



Arolygiaeth Gofal a Gwasanaethau Cymdeithasol Cymru
Care and Social Services Inspectorate Wales

National Advisory Board

National Assembly for Wales /
Cynulliad Cenedlaethol Cymru
[Health and Social Care
Committee / Y Pwyllgor
Iechyd a Gofal Cymdeithasol](#)
[Regulation and Inspection of
Social Care \(Wales\) Bill / Bil
Rheoleiddio ac Arolygu Gofal
Cymdeithasol \(Cymru\)](#)
Evidence from National
Advisory Board - RISC 21 /
Tystiolaeth gan Fwrdd
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Dear Chair

Thank you for the opportunity to contribute to the Health and Social Care Committee's consideration of the Regulation and inspection of Social Care (Wales) Bill. The views from the CSSIW's National Advisory Board are outlined below.

We were pleased to note the Committee's invitation for lay members of the NAB to attend to provide oral evidence.

Role of the National Advisory Board

The National Advisory Board (NAB) has an advisory role, providing expertise and authoritative advice to the Chief Inspector of Care and Social Services Inspectorate Wales (CSSIW) in order ***to improve care and social services for the people of Wales through better regulation, inspection and review.***

The NAB's overarching focus is to use its expertise to drive improvement in the social care, and childcare sectors and has a specific role to:

- be the 'voice' for citizens and stakeholders, telling us what services are like;
- help CSSIW to set priorities and monitor performance;
- review CSSIW findings and contribute to the development and improvement of our operations / services.

Views

1. Do you think the Bill as drafted will deliver the stated aims (to secure well-being for citizens and to improve the quality of care and support in Wales) and objectives set out in Section 3 (paragraph 3.15) of the Explanatory Memorandum? Is there a need for legislation to achieve these aims?

We welcome the overarching aims of the Bill and the emphasis on improving people's wellbeing. We note that the Bill is aligned to the Social Services and Wellbeing Act (Wales) 2014, and both place the citizen at the heart of care services. This alignment is important for developing a coherent approach across Social Services and regulated care.

We support the aims of the Bill and believe its general provisions will meet the Government's objectives. The delivery of high quality care is very important to those receiving care and it will be important to ensure that the Bill's aims are able to be realised in practice. Implementation and the detail will be key to this.

2. What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill adequately take account of them?

We feel that a skilled and motivated care workforce is critical to the provision of good care. We are concerned that public spending austerity measures may adversely impact on the workforce in respect of pay and conditions and training opportunities. We believe this to be one of the largest barriers to delivering on the Bill's aims. We acknowledge the proposed role for Social Care Wales in driving workforce standards but are concerned that the new body may take some years to become fully effective.

We support the principle behind making the Responsible Individual (RI) more accountable but feel it may be challenging to secure people of the right calibre and motivation to take on the new statutory duties. We believe there is potential for frequent changes in RIs which will undermine consistency and continuity of care services. It will be important that the capacity of an RI to oversee a number of services is carefully considered.

3. Do you think there are any issues relating to equality in protection for different groups of service users with the current provisions in the Bill?

The Board considered equality issues and feel that all people should have similar entitlement and protection whether services are regulated or not. We see that some people are at greater risk of exploitation for example people with mental illnesses and learning disabilities. As a group we have particular concerns about personal care behind closed doors in people's own homes and day centres as this can increase people's vulnerability.

4. Do you think there are any major omissions from the Bill or are there any elements you believe should be strengthened?

We understand that the Bill excludes childcare but felt it should extend to childcare to ensure parity. We are pleased to see that the Bill does provide for powers to extend regulation to cover other or new types of care provision in the future.

5. Do you think that any unintended consequences will arise from the Bill?

We did not identify any particular risks of unintended consequence that may arise from the Bill.

6. What are your views on the provisions in Part 1 of the Bill for the regulation of social care services? For example moving to a service based model of regulation, engaging with the public, and powers to introduce inspection quality ratings and to charge fees.

We support the move to a service based model with greater oversight by CSSIW across a number of services owned/operated by the same provider/company. We welcome CSSIW's proposals for on-line registration services as this will reduce

bureaucracy. The Board however feels that the future model should not seek to diminish or take away the important role of site inspection and regulator talking and visiting people in the environment they are being cared for. We have been assured that the integrity of inspection will remain central to the Bill and the new system.

We welcome the proposal to formalise the role of the public within regulation.

We believe that as a national advisory board we have been able to influence and inform the direction and operation of CSSIW and welcome the opportunity to ensure the voice of people using services and their carers is considered by the regulator. We have considered the independent visitor pilot studies and whilst we welcome the opportunity for people to be involved directly in inspection work and we realise that this comes at a cost.

We have mixed views on the rating system. We see it has major benefits and it is people's right to have access to clear and transparent information about different care settings/service. However, we see also the tension this may place on families and professionals when making decisions about future care options where the choices of good care that may be on offer may be limited. We support ratings but also see there needs to be sufficient providers and in Wales who can offer quality and choice.

We note that advocacy is one of the areas to become regulated. It is important that the new system maintains a level of safeguard on the independence of advocacy services to ensure the service does work in the best interest of people and is reflective in giving them a voice. Over-regulation may have a negative impact on people's use and perceptions of advocacy.

7. What are your views on the provisions in Part 1 of the Bill for the regulation of local authority social services? For example, the consideration of outcomes for service users in reviews of social services performance, increased public involvement, and a new duty to report on local markets for social care services.

Commissioners have an integral role in creating the right market for quality care in Wales. It is important therefore that care is commissioned against the high service standards to be set in the Bill and to meet the national wellbeing objectives.

In respect of the proposal for annual reports for local authorities, CSSIW and providers of care, we view this to be positive but reports must be useful to people, accessible and clear about the performance of services.

8. What are your views on the provisions in Part 1 of the Bill for the development of market oversight of the social care sector?

We welcome proposals for market oversight but see this will be challenging to both local authorities and CSSIW and will require a different set of skills. It is important that the Commissioners of care are also accountable to ensure they only contract providers that offer good quality care.

We also felt there to be an important role for UK oversight of the care market as many large companies operate across the UK and there is a responsibility on the

differing Governments. Pan UK collaboration is essential to promote the sustainability of the future care sector/companies across the UK and also to ensure parity of treatment and care of people who are cared for across our UK borders.

9. What are your views on the provisions in Part 3 of the Bill to rename and reconstitute the Care Council for Wales as Social Care Wales and extend its remit?

What are your views on the provisions in Parts 4 - 8 of the Bill for workforce regulation? For example, the proposals not to extend registration to new categories of staff, the removal of voluntary registration, and the introduction of prohibition orders.

What are your views on the provisions in Part 9 of the Bill for co-operation and joint working by regulatory bodies?

We have mentioned previously our view about workforce and welcome the new body to be known as Social Care Wales and the renewed emphasis and investment to build workforce capacity and standards. We believe it is important that Social Care Wales continues to have a role in driving improvement in the childcare workforce.

New duties of co-operation and joint working are welcomed but it is important they are effective and have some teeth when operating in practice.

10. In your view does the Bill contain a reasonable balance between what is included on the face of the Bill and what is left to subordinate legislation and guidance?

We have no firm view on this but we do however feel it is important that the law is not restrictive and overly burdensome. We mentioned earlier the importance of regulation which is practical and proportionate.

Financial implications

13. What are your views on the financial implications of the Bill as set out in parts 6 and 7 of the Explanatory Memorandum?

We note the financial implications in the documentation to support the Bill. Below is an extract of the view we expressed to Welsh Government in our response to regulations being made under the Social Services and Wellbeing (Wales) Act 2014 on financial viability.

“in the current climate the Board’s view is that some of the aspirations/objectives of the policy may not be realised in practice for example there is major assumption on people needs and outcomes will be met through preventative services which are few and patchy across different parts of Wales. Given the austerity measures and pressures faced by public and other services, it is unclear as to the means by which local authorities and health partners can grow and promote capacity in prevention to serve people wellbeing need without significant investment and sufficient time for services to be developed.”

We wish the Committee to note our concerns about financial conditions and challenges of meeting the aspiration of both the Social Services and Wellbeing (Wales) Act 2014 and this Bill in achieving improved citizen wellbeing over the medium term.

Other comments

14. Are there any other comments you wish to make about specific sections of the Bill?

CSSIW's National advisory Board would like to thank the Committee for this opportunity. We would also like to acknowledge our support to the efforts of Welsh Government in the prioritising the care of vulnerable people through bespoke Welsh law that places the voice and wellbeing of its citizens at the heart of public services in Wales.