

**Health and Social Care Committee
Consultation on the Social Services and Well-being (Wales) Bill**

Wales Carers Alliance response

15.03.13.

Consultation questions

- 1. Is there a need for a Bill to provide a single Act for Wales that brings together local authorities and partners duties and functions in relation to improving the well-being of people who need care and support and carers who need support? Please explain your answer?**

The Wales Carers Alliance welcomes this once in a generation opportunity to provide a single Act for Wales that brings together local authorities and partners duties and functions in relation to improving the well-being of carers and people who need care and support. We support the high profile and status given to carers throughout the Bill and welcome the clear duty for carers to be treated in the same way as the person needing support. This recognition acknowledges the key role played by carers in social care across Wales and offers the potential to transform the way carers are supported by the statutory agencies.

We fail to understand therefore the rationale behind excluding carers from the positive introduction of portability of assessment and care plans from one local authority to another. The exclusion of carers from this section of the Bill is inconsistent with the stated aim of treating carers in the same way as the person needing support and we call for carers to be fully included the portability of assessment and care plans, as recommended by the Dilnot Commission (Fairer Care Funding, The Report of the Commission on Funding of Care and Support 2011).

There is currently a poor knowledge and understanding of existing legislation amongst social care practitioners across Wales so a single Act could provide a valuable impetus to the delivery of better care and support services. The Alliance however, has some concerns about the extent to which the Bill as currently drafted fully integrates existing legislation which has provided the legal framework for social care for a considerable time. It will be vital to make sure that the relationship between the new legislation and previous laws is made explicit, so that the implications of changing or removing key duties and definitions is clear and understood e.g. definition of a disabled child (Children's Act 1989 or duty to provide aids and adaptations (Chronically Sick and Disabled Persons Act 1970).

The Alliance appreciates and supports the ambitious aims and objectives of the Bill but are not convinced that the Bill as it currently stands does enough to address many of the longstanding legal barriers to greater cooperation and coordination between health and social services. There are numerous mechanisms in place currently to encourage and enable greater joint working between health and social services which are not fully taken up and the Bill does not seem to substantially change the legal status quo in this area. If this Bill is to achieve its stated aims and objectives we would call on the Welsh Government to strengthen the duty on health and social Services to cooperate.

2. Do you think the Bill, as drafted, delivers the stated objectives as set out in Chapter 3 of the Explanatory Memorandum? Please explain your answer.

The Wales Carers Alliance welcomes the ambitious aims and objectives of the Bill outlined in the Explanatory Memorandum in particular the full inclusion of carers, the emphasis on voice and control, the focus on well-being and prevention and promoting user-led and socially orientated services.

Our key concern would be that the wording of the Bill as currently drafted does not clearly describe how these admirable aims will affect carers and the people they care for on an individual basis. The sections on well-being and prevention tend to be general rather than specific to individuals and therefore do not clearly explain how the new law will facilitate the flow between universal, preventative and targeted care and support. We do not feel that the Bill is prescriptive enough on preventative services and well-being at an individual level e.g. who will take the decision to offer preventative services or will there be another level of assessment in addition to those already outlined and will there be a charge? This could potentially work against the objective of transforming social care and possibly end up reinforcing a narrow service led approach.

We are concerned that we have not had enough information on how eligibility thresholds will be formulated and at what level will needs be set to become eligible for services. In our view, if the criteria for eligibility is set too high then this this will have a negative impact on the aspirations for prevention and well-being contained within the Bill. Not everyone will want or need contact with social services or have a formal assessment to access services. For those individuals who do request assessments, if eligibility criteria is set too high then preventative measures and services may not be provided until that individual reaches a crisis point, which happens all too often at the moment. The lack of information on eligibility criteria is a serious cause for concern and as it stands the current wording of the Bill could easily be read to facilitate increased gatekeeping by local authorities.

Aelodau:

Age Cymru, Anabledd Dysgu Cymru, Cymdeithas Genedlaethol Awtistiaeth Cymru, Cymdeithas Alzheimer, Cymdeithas MS Cymru, Cynhalwyr Cymru, Cyswllt Teulu Cymru, Fforwm Cymru Gyfan, Gofal a Thrwsio Cymru, Hafal, Macmillan Cancer Support, Parkinson's UK, Plant yng Nghymru, SNAP Cymru, Y Gyndeithas Strôc, Ymddiriedolaeth Christan Lewis, Ymddiriedolaeth Gofalwyr

Members:

Age Cymru, All Wales Forum of Parents & Carers, Alzheimer's Society, Care & Repair Cymru, Carers Wales, Children in Wales, Christian Lewis Trust, Contact a Family Wales, Hafal, Learning Disability Wales, Macmillan Cancer Support, MS Society Wales, National Autistic Society Cymru, Parkinson's UK, SNAP Cymru, The Carers Trust, The Stroke Association

- 3. The Bill aims to enable local authorities, together with partners, to meet the challenges that face social services and to begin the process of change through a shared responsibility to promote the well-being of people. Do you feel that the Bill will enable the delivery of social services that are sustainable? Please explain your answer.**

To deliver sustainable social services it is essential to have a thorough knowledge and understanding of existing costs and future challenges. The Alliance have reservations about the current Regulatory Impact Assessment provided in the Explanatory Memorandum and would call for a much more thorough analysis of the real cost implications of the Bill. We are concerned that the costs of the new system may have been under-estimated and given the opportunities for charging contained within the Bill we would be anxious that existing and additional costs will increasingly be transferred onto service users and carers.

The Alliance has particular concerns over the sections in the Bill on charging for services to carers as well as charges for preventative services and the provision of information and advice. The possibility of charging for information and advice seems particularly perverse and would seem to undermine the transformative agenda contained in the Bill.

- 4. How will the Bill change existing social services provision and what impact will such changes have, if any?**

The Wales Carers Alliance welcomes the high profile and status given to carers throughout the Bill, we believe that this provides a real opportunity to transform existing social services provision by putting carers at the heart of social care in Wales. For this change to occur it will be vital that carers, individually and collectively, are seen as equal partners in the provision of care with social services and health, whilst also having a right to a life of their own and a real choice about whether to continue caring or not. We would hope that the Bill will be a catalyst for change in the way that services are commissioned and provided. We would hope that social services embrace the Bill and consult with a wide range of individuals including carers within their own area about what sort of services they would wish to see. The impact would be that people are put at the heart of services and that any services are provided or commissioned around their needs rather than the other way around where people are made to fit into services that already exist. The sections on voice and control in the Bill at an individual and collective level will need to be strengthened to ensure this change in services takes place across Wales.

Aelodau:

Members:

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

The Wales Carers Alliance thinks that the main barriers to implementing the provisions of the Bill will be the increasing demands on social care due to demographic changes, the associated accumulative costs and limited financial resources to meet demand. However other barriers are inherent in the Bill itself such as; the lack of a new legal framework to increase joint working between health and social services, unclear definition and description of prevention and preventative services and uncertainty over eligibility criteria. For the Bill to be successful it will be important for these key areas to be clarified and strengthened.

6. In your view does the Bill contain a reasonable balance between the powers on the face of the Bill and the powers conferred by Regulations? Please explain your answer?

7. What are your views on powers in the Bill for Welsh Ministers to make subordinate legislation (i.e. statutory instruments, including regulations, orders and directions)?

In answer to both these questions there seems to be considerable amount of detail which has either been left to regulations at a later date or to the powers for Welsh Ministers to make subordinate legislation. The Wales Carers Alliance would be concerned that too much detail has been left to regulation and subordinate legislation and we would hope that much of this information will become clearer through the passage of the Bill.

Keith Bowen

Chair of the Wales Carers Alliance.