

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 Hywel Dda University Health Board – RISC 31 / Tystiolaeth gan Fwrdd Iechyd Prifysgol Hywel Dda – RISC 31

## **Brief Description on the Role of our Organisation**

Hywel Dda University Local Health Board provides healthcare services to a total population of around 372,320 throughout Carmarthenshire (178,119), Ceredigion (78,200) and Pembrokeshire (116,001). It provides Acute, Primary, Community, Mental Health and Learning Disabilities services via General and Community Hospitals, Health Centres, GPs, Dentists, Pharmacists and Optometrists and other sites.

## **Consultation Questions and Responses**

To help the Health and Social Care Committee in its consideration of the Regulation and Inspection of Social Care (Wales) Bill, the Committee would welcome your views on any of the following questions on which you feel able to comment.

### **General**

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?
  1. The Bill alludes to the fact of the disparity between England and Wales with regard to the regulatory regimes which means that there could be services in Wales that are unregulated. There is also some disparity with regard to the EU Directives. The legal changes have not been updated since Welsh Devolution and to the Government of Wales Act. The University Health Board therefore supports the view of a coherent Welsh statute and supports the move to a more effective legal Framework which will potentially reduce duplication and help streamline the rules and regulations.
2. What are the potential **barriers** to implementing the provisions of the Bill (if any) and does the Bill adequately take account of them?
  2. The Bill has an emphasis towards Social Care and the implications for those services. However there is a high percentage of care that is commissioned through Health Services and this needs to be recognised and the regulation of care in social care needs to be similarly replicated to the care provided through the NHS. Particularly the care packages for patients in their own homes and also the care that is commissioned in Nursing Homes. If there was enhanced regulation of care in the community. This would mean a significant increase in the resource to support this. The expertise of those providing the

care is not always of level that is appropriate and recruitment and retention of staff is sometimes difficult. More rigour in the regulations would improve standards and care for people both in Nursing Homes and in the community but having the appropriate resource to support care in the sector maybe difficult to find without further investment.

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?
  3. The intention to improve public engagement; the enhancement of the regulations, the introduction of quality ratings and an emphasis on outcomes over a broader spectrum of services can only help to ensure equity and equality for the individual.
4. Do you think there are any major **omissions** from the Bill or are there any elements you believe should be strengthened?
  4. There is a real emphasis in the Bill towards Social Services, the Bill should have more of a focus on Health Services as the NHS commission a significant amount of care in the sector.
5. Do you think that any unintended consequences will arise from the Bill?
  5. If all Services are regulated in the same way then this should not create inequalities for the public. The consequence of not may create unintentional disparity between services.

## Provisions in the Bill

The Committee is interested in your views on the provisions within the Bill, and whether they will deliver their stated purposes. For example:

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.

  6. Inspection Quality Ratings are an excellent move to ensure that regulations consider quality which currently may not be the case. However the quality ratings need to be measuring the appropriate areas and need to be risk averse in certain areas. With regards to fees this depends on the levels that are charged.
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.

  7. Have an outcomes based approach for service users in reviews of social service users is excellent and provides equality for all users. Increased public involvement is also helpful but it depends how this is managed. Focus groups

and talking and listening to what the majority rather than what the minority have to say will be very useful. Considering local markets is also a step forward. In some areas there is over provision and in others under provision of services and considering the local market provision can only help the inconsistencies in 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**?  
For example, assessment of the financial and corporate sustainability of service providers and provision of a national market stability report.
8. Having an oversight of the financial and corporate sustainability will be very useful. But expertise in this field may have to be sought as this will be over and above core skills of regulatory bodies and if service lead extra resources / workforce will have to be sought to undertake this form of monitoring. However it is step in the right direction.
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?
9. The University Health Board does not have an opinion. However extending the remit will be useful and may create greater rigour.
10. 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.
10. Extending registration to further categories of staff may create confusion, therefore this is supported. The removal of voluntary registration introduction of prohibition orders the University Health Board supports.
11. What are your views on the provisions in Part 9 of the Bill for **co-operation and joint working by regulatory bodies**?
11. Cooperation and Joint working can only be a good thing to pool resources and create consistency for the regulatory bodies is supported.

## Delegated powers

The Bill contains powers for Welsh Ministers to make Regulations and issue guidance, and for Social Care Wales to make Rules.

12. 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**?
12. The University Health Board supports the view that Welsh Ministers make regulations and issue guidance whilst Social Care Wales **and NHS make rules**.

## 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?

13. The University Health Board would just like to support the view that the Bill should be cost effective but provide the assurance that there is enhanced regulation in the system.

#### **Other comments**

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

14. Nothing further to add.