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WELSH STATUTORY INSTRUMENTS

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**2015 No. 1989 (W. 299)**

**SOCIAL CARE, WALES**

**The Partnership Arrangements (Wales) Regulations 2015**

*Made - - - - 2 December 2015*

*Coming into force in accordance with regulation 1(2)*

The Welsh Ministers make the following Regulations in exercise of the powers conferred by sections 166(1)(b), (2) to (5), 167(3) and 168(1) and (2) of the Social Services and Well-being (Wales) Act 2014<sup>(1)</sup>.

A draft of these Regulations was laid before the National Assembly for Wales under section 196(6) of that Act and has been approved by a resolution of the National Assembly for Wales.

**Title, commencement, application and interpretation**

1.—(1) The title of these Regulations is the Partnership Arrangements (Wales) Regulations 2015.

(a) (2) (a) These Regulations come into force on 6 April 2016 except sub-paragraph (a) of regulation 19(1);

(b) sub-paragraph (a) of regulation 19(1) comes into force on 6 April 2018.

(3) These Regulations apply in relation to Wales.

(4) In these Regulations—

“the Act” (“*y Ddeddf*”) means the Social Services and Well-being (Wales) Act 2014;

“family support functions” (“*swyddogaethau cymorth i deuluoedd*”) means the functions specified in regulation 15;

“partnership arrangements” (“*trefniadau partneriaeth*”) means the partnership arrangements which are required to be made by partnership bodies in accordance with regulations 2 to 8;

“partnership bodies” (“*cyrff partneriaeth*”) are those bodies which are required by regulations 2 to 8 to enter into partnership arrangements;

“regional partnership boards” (“*byrddau partneriaeth rhanbarthol*”) means the boards required to be established by partnership bodies in accordance with regulations 2 to 8;

“specified functions” (“*swyddogaethau penodedig*”) means the functions specified in regulation 9.

### *Regional Partnership Boards*

#### **Partnership arrangements under the direction of Gwent regional partnership board**

2.—(1) Partnership arrangements for carrying out the specified functions must be made by the following bodies—

Aneurin Bevan University Health Board  
Monmouthshire County Council  
Newport City Council  
Torfaen County Borough Council  
Blaenau Gwent County Borough Council  
Caerphilly County Borough Council.

(2) These bodies must together establish a partnership board in respect of the partnership arrangements required to be made by this regulation, to be known as Gwent regional partnership board.

(3) The partnership arrangements required to be made by this regulation must be carried out under the direction of Gwent regional partnership board.

#### **Partnership arrangements under the direction of North Wales regional partnership board**

3.—(1) Partnership arrangements for carrying out the specified functions must be made by the following bodies—

Betsi Cadwaladr University Health Board  
Flintshire County Council  
Wrexham County Borough Council  
Isle of Anglesey County Council  
Gwynedd County Council  
Denbighshire County Council  
Conwy County Borough Council.

(2) These bodies must together establish a partnership board in respect of the partnership arrangements required to be made by this regulation, to be known as North Wales regional partnership board.

(3) The partnership arrangements required to be made by this regulation must be carried out under the direction of North Wales regional partnership board.

#### **Partnership arrangements under the direction of Cardiff and Vale regional partnership board**

4.—(1) Partnership arrangements for carrying out the specified functions must be made by the following bodies—

Cardiff and Vale University Health Board  
Cardiff City and County Council  
Vale of Glamorgan Council.

(2) These bodies must together establish a partnership board in respect of the partnership arrangements required to be made by this regulation, to be known as Cardiff and Vale regional partnership board.

(3) The partnership arrangements required to be made by this regulation must be carried out under the direction of Cardiff and Vale regional partnership board.

#### **Partnership arrangements under the direction of Western Bay regional partnership board**

5.—(1) Partnership arrangements for carrying out the specified functions must be made by the following bodies—

Abertawe Bro Morgannwg University Health Board

Swansea City and County Council

Bridgend County Borough Council

Neath Port Talbot County Borough Council.

(2) These bodies must together establish a partnership board in respect of the partnership arrangements required to be made by this regulation, to be known as Western Bay regional partnership board.

(3) The partnership arrangements required to be made by this regulation must be carried out under the direction of Western Bay regional partnership board.

#### **Partnership arrangements under the direction of Cwm Taf regional partnership board**

6.—(1) Partnership arrangements for carrying out specified functions must be made by the following bodies—

Cwm Taf University Health Board

Rhondda Cynon Taf County Borough Council

Merthyr Tydfil County Borough Council.

(2) These bodies must together establish a partnership board in respect of the partnership arrangements required to be made by this regulation, to be known as Cwm Taf regional partnership board.

(3) The partnership arrangements required to be made by this regulation must be carried out under the direction of Cwm Taf regional partnership board.

#### **Partnership arrangements under the direction of the West Wales regional partnership board**

7.—(1) Partnership arrangements for carrying out the specified functions must be made by the following bodies—

Hywel Dda University Health Board

Pembrokeshire County Council

Carmarthenshire County Council

Ceredigion County Council..

(2) These bodies must together establish a partnership board in respect of the partnership arrangements required to be made by this regulation, to be known as West Wales regional partnership board.

(3) The partnership arrangements required to be made by this regulation must be carried out under the direction of West Wales regional partnership board.

#### **Partnership arrangements under the direction of Powys regional partnership board**

8.—(1) Partnership arrangements for carrying out the specified functions must be made by the following bodies—

Powys Teaching Health Board

Powys County Council.

(2) These bodies must together establish a partnership board in respect of the partnership arrangements required to be made by this regulation, to be known as Powys regional partnership board.

(3) The partnership arrangements required to be made by this regulation must be carried out under the direction of Powys regional partnership board.

### **Specified functions**

9. The functions to be carried out in accordance with the partnership arrangements are the functions described in Schedule 1.

### **Objectives of regional partnership boards**

10. The objectives of a regional partnership board are—

- (a) to ensure that the partnership bodies work effectively together to—
  - (i) respond to the population assessment carried out in accordance with section 14 of the Act, and
  - (ii) implement the plans for each of the local authority areas covered by the board which local authorities and local health boards are each required to prepare and publish under section 14A of the Act<sup>(2)</sup>;
- (b) to ensure that the partnership bodies provide sufficient resources for the partnership arrangements, in accordance with their powers under section 167 of the Act;
- (c) to promote the establishment of pooled funds where appropriate.

### **Membership of regional partnership boards**

11.—(1) Membership of a regional partnership board must include the following—

- (a) at least one elected member of a local authority which established the regional partnership board;
- (b) at least one member of a Local Health Board which established the regional partnership board;
- (c) the person appointed as director of social services under section 144 of the Act in respect of each local authority which established the regional partnership board, or his or her nominated representative;
- (d) a representative of the Local Health Board which established the regional partnership board;
- (e) two persons who represent the interests of third sector organisations in the area covered by the regional partnership board;
- (f) at least one person who represents the interests of care providers in the area covered by the regional partnership board;
- (g) one person to represent people with needs for care and support in the area covered by the regional partnership board;
- (h) one person to represent carers<sup>(3)</sup> in the area covered by the regional partnership board.

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(2) Section 14A was inserted into the Act by section 46 of, and paragraph 34 of Schedule 4 to the [Well-being of Future Generations \(Wales\) Act 2015 \(anaw 2\)](#).

(3) “Carer” is defined in section 3(4) of the Act.

(2) A regional partnership board may co-opt such other persons to be members of the board as it thinks appropriate.

(3) The partnership bodies may pay remunerations and allowances to members of regional partnership boards.

(4) For the purpose of this regulation—

“care provider” (“*darparwr gofal*”) means a person registered under Part 2 of the Care Standards Act 2000<sup>(4)</sup> in respect of an establishment or agency (within the meaning of that Act);

“third sector organisation” (“*sefydliad trydydd sector*”) has the same meaning as in section 16(2) of the Act.

### Reports

**12.**—(1) Regional partnership boards must prepare a report on the extent to which the board’s objectives in regulation 10 have been achieved and submit this report to the Welsh Ministers.

(2) The first report must be prepared and submitted by 1 April 2017.

(3) Subsequent reports must be prepared and submitted annually.

### Information sharing

**13.**—(1) For the purposes of carrying out the functions being carried out by the partnership arrangements, a partnership body must share information with—

(a) any of the other partnership bodies;

(b) the regional partnership board.

(2) For the purpose of carrying out the specified family support functions, an integrated family support team must share information with—

(a) any of the partnership bodies;

(b) the regional partnership board.

(3) For the purposes of achieving its objectives, a regional partnership board must share information with any of the partnership bodies.

(4) The duty in paragraphs (1), (2) or (3) does not apply if this is incompatible with any of the body’s other duties, including its duties under the Data Protection Act 1998<sup>(5)</sup> and the Human Rights Act 1998<sup>(6)</sup>.

### Delegation of functions

**14.**—(1) A local authority may carry out any of the specified functions on behalf of any of the other partnership bodies taking part in the same partnership arrangements.

(2) A Local Health Board may carry out any of the specified local authority functions described in Table 1 of Schedule 1 on behalf of any of the local authorities taking part in the same partnership arrangements.

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(4) 2000 c. 14.

(5) 1998 c. 29.

(6) 1998 c. 42.

## *Integrated Family Support Teams*

### **Family support functions**

15. Family support functions are the functions specified in Schedule 2.

### **Establishment of integrated family support teams**

16.—(1) The partnership bodies for each of the partnership arrangements must establish a team for the purpose of the exercise of family support functions.

(2) A team established under this regulation is to be known as an integrated family support team.

(3) The partnership bodies may assign family support functions to the integrated family support team.

(4) An integrated family support team must contain staff with suitable skills and experience having regard to—

- (a) the categories of cases which can be referred to it, and
- (b) the need of professional staff for administrative support.

### **Assignment and exercise of family support functions**

17.—(1) An integrated family support team must carry out the family support functions that are assigned to it.

(2) The functions of an integrated family support team are to be carried out under the direction of the regional partnership board.

(3) The family support functions of an integrated family support team are to be carried out in respect of a family referred to it by the local authority.

(4) A function exercised under these Regulations is exercisable concurrently by the integrated family support team and the body upon whom the function is conferred.

### **Arrangements for referral of cases to the integrated family support teams**

18.—(1) A partnership body may refer a family to an integrated family support team if it reasonably believes or suspects that—

- (a) a parent of a child in that family (or a prospective parent)—
  - (i) is dependent on alcohol or drugs,
  - (ii) is a victim of domestic violence or abuse,
  - (iii) has a history of violent or abusive behaviour, or
  - (iv) has a mental disorder; and
- (b) as a consequence of one or more of these circumstances, the child is or will be in need of care and support and either—
  - (i) the child will be unable to remain with the family if family support services are not provided,
  - (ii) where the child is looked after, the child will be unable to return to live with the family if family support services are not provided, or
  - (iii) the child is or will be at risk of abuse, neglect or other harm if family support services are not provided.

(2) A referral to an integrated family support team must be made in accordance with a referral procedure agreed by the regional partnership board.

(3) For the purposes of this regulation, “family” (“*teulu*”) includes each of the following—

- (a) a child, the parents of the child and, if the authority thinks it is appropriate, any other individual connected with the child or the parents;
- (b) individuals who are about to become parents of a child and, if the local authority thinks it appropriate, any other individual connected with the individuals who are about to become the parents of that child.

(4) A child with needs for care and support may include a looked after child.

(5) In this regulation—

“abuse” (“*cam-drin*”) includes both sexual activity without consent and unreasonable behaviour liable to cause serious psychological harm; abuse is “domestic abuse” (“*cam-drin domestig*”) if it is from an individual who is associated with the victim; and “abusive” (“*camdriniol*”) is to be interpreted accordingly;

“child with needs for care and support” (“*plentyn y mae arno anghenion am ofal a chymorth*”) means a child who the local authority has determined has needs for care and support, following an assessment under section 21 of the Act;

“looked after child” (“*plentyn sy’n derbyn gofal*”) has the same meaning as in section 74 of the Act;

“mental disorder” (“*anhwylder meddwl*”) means any disorder or disability of the mind;

“parent” (“*rhiant*”), in relation to a child, includes any individual—

- (a) who is not a parent of the child but who has parental responsibility for the child, or
- (b) who has care of the child;

“violence” (“*trais*”) means violence or threats of violence which are likely to be carried out and “violent” (“*treisgar*”) is to be interpreted accordingly; violence is “domestic violence” (“*trais domestig*”) if it is from an individual who is associated with the victim.

(6) For the purposes of the definition of “parent” (“*rhiant*”) in paragraph (4)—

- (a) “parental responsibility” (“*cyfrifoldeb rhiant*”) has the same meaning as in section 3 of the Children Act 1989(7);
- (b) in determining whether an individual has care of a child, any absence of the child at a hospital, children’s home or foster placement and any other temporary absence is to be disregarded.

### *Pooled Funds*

#### **Establishment and maintenance of pooled funds**

**19.**—(1) Partnership bodies for each of the partnership arrangements are required to establish and maintain pooled funds in relation to—

- (a) the exercise of their care home accommodation functions;
- (b) the exercise of their family support functions;

- (c) such of their specified functions as they decide they will exercise jointly in consequence of an assessment carried out under section 14 of the Act or any plan prepared under section 14A of the Act<sup>(8)</sup>.
- (2) In this regulation—
- “care home” (“*cartref gofal*”) has the same meaning as in the Care Standards Act 2000;
- “care home accommodation functions” (“*swyddogaethau llety cartref gofal*”) means—
- (a) the functions of a local authority under sections 35 and 36 of the Act, where it has been decided to meet the adult’s needs by providing or arranging to provide accommodation in a care home;
- (b) the functions of a Local Health Board under section 3 of the National Health Service (Wales) Act 2006 in relation to an adult, in cases where—
- (i) the adult has a primary need for health care and it has been decided to meet the needs of the adult by arranging the provision of accommodation in a care home, or
- (ii) the adult does not have a primary need for health care but the adult’s needs can only be met by the local authority arranging for the provision of accommodation together with nursing care.

2 December 2015

*Mark Drakeford*  
Minister for Health and Social Services, one of  
the Welsh Ministers

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<sup>(8)</sup> See footnote to regulation 10(a)(ii).



SCHEDULE 1

Regulation 9

Functions to be carried out by partnership arrangements

**Table 1**

**Local authority functions**

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*Function*

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1. Social services functions contained in Schedule 2 to the Act, except—
    - (a) the functions in Part 5 of the Act (charging),
    - (b) section 144 of the Act (directors of social services),
    - (c) sections 1 and 2 of the Adoption Act 1976<sup>(9)</sup>,
    - (d) sections 114 and 115 of the Mental Health Act 1983<sup>(10)</sup>,
    - (e) Parts VII to X and section 86 of the Children Act 1989
  2. The functions under section 7 of the Disabled Persons (Services, Consultation and Representation) Act 1986<sup>(11)</sup>
  3. The functions of providing, or securing the provision of recreational facilities under section 19 of the Local Government (Miscellaneous Provisions) Act 1976<sup>(12)</sup>
  4. The functions of local housing authorities under Part I of the Housing Grants, Construction and Regeneration Act 1996<sup>(13)</sup>; and under Part VI of the Housing Act 1996<sup>(14)</sup> and Part 2 of the Housing (Wales) Act 2014<sup>(15)</sup>
  5. The functions of local authorities under section 126 of the Housing Grants, Construction and Regeneration Act 1996
  6. The functions of waste collection or waste disposal under the Environmental Protection Act 1990<sup>(16)</sup>
  7. The functions of providing environmental health services under sections 180 and 181 of the Local Government Act 1972<sup>(17)</sup>
  8. The functions of local highway authorities under the Highways Act 1980<sup>(18)</sup> and section 39 of the Road Traffic Act 1988<sup>(19)</sup>
  9. The functions under section 63 (passenger transport) and section 93 (travel concession schemes) of the Transport Act 1985<sup>(20)</sup>
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(9) 1976 c. 36.  
(10) 1983 c. 20.  
(11) 1986 c. 33.  
(12) 1976 c. 57.  
(13) 1996 c. 53.  
(14) 1996 c. 52.  
(15) 2014 anaw 7.  
(16) 1990 c. 43.  
(17) 1972 c. 70.  
(18) 1980 c. 66.  
(19) 1988 c. 52.  
(20) 1985 c. 67.

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**Table 2****Local Health Board functions**

<i>Function</i>
Section 117 of the Mental Health Act 1983 ( <i>after care</i> )
Section 82 of the National Health Service Act 2006(21)( <i>cooperation between NHS bodies and local authorities</i> )
Section 1 of the National Health Service (Wales) Act 2006 ( <i>duty to promote health service</i> )
Sections 2 and 3 of the National Health Service (Wales) Act 2006 ( <i>powers to provide health services</i> ), including rehabilitation services and services intended to avoid admission to hospital but excluding surgery, radiotherapy, termination of pregnancies, endoscopy, the use of Class 4 laser treatments and other invasive treatments and emergency ambulance services
Section 10(1), (2), (3), (4) and (5) of the National Health Service (Wales) Act 2006 ( <i>arrangements with other bodies</i> )
Section 38(6) of the National Health Service (Wales) Act 2006 ( <i>duty to make available services provided by a person employed in the health service to enable local authorities to discharge functions</i> )

## SCHEDULE 2

Regulation 15

## Family support functions

**Table 1****Local authority functions in relation to children**

<i>Function</i>	<i>Extent</i>
Parts 3 and 4 of the Act ( <i>assessing and meeting needs for care and support</i> )	In so far as they relate to meeting the needs of children who have been assessed under section 21 of the Act as having needs for care and support and for their families.
Section 117 of the Mental Health Act 1983 ( <i>after-care</i> )	

**Table 2****Local authority functions in relation to adults**

<i>Function</i>	<i>Extent</i>
Parts 3 and 4 of the Act ( <i>assessing and meeting needs for care and support</i> )	In so far as they relate to meeting the needs of persons over the age of 18 who have been assessed under section 19 of the Act as having needs for care and support because they are dependent on alcohol or drugs, or because they are victims of domestic violence or abuse, have
Section 117 of the Mental Health Act 1983 ( <i>after-care</i> )	

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(21) 2006 c. 43.

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<i>Function</i>	<i>Extent</i>
	a history of violent or abusive behaviour or because they have a mental disorder.

**Table 3**

**Local Health Board functions in relation to children**

<i>Function</i>	<i>Extent</i>
Section 117 of the Mental Health Act 1983 ( <i>after-care</i> )	In so far as they relate to the provision of health services or facilities for, or treatment of children who have been assessed under section 21 of the Act as having needs for care and support, including the assessment of need for such services or facilities.
Section 82 of the National Health Service Act 2006 ( <i>co-operation between NHS bodies and local authorities</i> )	
Section 1 of the National Health Service (Wales) Act 2006 ( <i>duty to promote health service</i> )	
Section 2 of the National Health Service (Wales) Act 2006 ( <i>general powers</i> )	
Section 3(1)(c),(d), (e) and (f) of the National Health Service (Wales) Act 2006 ( <i>provision of certain services</i> )	
Section 10(1), (2), (3), (4) and (5) of the National Health Service (Wales) Act 2006 ( <i>arrangements with other bodies</i> )	
Section 38(6) of the National Health Service (Wales) Act 2006 ( <i>duty to make available services provided by a person employed in the health service to enable local authorities to discharge functions</i> )	

**Table 4**

**Local Health Board functions in relation to adults**

<i>Function</i>	<i>Extent</i>
Section 117 of the Mental Health Act 1983 ( <i>after-care</i> )	In so far as they relate to the provision of health services or facilities for, or treatment of persons who are dependent on alcohol or drugs, or who are victims of domestic violence or abuse, have a history of violent or abusive behaviour or who have a mental disorder, to include the assessment of need for such services or treatment.
Section 82 of the National Health Service Act 2006 ( <i>co-operation between NHS bodies and local authorities</i> )	
Section 1 of the National Health Service (Wales) Act 2006 ( <i>duty to promote health service</i> )	
Section 2 of the National Health Service (Wales) Act 2006 ( <i>general powers</i> )	

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<i>Function</i>	<i>Extent</i>
Section 3(1)(c),(d), (e) and (f) of the National Health Service (Wales) Act 2006 ( <i>provision of certain services</i> )	
Section 10(1), (2), (3), (4) and (5) of the National Health Service (Wales) Act 2006 ( <i>arrangements with other bodies</i> )	
Section 38(6) of the National Health Service (Wales) Act 2006 ( <i>duty to make available services provided by a person employed in the health service to enable local authorities to discharge functions</i> )	

## **EXPLANATORY NOTE**

*(This note is not part of the Regulations)*

Sections 166 to 169 of the Social Services and Well-being (Wales) Act 2014 make provision for partnership arrangements between local authorities and Local Health Boards.

These Regulations set out the requirements for each Local Health Board and the local authorities within the area of each Local Health Board to take part in partnership arrangements for the carrying out of specified health and social services functions; the Regulations also make provision, amongst other things, for the operation and management of the partnership arrangements, the establishment of regional partnership boards and the establishment and maintenance of pooled funds.

Regulations 2 to 8 describe the Local Health Boards and the local authorities which are to take part in partnership arrangements. They also require the establishment of seven regional partnership boards and require the partnership arrangements to be carried out under the direction of a specified regional partnership board.

Regulation 9 and Schedule 1 describe the functions of Local Health Boards and local authorities which are to be carried out by the partnership arrangements.

Regulations 10, 11 and 12 provide for the objectives of the regional partnership boards, together with membership and reporting requirements.

Regulation 13 provides for the sharing of information between partnership bodies, integrated family support teams and regional partnership boards.

Regulation 14 enables each partnership body to delegate functions to another partnership body for the purposes of the partnership arrangements.

Regulations 15 to 18 contain specific provision in relation to partnership arrangements for carrying out family support functions (as specified in Schedule 4) and the establishment of integrated family support teams. These arrangements are intended to provide continuity with current arrangements under Part 3 of the Children and Families (Wales) Measure 2010.

Regulation 19 requires pooled funds to be established and maintained in relation to specific functions of partnership bodies.

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