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| ASSESSMENT & ELIGIBILITY | **Amendment:** To amend Section 10, 12 and 15 in order to require that an assessment includes an assessment of whether, and to what extent, other factors could contribute to meeting any needs identified.  
Amended Sections 10 and 12 in order to require a local authority to assess whether the provision of preventative services or information, advice or assistance could contribute to meeting a person’s needs or desired outcomes.  
Amended Sections 11 and 15 to ensure consistency across the Sections; consistency with the language used in Sections 26, 27 and 29; and to change references to ‘consult’ to ‘involve’. | The intended effect of these amendments is to strengthen the connection between assessment; eligibility; preventative services; and information, advice or assistance. The changes will ensure that a person’s needs are assessed and the person’s circumstances are considered. The amendments will also ensure consistency with section 15, which already makes provision for the persons who are required to be involved in relation to the assessment of the needs of a carer. | Following extensive work with the Social Services Improvement Agency (SSIA) and stakeholders, and the publication of their report: Access to Care and Well-being; in addition to working closely with the Department of Health on the development of their framework for the Care Bill, the Deputy Minister agreed to amend the Bill in order to meet the principles of the SSIA report, and to achieve the flexibility required to deliver the new core services for assessment and eligibility. | 29 | 1 | 3 and 4 |
| 2 | **Amendment:** To amend Section 19 to include an additional requirement on Local Authorities, following the determination of whether a person’s needs meet the eligibility criteria. That requirement will be to consider whether the person would benefit from the provision of services under Sections 6 or 8 of the Bill. This requirement would apply regardless of the determination of eligibility. | The effect of this amendment is the removal of a regulatory making power in relation to the interface between direct payments under the Bill and other care services provided under Section 117 of the Mental Health Act 1983. | Technical amendments for consistency. | 1 | 1 | 4 |
| 3 | **Amendment:** To amend Section 65 in a way that would enable looked after children to be placed with ‘matched’ prospective adopters at an earlier stage of the adoption process. | It is intended that these amendments would remove the necessity for prospective adopters to undergo the lengthy assessment process for Local Authority foster parent registration. This would reduce the delay in the placement of children in such cases, thereby ensuring better placement with their adopting parents (under a fostering placement) and allow the need for changes of placement for the child. These relevant prospective adopters would also receive the same entitlements as regular approved foster carers, including support and any appropriate fees. | We have proposed these amendments in an attempt to tackle the issue of delay without the potential risk of adverse effects at the child or prospective adopter level. We believe that these amendments would be beneficial to looked after children, ensuring that they are placed in a timely manner, while also providing additional support and benefits to prospective adopters. | 19 | 3 | 6 |
The intended effect of these amendments is to preserve the entitlements currently under the Children Act 1989 for most of the current categories of care leavers – "eligible child", "relevant child", and "visiting child". These children, whilst not current or former LAC, may be considered vulnerable, or may otherwise benefit from a visit and assessment on entering the secure estate; and subsequently in preparation for their release and re-integration into the community. It is intended that this will assist with reducing re-offending; whilst also, in conjunction with Regulations made under the Bill, assist in preserving and protecting the interests of the child. Removal of reference to LAC, and replacement of "visiting child" with "person qualifying for advice and assistance", results in a form which reflects the revised definition of Category 4 young people.

The reason for the amendments proposed follows further analysis of the consolidation of entitlements for care leavers under the Children Act 1989 into the Bill, has identified a number of issues where the preservation of entitlement has not been fully achieved. These amendments are intended in order to achieve that purpose. LGC/16/08/12 identified that there would likely be a requirement for amendments to the children's provisions to ensure compatibility with relevant criminal legislation.

Section 81 of the Bill, as currently drafted does not provide the power to prescribe those circumstances in which the duty extends. The proposed amendment, therefore, is required in order to achieve that purpose. The amendment will allow Welsh Ministers to prescribe in regulations additional categories of children to whom the duty should apply. These children, whilst not current or former LAC, may be considered vulnerable, or may otherwise benefit from a visit and assessment on entering the secure estate; and subsequently in preparation for their release and re-integration into the community. It is intended that this will assist with reducing re-offending; whilst also, in conjunction with Regulations made under the Bill, assist in preserving and protecting the interests of the child. Removal of reference to LAC, and replacement of "visiting child" with "person qualifying for advice and assistance", results in a form which reflects the revised definition of Category 4 young people.

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safeguarding duty

To amend Section 77 to clarify that directions can be varied or revoked by later directions.

The intended effect of these amendments is that all of the regulation making powers contained within the Bill will be clarified.

The reason for these amendments is to align the co-operation arrangements for both adults and children.

To amend the wording of Section 9 and the corresponding reference in Section 1 to remove references to 'blind' and 'deaf' and replace with 'sight-impaired' and 'hearing-impaired'.

To amend the wording of Subsection 7(1)(d) to clarify that 'promoting the availability of care and support and preventative services from third sector organisations' can encompass, but not exclusively, social enterprises and co-operative organisations.

The reason for the re-wording of this Section will clarify that social enterprises and co-operative organisations fall within the term 'third sector organisations'.

Amend section 145 to align with the revised definition of 'relevant partner'.

Amend S.106 (duty to report adults at risk) to align the wording of the two duties and provisions at S.106 and S.108.

The reason for these amendments is to align the duty to report adults at risk at S.106, with the duty to report adults at risk at S.108, to ensure that Local Authorities provide the same duty to report to both their adult and children’s services.

The reason for these amendments to align the duty to report children at risk at S.106, with the duty to report adults at risk at S.108, with the duty to report adults at risk at S.108, is to ensure that there is consistency throughout the Bill.

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12 Exception for provision of health services

Section 31(1) and (2) of the Children Act, 1989 are not applicable to Wales, and thus the Bill legislates for the four nations. The effect of this amendment is the dis-application of Section 49 of the NNA in relation to Local Authorities in Wales.

To ensure that Welsh Ministers, local authorities and local health boards are able to conduct, commission or assist in conduct of research in relation to functions under the Bill; and that local authorities and local health boards are able to transmit information relating to their functions under the Bill to Welsh Ministers.

The decision for the dis-application in relation to Wales, in this instance, has been taken to improve the coherence of the legislative provision (within section 105 of the Children Act 1989).

Technical amendment to ensure current ability in relation to research are preserved.

13 Research

Section 34(9) of the Bill is new. The effect of this amendment is the dis-application of Section 47 of the NNA in relation to Social Services in Wales.

The main reason for including these provisions is to protect those people that would be affected should another provider fail, such as those affected by the recent issues with Barchester Care and Castle Beck. The Department of Health in England has sought to protect against these issues in Clauses 47-49 of the Care Bill, in addition to some amendments that are currently being debated. These amendments would place duties on Local Authorities in England to cooperate with the local Health Board and other local health boards to conduct or assist in research relating to their functions under the Bill. The amendment in this Bill ensures that these duties also apply to the Welsh Health Board.

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15 New Consentual Repeals

Signatures of Council Officers – The proposal is to place a new provision within the Bill that would disapply Section 49 of the NNA in relation to Social Services in Wales.

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Technical amendment to ensure current ability in relation to research are preserved.

The legal provision by which Local Authorities have assumed adults in these circumstances, previously, was contained in a power under Section 3(5)(b) of the Health and Social Care Act 2001. Section 47 of that Act will be repealed by the Social Services and Wellbeing Bill, with the effect of Section 47(5) having been replicated in Section 22 of our Bill.

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Technical amendment to ensure current ability in relation to research are preserved.
Part 3 Children Act 1989: Miscellaneous

1. To amend the Bill to ensure there is comprehensive equivalence in the definitions between the Bill and those provisions of the 1989 Act that are not being repealed / dis-applied in relation to Wales.

2. Amended section 67 to provide that a care and support plan prepared under section 67 can be used as the plan for the purposes of section 31A of the 1989 Act.

3. To amend the reference in section 76(2) to section 68.

4. To amend sections 93(5), 93(6) and 93(7) to require local authorities to consider whether their continuing duties or powers under the Children Act 1989 in relation to children duties shall be exercised.

5. To provide appropriate cross-reference.

6. The amending policy is to remove the right to appeal or apply for a declaration in respect of a child in care and support needs to a child under Section 23; and the power to meet care and support needs of a child under Section 23, and disapply as respects any child who is looked after by a local authority in any of the countries referred to.

7. To provide appropriate cross-reference.

8. To provide appropriate cross-reference.

9. There is significant congruence with the proposal in the Bill relating to an amendment that will not affect any section of the Children Act 1989 in relation to Wales and England.

10. To provide appropriate cross-reference.

11. To provide appropriate cross-reference.

12. The reason for this amendment is to achieve consistency in drafting throughout the Bill.

13. To provide appropriate cross-reference.

14. To provide appropriate cross-reference.

15. The reason for this amendment is to ensure clarity in relation to the Welsh Ministers’ powers to make regulations in order to put in place transitional or consequential provisions.

16. The reason for this amendment is to ensure clarity in relation to the Welsh Ministers’ powers to make regulations in order to put in place transitional or consequential provisions.

17. The amendment is a correction to the Welsh text only, there is no change required to the English text.

18. The effect of these amendments in that any regulations under Sections 98, 99 and 100 must relate to the full extent of the Bill and the duties and powers under Sections 98, 99 and 100 in relation to those children, are taken to mean a child who is looked after by a local authority in any of the countries referred to.

19. The amendments seek to rectify that issue.

20. The effect of these amendments is that any regulations under Sections 98, 99 and 100 must relate to the extent of the Bill and the duties and powers under Sections 98, 99 and 100 in relation to those children, are taken to mean a child who is looked after by a local authority in any of the countries referred to.

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25. To provide appropriate cross-reference.

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