



# Health and Social Care (Quality and Engagement) (Wales) Bill

## A JOINT RESPONSE FROM WCVA AND THE CO-PRODUCTION NETWORK FOR WALES

1. [Wales Council for Voluntary Action](#) (WCVA) is the national membership organisation for the third sector in Wales. Our vision is for a future where the third sector and volunteering thrive across Wales, improving wellbeing for all. Our mission is to be a catalyst for positive change by connecting, enabling and influencing. WCVA exists to enable voluntary organisations to make a bigger difference together.
2. WCVA works with the [Third Sector Partnership Council](#) (TSPC) networks, representing 26 categories of third sector interest, the 19 county voluntary councils (CVCs) and other development agencies, to provide a support structure for the third sector in Wales.
3. The [Co-production Network for Wales](#) is an independent organisation working to transform public services in Wales through co-production and involvement, for the benefit of citizens and their communities, the professionals delivering services in the statutory and third sectors, and the public bodies that support them. The Network's mission is to enable shared trust, power and responsibility at the points where citizens and public services meet. Its remit is to grow good practice across sectors and across Wales, and to support policy and decision makers to shape a positive context for this work.
4. WCVA and the Co-Production Network welcome the opportunity to jointly respond to consultation on the Bill and the intention to strengthen the citizen voice, which is central to

improving services, and the further duty to improve probity within health and social care governance arrangements and service delivery.

5. We note that the Bill is predominately health-focused. Therefore, the title of the Bill is misleading. More weight needs to be given to social care organisations (local authorities) and their responsibility to ensure quality of and improvement of social care provision (Part 2). As with other public bodies, local authorities need to be open and transparent when things go wrong, be held accountable and learn through agreed processes through co-producing with members of the public.
6. The proposed Citizen Voice Body will be established for health and social care, and not solely health, but this is not reflected clearly enough in the Bill to take it forward as subordinate legislation.

### **DUTY OF CANDOUR (PART 3)**

7. In principle, the candour procedure, as a value-based way of thinking, acting and responding, is already established in health. It places an expectation on doctors, as members of the General Medical Council, to uphold their professional duty. Likewise, the Nursing and Midwifery Council expects staff to be open and candid with users of health care services when things go wrong and have led or could lead to significant harm. The professional duty of candour relates to staff in Wales as members of the General Medical Council or Nursing and Midwifery Council. We agree that a duty of candour should be extended to public sector bodies.

### **A LACK OF CONFIDENCE IN EXISTING REGULATIONS?**

8. It appears, through the proposed Bill, that Welsh Government is unsatisfied with the level of openness and diligence at a higher, more strategic, level and believe introducing the duty of candour will improve how health and social care organisations respond above and beyond the duties already placed upon them. Given that quality and access to services are inconsistent across Wales, putting in place extra measures of scrutiny are broadly welcomed. However, it is disappointing that such a Bill is being proposed, leading to a view that Welsh Government is not convinced that pre-existing regulations - for example, the National Health Services (Concerns, Complaints and Redress Arrangements) (Wales) Regulations (2011), which also place a duty upon providers of NHS services to be open when adverse incidents have happened - are not being enforced.
9. Furthermore, the Health and Care Standards Framework expects health and social care organisations to be open, receptive and truthful with people when something goes wrong with their treatment and care. Explanatory guidance also exists for social care professionals registered with Social Care Wales and makes it explicit that social care professionals must to be open and honest when things go wrong and will be held accountable (Code of

Professional Practice for Social Care, section 6.3). A duty of candour needs to be embedded throughout, from first point of contact to the content and deliver of an individual's care plan. The Freedom of Information Act (2000) is also important for citizens when there are adverse events. They have a right to request information from public bodies, but this is not as widely publicised as it should be.

## **NOLAN PRINCIPLES OF PUBLIC LIFE (1995)**

10. Introducing a higher level of candour for those in public office must take account of Nolan's Seven Principles of Public Life, including that decisions are made in an open and transparent way and holders of public office should be truthful. Introducing a vice chairperson will add an additional level of responsibility but, with more rigour, could also act more as a scrutineer. As highlighted in the report of the interviews conducted by WCVA with the seven Chairs of the Regional Partnership Boards, having an independent chair and vice chair would go some way to ameliorate mistrust between organisations, improve participation and remove cultural and behavioural barriers to changing the way care and support services are designed, commissioned and delivered by embedding the principles of co-production into everyday thinking and action through their independent leadership.

## **DUTY OF QUALITY**

11. Central to this duty are three aspects which are not reflected in the Bill.

- Co-production, specifically identified as a core principle of the Social Services and Well-being (Wales) Act (2014) and a key feature of a *Healthier Wales*, is missing from the Bill. It should be integral in ensuring citizens are at the heart of changing or improving provision.
- How will the Bill ensure that citizens' voices are strengthened beyond simply seeking resolution when things go wrong and move to a place where citizens are actively co-producing? That is, focusing on what matters and being treated as equals in improving the quality of services by co-designing and commissioning together with service providers.
- The Bill makes no reference to the role of Social Care Wales and Care Inspectorate Wales in improving social care services in the same way as has been set out in the Bill for health organisations.

## **MEASURING QUALITY TOGETHER AND CO-PRODUCED COMMISSIONING**

12. There needs to be further clarity as to what is measured and when to decommission what is not working by being brave enough to acknowledge when services need changing or growing. Citizens have a crucial role to play as co-producers and joint agents of change.

Good co-production means that that citizens should be valued for their experiences, assets, strengths and networks to commission their services together with health and social care organisations. Citizens, with professionals, should be at the heart of how services are evaluated to measure quality, learn, and change what is not working.

13. However, to improve quality of services through co-production takes time; time to build trusting relationships, time to measure and evaluate and time to co-design by changing the current funding timescales (e.g. Integrated Care Fund and Transformation Fund) to achieve better outcomes for people who access health and social care services.

## **STRENGTHENING THE VOICE OF CITIZENS**

14. There is very little difference between the current role of the Community Health Councils and what is proposed for the Citizen Voice Body, apart from the inclusion of social care. What will set the new body apart will be how it co-produces with citizens. The Bill needs to be more explicit as to how that is realised. It is not just a question of strengthening the voice through the Body representing citizens, it is about how citizens are actively involved in this. The [National Principles for Public Engagement](#), as endorsed by Welsh Government, should be integral to this. They offer a set of principles to service providers to ensure that people and communities are able to engage with decisions that affect them. Awareness training is available from ourselves and others in this regard.
15. The duty on health and social care organisations to listen to the Citizens Voice Body on matters related to quality will only work if the new Body can promote change and have confidence that change happens, and that robust evidence of this is provided. Citizens should be involved at every level and not purely represented as the Bill outlines. The Bill does not set out how citizens will be engaged, and the word 'engagement' is absent within the main body of the Bill, as indeed is 'involvement'. General objective (13, [2]) states that 'the Citizen Voice Body must seek the views of the public', but not how that materialises. Without setting out the parameters, such as, for example, 'the Body must co-produce with members of the public', the general objective (13, [2]) will be open to interpretation and co-production will be in danger of becoming diluted and lip service paid. Strengthening this aspect would also provide greater integration with the ways of working enshrined in the Wellbeing of Future Generations Act.
16. Children and young people are also citizens and their voice should be strengthened, with the Seven Children and Young People's Participation Standards used as a tool to ensure that they are involved in improving the quality of services, as well as designing services to meet their needs. This in turn could help mitigate the impact of Adverse Childhood Experiences and support prudent and prevention principles.

## **VOLUNTEERS**

17. The Easy Read version of the Bill refers to the use of volunteers. This leads the reader to assume a volunteer's role goes beyond the role they could play as members of sub-committees, which are likely to be limited by numbers. How will members of the public feed into the structure of the Citizen Voice Body? It remains unclear.
18. There is an opportunity to develop a volunteer cohort to support citizen involvement, but this would need investment to train and support not only volunteers, but members of the Body in what, how and why it is important to co-produce with citizens.

## **JOINING UP, WORKING TOGETHER**

19. The Social Services and Well-being Act requires organisations, across sectors, to co-produce with citizens and to develop mechanisms to involve members of the public on matters related to health, social care and well-being. The Regional Partnership Boards are charged with establishing Citizen Panels (e.g. Involve Newport, Greater Gwent Regional Citizen Panel). Currently they are variable as to their role and remit and it is unclear as to what is expected of these Panels. Where Citizen Panels exist, they are generally used to consult with several citizens via, for example, through questionnaires or surveys on subject/service areas a local authority wishes to examine, rather than citizens influencing the agenda to examine services which they feel need reviewing or where there are issues or challenges.
20. Additionally, local authorities have social care panels and user forums, which have a role in citizens contributing their direct experiences and knowledge. There needs to be a join-up between the Citizen Panels and the Citizen Voice Body to gain a robust and cohesive picture in terms of quality and improvement in public services. Unless this happens there is a danger of duplication and public bodies leading the health and social care agenda. There is also the aspect of losing out on invaluable citizen engagement and the opportunity to influence behaviours and the cultural changes required to co-create improved and more effective services.
21. In terms of quality and service improvement, [Measuring the Mountain](#) and the creation of a Citizens' Jury to focus on social care services led to several recommendations. The 'Jury' of 14 individuals recommended that 'co-production needs to be defined and embedded into practice which is understood and utilised by all who are involved in the creation, delivery and evaluation of social care services' and that 'citizens should be formally involved in greater and deeper scrutiny of the Social Services and Well-being Act to build confidence in the sector and ensure proper delivery of the Act'. Both these recommendations need to be considered when establishing the Citizen Voice Body. How will the Body interact with Measuring the Mountain, utilise the findings of the first Citizens' Jury and work with the Citizen Panels to create 360° opportunity for citizens to have a voice and control over how care and support services are delivered now and in the future?
22. We note the current work being undertaken by the University of South Wales to consider the effectiveness and impact of the implementation of the Social Services and Wellbeing

Act and believe it would be useful to take account of the work of the Study Expert Reference Group.

## **DISCUSSION**

23. WCVA and the Co-Production Network for Wales will be pleased to discuss these or any other points relating to this consultation response with officials, committees or Ministers if requested.

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