



ADDITIONAL RESPONSE TO THE CONSULTATION – SOCIAL SERVICES AND WELL-BEING (WALES) BILL

Care Forum Wales is the leading professional association for independent sector social care providers in Wales.

Following the oral evidence session we would like to submit further evidence about the role of non-statutory provision. Current mentions on the face of the Bill focus on co-operatives and social enterprises:

“7 Promoting social enterprises, co-operatives, user led services and the third sector

(1) A local authority must promote—

(a) the development in its area of social enterprises to provide care and support and

preventative services;

(b) the development in its area of co-operative organisations or arrangements to provide care and support and preventative services;

(c) the provision of care and support and preventative services in its area in ways that

involve service users in the design and running of services;

(d) the availability in its area of care and support and preventative services from third sector organisations.”

Currently the vast majority of paid-for social care in Wales is provided in the private sector, mostly through SMEs. However, many of these meet the definition of a social enterprise:

“an organisation which a person might reasonably consider—

(a) carries on its activities wholly or mainly to provide benefits for society (“its social objects”),

(b) generates most of its income through business or trade,

(c) reinvests most its profits in its social objects,

(d) is independent of any public authority, and

(e) is owned, controlled and managed in a way that is consistent with its social objects;”

Care Forum Wales’ welcomes the focus on expanding the type of social care provision, and in particular the emphasis on developing co-production. However, we believe the most important aspect of social care provision is not the structure of the organisation providing, but the quality of the care, which comes down to management and staffing. We would like to see a level playing field in terms of commissioning: it should be based on quality of service for the right price not about



who provides, whether that is a group of people coming together in the community, a group of Care Forum Wales members or a housing association.

Whilst it is understandable that the focus of the Bill is on expanding types of provision that are currently small, or barely exist, given that the Bill is intended to set a framework for a generation we are concerned that there is no mention on the face of the Bill of the vast majority of current social care provision in Wales. There is also a section on co-operation and partnership which focusses on statutory services.

We would like to see a clear statement on the face of the Bill that that commissioners (local authorities and health boards, potentially working in partnership) have a legal responsibility to ensure co-operation with all parts of the system and all types of provision across the independent sector at a local and regional level. This could be based on the *Memorandum of Understanding: Securing Strong Partnerships in Care* as agreed in 2009 but not fully implemented. This was based on the Welsh Government's *Fulfilled Lives, Supportive Communities* publication of 2007 and was signed by WLGA, ADSS Cymru, ourselves and other provider organisations and witnessed by the Deputy Minister. We have also had indications that NHS Wales was ready to join. However, given that four years on, despite the commitment of the Deputy Minister, we are still talking about initial implementation, it could not be said that progress was anything other than glacially slow. Therefore, realistically it may be the case that such partnership is not a sufficient priority unless it is mandated by legislation.

Our members recognise that the vast majority of funding for social care in Wales comes from the public purse, and that they are in effect providing a public service. We would be happy to see a structure that reflects that on a national, regional and local level. We are also keen to work collaboratively and encourage collaboration amongst our members on issues such as training, marketing and purchasing. As our evidence to the Welsh Government's Co-operative and Mutuals Commission demonstrated there is much scope for such joint working while allowing individual organisations their independence and the ability to raise finance. However, our experience indicates that greater legal force is needed to ensure that commissioners work in partnership with providers at a local and regional level.