

## **SOCIAL SERVICES and WELL-BEING [Wales] BILL** **[Draft for PO Determination]**

Although I agree mostly with the **Social Service and Welfare Bill**, there are points where the bill needs to be clarified. There is a need to make changes for the benefit and protection of those using the service and those who deliver the service, there must be a clear understanding of the meaning in the paragraphs with some of the wording in the description of what they mean to ensure a positive and clear understanding to all concerned. These are the points that I have looked at and the changes that would give a clear understanding to the citizen in my view.

**Part 1 - 3/4 [page 5]** Children who take on the responsibility of caring for an adult should have an age limit so that the child fully understands the responsibility of caring. The term "child" should be changed to Young Person, as it is demeaning when that individual is taking the responsibility of an adult. Social services should also involve other relatives wherever possible.

**Part 2 - 4/4/ a-b [page 7]** The views of the child/young person should be taken into account as this will ensure the right attitude in relation to the parent or those with parental responsibility from the child or young person.

**Part 2 - 8/4 [page 9]** to ensure protection for those that may be neglected or abused. Hospitals must register and report any report by members of staff of any serious suspected neglect or abuse by a parent or those with parental responsibility to the social service and other authorities within its area immediately

**Part 2 - 9/5/ a-b-c [page 10]** Added to this should be those who are neglected abused or are suspected of neglect or abuse. Changes must be made in paragraph 5 from "may" to "**must**" to safeguard the individual, it must include the provisions for adults who are abused or suspected of being abused placed in a separate register

**Part 2 - 15/1 [page14]** Paragraph change from "if" to "**when**" the word "if" implies that the local authority can refuse support as in the case of stress,

**Please Note:** There is a need for Social Service Providers to ensure that the staff they employ have enough time for their own social life, I have met and talked to some carers and the most talked about problem was that there was no time for their social life and the stress factor they are under.

**Part 4 - 20/1 a-b [page 17]** Paragraph a-b both need to be changed to "**providing necessary support**" from "providing something"?

**Part 4 - 23/4 [page 19]** change "does not apply" to "also" to protect the child from abuse within the service this ruling must also apply to adults.

**Part 4 - 24/3 [page 19]** change "whether or not it has completed a" to "and require a full assessment" so that a full and complete assessment is known before a decision is made

**Part 4 - 24/4 [page 19]** change from "does not" to "must"

**Part 4 - 25/1 [page 19]** In the contexts of this section a young person must have the right to choose to be in contact or not with his or her family or indeed the social service if circumstances are not putting the young person in any difficulty.

**Part 4 - 27/3 [page 21]** condition 2, but the child/young person must be of a certain age and understands the responsibility of providing care for the cared adult

**Part 4 - 29/2 [page 22]** the word "and" must replace "whether or not." [Without a full assessment the full facts cannot be made of the necessity of the need]

**Part 4 - 31/6 [page 23]** Consultation with NHS for arranged nursing care for adults, young persons and children

**Part 4 - 31/10 [page 24]** the words "not" and "does not need to be provided" must be deleted from this paragraph

**Part 4 - 35/3/ [page 26]** condition 1, Could the term "Parental Responsibility" include trusted friend/friends

**Part 4 - 37/1/k [page 28]** In these cases the words "believes or no longer lacks" must be based upon factual evidence, which includes Medical evidence/advice

**Part 4 - 39/f [page 30]** note: The person concerned should have the right to be consulted and asked for consent without pressure being applied in given copies to a third party

**Part 6 - 60/1/2/3/4 [page 44]** A set help period of time must be introduced from the social service for those who are visitors and are not UK citizens so that the system is not abused by the people who use the system to benefit their own welfare.

**Part 6 - 60/5 [page 44] Add before may "subject to vetting of that person"**

**Part 6 - 67/1/2/3/4/5/6 [page 49/50] note: Young person/child who is capable of understanding the plan [s] of reviews can be included in the discussions of the plan [s] also the consent of the person must be asked for when copies are given to a third party**

**Part 6 - 72/ a/b/c/d. [page 50] the young person/child opinion must be taken into consideration.**

**Part 6 - 76/d-1/2 [page 51] note: The young person or child with an understanding of the religious persuasion must be independently allowed to choose to follow or not the religious persuasion. Those of parental responsibility or any other person [s] must not impose religious following on him or her.**

**Part 6 - 82/8 [page 56] Add after "withdrawn "However the Authority must seek an explanation for the refusal from the young person or child and if necessary an investigation be made to find out the circumstances of the refusal.**

**Part 6 - 90/3 [page 61] Add "with the exception of disabled persons and requested support from those of 25 years and over depending on the circumstances"**

**Part 6 - 95/3 [page 65] Add after "regulation" subject to savings account after £10,000 [suggested amount]**

**Part 6 - 99/6 [page 68] Part 7**

## **[Policing within the Social Service]**

As far as I am aware at present any inspection/investigation being made has to inform the care home of arrival and produce an ID. This may give a warning of the impending check and with foresight certain person [s] in the home could prepare for the event so that the real situation is not known. To prevent neglect and abuse in all care homes a special team should be set up to report or prevent such practice in Wales. This team could have unlimited powers within the law to act when necessary at any time and need not announce their presence, [undercover] unless it is an open official investigation. This will not only act as a deterrent to neglect and abuse but will also prevent any sexual abuse of children or lead to arrests of those involved in such crimes. The team can be made up of Police Officers/Detectives and medical staff who have experience in this area supported by the NHS, Police Service, Courts and any local council departments to help them in an investigation. Working at a national level the team would be answerable to the Director of Social Services and the Safeguarding board. May I also ask the committee to consider an idea of psychological vetting/assessments in the Social Service for potential carers in children/Adults Homes as a safeguard for the well being of children and adults whom are cared for, If these measures could be introduce into the bill it would considerably help the Social Service to achieve its goals in the protection of individuals in care.

**Respectfully I ask the Committee to consider this idea and incorporate the into the Bill**

Part 8 - 132/1-ch1 [page 84] changes from "if" to "when" - change from "think it is expedient" to "have evidence"

Part 9 - 137/1-ch1 [page 86] change from "time to time" with "over a set period of time"

Part 9 - 141/2d-ch1 [pages 88] add provide "appropriate" staff

Part 9 - 141/3b-ch1 [page 88] change from "appear" to "are"

Part 9 - 143-ch2 [page 89] note: As Part 6 - 99/6 [page 68] Part 7  
Part 9 - 146/1/b/c - ch2 [page 92]

In conversations with carers from different providers the most talked about during these conversations was the fact that carers did not have any social life for themselves or quality time with their families. Most of the time is spent working on their days off having little time for themselves. Providers must give the carers some quality time off to adjust and relax by providing a better working practice. The amount of stress that the carers are under is very high and can in time create severe problems for that individual and their families, which could reflect in their work and may produce serious consequences

Paid carers have the responsibility of a trained nurse, as an example: people who are cared for rely on them for medicines in the correct dosage. Carers in most cases are on a wage that do not reflect the need of their service [i.e. - minimum wage or just above] perhaps a wage system could be introduced based on the ability of the carers skills in providing service.

**I ask the committee with respect to review the wage provision and working practice by providers for carers who provide the service and use their influence on the providers to provide a realistic and fair system for carers.**

**Part 10-ch1 [page97] 153/2/g replace with "all matters must be considered"**

**Part 10-ch1 [page100] 155/6 Replace "at least one person" with " a proportion of persons who have an interest in the proceedings and"**

## **1. Definition of disabilities**

The Medical model definition [Equality Act 2010] is correct to a point. It is the social barriers that create the problems in society; this has to be recognized by all in the society, when any disability occurs. The guiding principles of policy should be to remove these barriers and create an enabling society, to promote the rights and full inclusion of disabled persons.

There is a fundamental need to remove the institutional, attitude and environmental barriers that create the limitation of opportunities for the disabled in society.

**I agree with the panel on this issue and ask the committee to consider an amendment to the Social Service and Welfare Bill and create a new definition of the meaning of disability incorporated within a social Definition model.**

## **2. Independent Living**

There seems to be an oversight in the Social Service and Welfare Bill to

recognised the need for Independent Living for disabled persons, however there is an opportunity to rectify the matter by combining the **Social Service and Welfare Bill and Framework for living** so that a clear understanding of the definition of the meaning of well being is formulated.

**I also agree with the panel on this issue and ask the committee to consider the proposal given for the definition of the meaning of well being.**

### **3. Citizen Directed Support**

Considering the need for independent living in the Framework for Action the highest priorities that has been identified are in a range of options, choices and control in personalised care and support. This will enable disabled citizens to fulfil their relationships with their families and friends and those who support them in the social service on equal standing in the community.

**I agree with the panel on this issue and ask the committee to give an assurance from the Welsh Government that the Code of practice is clarified and support the model of Citizen Directed Support.**

### **4. Charging and Financial Assessment**

I am also concerned about that part 5 of the SS&W Bill on charging for domiciliary care. It should not be totally abolished but modified based on the ability to pay without causing any hardship to the person paying a charge, retain the £50.00 per week cap for those who require the need of the support. The charge of care of those who could pay should cover any shortfall and could also be used to exempt certain individuals of from paying any costs at all.

**I agree with the panel on this issue and ask the committee to seek confirmation to retain the £50.00 cap but to look at modifying part 5 of the SS&W Bill to include the ability to pay based on user income in total.**

**Graham Williams  
Citizen Panel for Social Services - South East Wales**