

Consultation on the Social Services and Well-being (Wales) Bill

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Care Council response – Social Services and Well Being Bill

General

1. Is there a need for a Bill to provide for 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 Care Council welcomes the introduction of a Social Services and Well-Being (Wales) Bill (the Bill), its focus on promoting people's independence, giving them stronger voice and control whilst taking steps to ensure consistency across Wales

The focus of the Care Council's response is from our perspective as the regulator of the social work and care worker workforce, and the regulator of social work training.

The Bill is ambitious and has far reaching changes across those providing and delivering care and support in Wales. Introducing the changes will be significant for social services and all partners. It sets out a cultural change and consequently requires a major emphasis on the development of social workers and those providing care and support and also on the leadership across the sector

The new emphasis on care and support for people who do not always need high levels of services but may require support to create solutions to address their needs is a shift. We welcome the step change in the role of social workers and social care managers and workers, with a shift in emphasis from processes to working with people to make the changes necessary to improve their situation.

The Bill will mean a real change of direction and we recognise the importance of having a Bill which provides the architecture to support the improvement and well-being for people in Wales. A single Act will provide the bedrock for collaboration and integration of all our social care services in Wales. This should make the approach to the delivery of social care services clearer for practitioner, carers and service users alike. The Care Council acknowledges that there are several layers of changes essential in the promotion of wellbeing which is multi-faceted and often requires the coordinated input of support from a range of sources. No one will disagree with the principle of social care promoting the well-being of people; one which focuses on individual need, taking a rights based approach by giving people a strong voice and real control. The emphasis on co-operatives, user led services and Third Sector organisations are welcomed and are in line with our community and citizen led development programme. This approach to delivering services at a local level using community partnerships is a model which the Care Council supports. The Care Council recognises that there will be further work, with the Welsh Government, on the definition of the social care workforce covered by the Bill.

As the regulator of social care practitioners in Wales there are important workforce and public assurance issues which will need to be considered. They will have implications for the proposed White Paper on Regulation and Inspection Services in Wales.

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 Care Council agrees that the Bill provides the architecture in which public bodies should meet the challenges facing social services in Wales taking a shared responsibility in promoting the well-being of people in Wales (including carers). Its aim of simplifying legislation, strengthening preventative and safeguarding arrangements through aligning services for all people cannot be disputed. The Bill outlines how the Welsh Government will meet one of its primary policy objectives in reforming social services law. The users of the services (and their carers, families) need to have a stronger voice and greater control of the services received. The Care Council will be responding, in further detail, to the Regulations that support the Bill.

The Care Council welcomes the publication and monitoring of a National Outcomes Framework. It will be important that the National Outcomes Framework focuses on the outcome on people using the services rather than relying on outputs and numbers. Outcome based results will provide evidence for all partners in the delivery of social services to inform continuous improvement within the sector.

The Care Council strongly supports the need in making the information and advice of social care services available and accessible. The provision of user friendly, clear and accessible information will be integral to the success of the Bill. The Care Council's own regulatory information is available on line and accessible in a number of different formats. At the heart of our joint working with the Care and Social Services Inspectorate Wales (CSSIW) is the development of an accessible information portal, which will provide information guidance on the care of vulnerable adults in Wales.

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.

The sustainability of the change set out in the Bill will be dependent on the implementation, to ensure smooth transition for all parties affected by the legislation. It is important that Local Authorities, their partners work with stakeholders in the management of change as well as the relevant Codes and Guidance supporting the implementation of the Bill.

The Bill provides the architecture to enable local authorities, with their partners, to meet the challenges and take shared responsibility. The question is whether, in this current economic climate, the investment of resources required to manage the change whilst also continuing to deliver high quality care and support to people is feasible. The Bill aims to remove some of the barriers by writing new social service law and placing more responsibilities on Local Authorities for assessing and meeting needs. There is total support for the vision; the big challenge is how to secure there is capacity to turn the vision into reality.

Transformational leadership will be important in delivering the step change outlined in the Bill. This does not mean just leadership within social services of Local Authorities but across all departments within Local Authorities and the leadership of partners involved in the change. This new style of leadership, with new attitudes and behaviour, is more than just a set of competencies required by the Director of Social Services in Local Authorities. It is important that the Bill is clear on whom these 'relevant partners' are, their responsibilities and obligations set out in this new legislation. The Regulations to be developed to support this Partnership Working will be vital.

The Bill focuses on the need for greater collaboration and joint working. In any collaborative models of working there will be high initial resource investment by those involved. This will not happen overnight and can take a while to realise the longer term impact. It is also important that the Bill has a duty for health boards to provide similar integration. Unless social services have powers to enforce health to become involved or health has a duty to get involved when requested by social services, this will not be robust enough to make any difference.

The workforce strategy for the future is pivotal to the delivery of the changes outlined in the Bill. It will be important to be clear about the workforce strategy for the future. The Care Council looks forward to working with the Welsh Government on what workforce regulatory arrangements will be needed to give public assurance and drive up professionalism of practitioners delivering care and support in Wales.

The Bill sets out Regulations which Welsh Ministers may set to prescribe new integrated ways of working in particular areas or across services. It is, therefore, difficult to fully state whether the changes are sustainable without knowing more of the detail. However, in principle the Care Council recognises the importance of a more integrated approach to the delivery of care and support across Wales.

One of the key agents of this change will be the social care workforce delivering the care and support. Much has been achieved in the development of the professional social work workforce. We will need to build on what has been achieved and consider the implications of the Bill and its impact on the workforce delivering these services in the White Paper on Regulation and Inspection Services. Ensuring the sustainability of the workforce delivering the change for people is critical to the success of the ambition of the Bill.

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

The Care Council welcomes the new emphasis on care and support as a response to the needs of people who do not always need high levels of services, but may require support to create solutions that address their needs. The shift of focus to positive outcomes for people and preventative approaches is welcomed as an alternative to focussing purely on services. This shift emphasises the view that most people, both young and old, wish to remain with their families and communities rather than being reliant on services to lead their lives.

As the Explanatory Note outlines the provision of social services has the potential to reach out to the population of 3 million in Wales. The changes have a huge impact on those delivering the services including local authorities, NHS, Housing and in particular, the social care workforce.

There are workforce implications in order to address the social care needs of an ageing population, including the increases in the number of people with long standing complex disabilities. The Care Council will be considering the implications of the Bill for inclusion with the White Paper on Regulation and Inspection.

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

The main barrier in implementing the scale of change required by the Bill is the resources required to do so. Section 8 of the explanatory notes concedes that the costs associated to implementing the Bill have a measure of uncertainty. In the current economic climate the financial implications of implementing the Bill will require regular monitoring and review. Developing and investing in the workforce to deliver high quality person centred care and support requires sustained investment. The implications on the social care workforce cannot be underestimated at a time when all organisations are hitting resource pressures whilst delivering their services. The Care Council will consider further following development of the Regulations supporting the Bill.

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.

The Bill does not contain enough on the regulations and also only makes reference to Codes or Guidance which will be needed to support implementation of the Bill. Further information and consultation will be needed on these Regulations as this is where the detail of requirements and implications will be set out. The Bill provides a framework but it's only in the detail will we will see the full implications of its requirements.

Powers to make subordinate legislation

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 answering this question, you may wish to consider Chapter 5 of the Explanatory Memorandum, which contains a table summarising the powers delegated to Welsh Ministers in the Bill to make orders and regulations, etc.

The Care Council believes that Welsh Ministers should be able to make subordinate legislation to support the Bill. There seems to be power in the Bill for Welsh Ministers to make extra subordinate legislation if required. It is sensible that Welsh Ministers

have the power to make Regulations to ensure 'future proofing' of the Bill's arrangements. It is important that these Regulations involve consultation and involvement by key partners in their development.

There will need to be more detail in the Codes and Guidance to support the implementation of the Bill. For example, there needs to be more detail about how Welsh Ministers would take over the running of services of local authority who are failing on their services.

It is important that any subordinate legislation is proportionate in order for the focus to be on delivering the transformation set out in the Bill rather than getting bogged down by bureaucracy. The Care Council would like to work with the Welsh Government on the development of any advice, guidance and Regulations that have implications for social workers, the social care workforce.

Financial Implications

**8. What are your views on the financial implications of the Bill?
In answering this question you may wish to consider Chapter 8 of the Explanatory Memorandum (the Regulatory Impact Assessment), which estimates the costs and benefits of implementation of the Bill.**

There are two elements on the financial implications of the Bill:

- The cost to the person (their families) in receiving care and support; and
- Cost to organisations delivering the high standard of care and support.

It is difficult to answer the first element as the Bill provides Welsh Ministers with the powers to create a framework for charges. This will require consultation as this will be whether charges and financial assessments are reasonable to the person incurring the costs. This has the potential to cover costs associated to information, support to access services and certain preventive services. There is potential that by charging it may prevent people accessing services and cause either higher need and cost or great suffering. Or that the cost of the service provision drives service availability rather than the needs of people.

The Care Council recognises that it is difficult to calculate the costs of the Bill and its implementation. It would be useful to have more detail about the £2 million savings mentioned in the Explanatory notes.

It is a challenging time financially for all those in delivering public services. The impact of the coalition's welfare reforms is ever deepening and from April more families, children and young adults including care leavers may move into poverty. This in turn may create more demands on social care services. It is important in raising public expectations about an improved quality of service that the Government is able to deliver within available resources, always a tension in policy development of course.

All relevant partners involved in the implementation of the Bill will want to improve the well-being outcomes for people and carers who need support along with reforming the social care law in Wales. The Care Council looks forward to working with the Welsh Government and Ministers on the implementation project on the implications of the Bill on the social care workforce.

Other general comments

It would be useful to have an explicit statement within the Bill relating to Welsh Language service provision particularly given the publication of the recent More than Words Strategy and an Equality and Diversity statement.

Safeguarding for those who receive care and support is mentioned throughout the course of the Bill, there also needs to be protection of the workforce providing these services. This could be detailed further in the White Paper on Regulation and Inspection Services.