovery. It will be a key document to consider in the development of the Market Stability Report as well as informing the local Wellbeing Plan and also will feed in to other documents, including the Community Strategy, Tacking Poverty plans and Housing/Supporting People plans.
1.20	As well as informing local plans, the next phase of the project will also involve using the population assessment and the market stability report to develop an 'area plan' for the region. Future work on the area plan may involve further research and consultation to explore priority areas in more depth before agreeing which areas to prioritise for regional work. The area plan is to be developed and published in 2023.

2.00	RESOURCE IMPLICATIONS
2.01	The North Wales Social Care and Wellbeing Services Improvement Collaborative has utilised existing staff to support the development of the MSR. Associated costs, such as translation and for specialist engagement was also funded by the partnership.
2.02	There has been a cost to the local authorities, BCUHB and Public Health Wales in staff time and resource to support the project. This includes staff to carry out engagement work to support the analysis and writing of the report. The majority of this work took place between December 2021 and July 2022 for the MSR.
2.03	Going forward the MSR will identify regional and local priorities, it may be the case that these priorities require some level of investment at either regional or local level.

3.00	IMPACT ASSESSMENT AND RISK MANAGEMENT
3.01	It has not been possible to gain approval from all six councils and the Board of BCUHB by the original date given in the MSR code of practice of June 2022 due to time needed to capture data and undertake the market analysis as well as the timetable of governance meetings of each local authority and health board. To mitigate this, we have liaised closely with Welsh Government regarding our revised timescales and have also sent them an early draft of the document for information.
3.02	An Equality Impact Assessment for the regional MSR is attached as Appendix 4

4.00	CONSULTATIONS REQUIRED/CARRIED OUT
4.01	The North Wales Social Care and Wellbeing Services Improvement Collaborative set up a regional steering group to lead the work for the technical, engagement, data and other theme-based groups to lead on specific tasks. Membership of the groups is from each North Wales local authority, Betsi Cadwaladr University Health Board (BCUHB), Public Health Wales and other parties with an interest in the needs assessment such as officers for the PSBs. The Governance structure can be found in Appendix 3
4.02	Engagement for the MSR included: a questionnaire for organisations that asks for their views and evidence; engagement with different sector providers e.g. third sector and also local workshops with providers. This has provided rich qualitative data to inform the MSR. 38% of respondents operated in the Flintshire area.
4.03	Locally, workshops were held with Responsible Individuals across residential, domiciliary care and supported living services to understand where they felt the strengths, weaknesses, opportunities and threats were

	to the market. The feedback from these events is embedded in Appendix 2.
4.04	Feedback was sought from senior managers and colleagues in Social Services to ensure a wealth of information has been submitted.

5.00	APPENDICES
5.01	Appendix 1 - North Wales Market Stability Report 2022
5.02	Appendix 2 - Flintshire Market Stability Report
5.03	Appendix 3 – North Wales Market Stability Report Approach and Governance Structure
5.04	Appendix 4 – Equality Impact Assessment

6.00	LIST OF ACCESSIBLE BACKGROUND DOCUMENTS
6.01	Social Services and Well-being (Wales) Act 2014: Code of Practice https://gov.wales/market-stability-reports-code-practice-html
6.02	North Wales Population Needs Assessment 2022 https://www.flintshire.gov.uk/en/Resident/Social-Services/North-Wales-Population-Assessment.aspx#:~:text=Undertaking%20the%20Population%20Needs%20Assessment,live%20well%20as%20they%20age.

7.00	CONTACT OFFICER DETAILS
7.01	Contact Officer: Neil Ayling, Chief Officer (Social Services) Telephone: 01352 704511 E-mail: neil.j.ayling@flintshire.gov.uk

8.00	GLOSSARY OF TERMS
	<p>Area plan - The plan sets out how the Regional Partnership Board (RPB) will respond to the findings of the North Wales population assessment. The plan sets out high level principles, outcomes and priorities for regional working across health and social care in North Wales. It is a starting point for formal regional working under the Social Services and Well-being (Wales) Act 2014 and sets a framework for health and social care partners to work together to a common agenda.. The last area plan was published in 2017.</p> <p>Code of Practice - Section 144B of the Social Services and Well-being (Wales) Act 2014 ('the 2014 Act') requires local authorities to prepare and publish market stability reports. The document is in two parts:</p>

- part 1 (chapters 2-5) is a code of practice for local authorities on the exercise of their functions in relation to market stability reports. It sets out the approach that local authorities must take, in collaboration with Local Health Boards and other RPB partners, to prepare and publish a market stability report for their RPB area
- part 2 (chapter 6) is statutory guidance for local authorities and Local Health Boards on partnership working through the RPBs to prepare and publish market stability reports

Co-production - a way of working, whereby everybody works together on an equal basis to create a service or come to a decision which works for them all.

North Wales Population Needs Assessment 2022 - The Social Services and Well-being (Wales) Act 2014 introduced a new duty on local authorities and health boards to develop a joint assessment for the care and support needs of regional populations. It also established Regional Partnership Boards (RPB) to manage and monitor services to ensure partnership working for the delivery of effective services.

The population needs assessment is produced by the North Wales Regional Partnership Board. The first population needs assessment was published in 2017 and has been used as a foundation for the 2022 report.

North Wales Social Care and Wellbeing Services Improvement Collaborative - includes the six local authorities in North Wales, Betsi Cadwaladr University Health Board and other partners. The aim is to improve services, make the most of the resources available, reduce duplication and make services more consistent across North Wales.

Preventative services – These services:

Help prevent or delay the development of people's needs which require care and support;

- Reduce the needs for care and support for those who have these needs;
- Promote the upbringing of children by their families, when it is consistent with the wellbeing of the child;
- Prevent people from suffering abuse or neglect;
- Enable people to live as independently as possible;
- Reduce the need for,
 - Care of supervision orders under the Children Act 1989
 - Criminal proceedings against children
 - Proceedings which may lead to children being placed into local authority care.

Regional Partnership Board (RPB) - RPBs have been established as part of the Social Services and Well Being Act to:

- improve the well-being of the population
- improve how health and care services are delivered.

All Regional Partnership Boards must:

- produce a regional population assessments produce a regional area plan
- provide a regional annual report

- demonstrate citizen engagement and co-production

Responsible Individuals - The Regulation and Inspection of Social Care (Wales) Act 2016 requires care providers to designate a Responsible Individual (RI) for each place at, from or in relation to which a regulated service is provided as part of the registration process. The RI role is a distinct leadership role to ensure sound governance within the providing organisation.