

What matters to Carers? *Is a 'What Matters' conversation an assessment?*

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In her first annual statement on the Social Services and Wellbeing (Wales) Act 2014, the Minister for Social Services said in respect of carers:

We are proud ... that the Act has given enhanced rights to carers. 'Now for the first time, thanks to this legislation, carers have an equal right to assessment and support as those they care for'.²

In response to questions by the Assembly Member for Anglesey, which referenced the survey by Carers Wales and their Freedom of Information requests to local authorities, the Minister accepted that the data from Carers Wales demonstrated inconsistency and ineffective recording of engagement with the IAA³ services across Wales. In the Minister's opinion the data could be explained as a recording error rather than evidence that carers were being denied an assessment.

A year on and we have in essence, no robust information about carers and their enhanced right to assessment. It is not possible to establish whether carers who would previously have been assessed as providing 'substantial and regular care' are able to secure provision from their local authority either through a carers support plan managed by the local authority or through a Direct Payment and whether the assessment obligation triggered by the appearance of need has improved the lives of many more carers through community based provision. The Minister in her report informed the Assembly that the Government had set out proposals for short term, medium term and long term evaluation of the Act but at that stage there were no details in the public domain. In the autumn of 2017 the first data on Adults and Children receiving care and support since the implementation of the Act will be published. This data should provide a picture of local authority provision since implementation. It will however, prove challenging to establish improvement or deterioration by comparing data pre implementation and post implementation because of the change to legislation.

The Carers Wales '[Track the Act](#)' survey of carers and their Freedom of Information (FOI) requests to local authorities about their carer provision has raised some important issues and concerns.

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² National Assembly for Wales '[The Record of Proceedings](#)' 04/04/2017 at 16:06 Rebecca Evans, Minister for Social Services and Public Health - Oral Statement

³ Information Advice and Assistance.

A key issue is the recording by a number of authorities of 'what matters to you conversations' rather than assessments when asked to record the number of carers assessments.

What matters conversation and statutory assessments

A cursory look at local authority information web pages would lead one to conclude that the term 'what matters to you conversations' has become synonymous with the statutory assessment. Merthyr Borough Council, for instance, in its guidelines to Children Services staff refer to the need to have a conversation '*known in the Act as a What Matters Conversation*' structured around the five elements of assessment.

The phrase 'what matters to you matters to us' is *de rigueur* amongst local authorities in Wales to convey the difference between the old order, prior to April 2016, and the new order.

This term is not unique to social services in Wales, it is by now part of the lexicon of health and social care in other parts of the United Kingdom. It would seem that social work engagement and communication skills in working with people are being conflated with the concept of an assessment.

It is important to emphasise that a 'what matters conversation' *does not* appear in the Act, the Regulations⁴ nor the accompanying Code on Practice on Assessment.⁵

It is equally important to emphasise that Local Authorities have not been given a duty to have a 'what matters conversation' but to assess those who are eligible for assessment.

It is fair to say, however, that the term 'what matters' does appear in the Code relating to the Information Advice and Assistance (IAA) and the Code on Assessment but this is about the methodology of assessment in other words how to assess.

The word 'conversation' appears four times in the Code: as a 'respectful conversation'; a conversation that 'promotes independence'; it should not be a 'difficult conversation'; and that an assessment will be the 'product of a conversation. This gives credence to the view that this is about the process of engaging and communicating with people in order to undertake a well informed and robust assessment.

One could take the view of Humpty Dumpty when he says to Alice "when I use a word it means just what I want it to mean".⁶

Using the term 'what matters conversation' as a respectful way of denoting an assessment would probably be acceptable, if indeed an assessment was actually being undertaken and those involved in such a conversation were made aware that an assessment was being undertaken.

Local Authorities have been asked in their data collection returns for 2016-2017 to record all *provision* of advice and assistance through the IAA service as an assessment in accordance with the Code of Practice on Assessment. The guidance

⁴ Care and Support (Assessment) (Wales) Regulations 2015.

⁵ Part 3 Code of Practice (assessing the needs of individuals).

⁶ Lewis Carroll *Through the Looking Glass*.

states that there is 'no need to distinguish between advice and assistance and (*these elements*) do not need to be separated out'.⁷ A comprehensive or specialist assessment that follows on from the IAA assessment will be recorded as one assessment.

The data collection from Carers Wales⁸ and the Carers Engagement Overview Report⁹ tell us that carers say that are not routinely being offered assessment and parents of children with complex needs and carers of adults with mental health needs were highlighted as having limited support.

Is it that carers do not recognise the 'what matters to you conversation' as an assessment? Could it be that carers do not recognise the advice and assistance provided to them by the IAA service is indeed an assessment of their needs?

The guidance to local authorities on data collection identify face to face advice and assistance via telephone, email and other electronic means as assessment. The guidance on data collection says quite simply, 'If advice and /or assistance are given and assessment, proportionate to the circumstances and /or the presenting needs will have taken place'.¹⁰

In this context, a 2017 briefing on the Act states:¹¹

The duty to assess is mandatory if the person 'may' have a need for care and / or support. Once an assessment has commenced, then there is a duty to consider whether the person's needs meet the eligibility criteria.

The briefing adds that 'proportionality goes to the question of how wide and deep the assessment ranges – and not to whether it is undertaken at all'.

It would be deeply concerning if people are being 'fobbed off' at the IAA stage by a conversation masquerading as an assessment. To suggest, that discounting a conversation with the IAA service as an assessment may reflect confusion on the part of the carer, will add insult to injury, as surely the onus is on the local authority to convey explicitly to a carer that an assessment is taking place.

How to know whether an assessment has taken place?

A carer has a statutory right to expect to receive a copy of their assessment and this is important in clarifying that an assessment is deemed to have taken place. The assessment should reflect how the five dimensions of an assessment, as set out in the Regulations, have been addressed. The rational for a support plan for carers should be recorded or conversely the rational for not providing a support plan. In the spirit of a 'respectful conversation' it would be reasonable to have recorded the views of the person being assessed and their agreement or disagreement and whether the

⁷ Statistics for Wales [Adults receiving care and support 2016-17](#) (Welsh Government 2017) Statistics for Wales [Children receiving care and support census 2016-17](#) (Welsh Government 2017).

⁸ Carers Wales '[Track the Act](#)'.

⁹ Care and Social Services Inspectorate Wales (CSSIW) *In support of carers: Carers engagement overview report* (CSSIW 2017)

¹⁰ Statistics for Wales [Adults receiving care and support 2016-17](#) (Welsh Government 2017) Statistics for Wales, p.4.

¹¹ Clements, L [The Social Services & Well-being \(Wales\) Act 2014: An overview](#) (2017) p.9.

person has received information on how to make a representation or raise a complaint.

A carer should reasonably expect that the local authority is compliant with its statutory duty in relation to the assessment. The carer could expect to know who is the lead practitioner, the name of the assessor and whether she/he hold the relevant qualifications as set out in the Code of Practice.¹²

Carers will feel valued and supported, as is surely the intention of Welsh Government, when they receive an assessment that will meet their needs for support and is robust enough to stand up to scrutiny.

The data collection exercise does not use the term 'what matters conversation' and the onus is on Welsh Government to clarify whether such a conversation is indeed a statutory assessment.

The more cynical amongst us will ask, is the 'what matters to you' conversation a fig leaf for something less than an assessment and a way of minimising the number of carers with a support plan.

The data collection reports and the evaluation proposed by Government will begin to build a picture of provision under the Social Services and Well-being (Wales) Act 2014. It is, however, the work of Carers Wales to Track the Act and the collation of information from other carer organisations and groups that will remain critical to our understanding of the experiences of carers and should be the foundation for the development of carer provision in Wales.

Rhydian: Wales Social Welfare Law on-line

This paper is part of a project to develop an 'on-line' critical commentary on social welfare law in Wales: 'Rhydian'. We welcome comments, discussion and analysis concerning the state of social welfare law and guidance in Wales. The focus will be on health and social care law but include education and the other related devolved social welfare fields. We are looking for material concerning positive experiences, the not so positive experiences and matters that you would like to see being aired, discussed analysed and debated publicly.

Ann James and Luke Clements are coordinating this project (but keen for offers of support as well as papers, articles, news items etc). Ann's email contact address is: anjames57@gmail.com

¹² Part 3 Code of Practice (assessing the needs of individuals), paras 41, 43 and 116.