

National Assembly for Wales / Cynulliad Cenedlaethol Cymru  
[Health and Social Care Committee / Y Pwyllgor Iechyd a Gofal Cymdeithasol](#)

[Regulation and Inspection of Social Care \(Wales\) Bill / Bil Rheoleiddio ac Arolygu Gofal Cymdeithasol \(Cymru\)](#)

Evidence from GMB – RISC 17 / Tystiolaeth gan – RISC 17



**GMB – Britain’s General Union Response to:**

**Welsh Governments  
Consultation Document on**

**Regulation & Inspection of Social Care (Wales) Bill**

Action Required: Responses by 20th April 2015  
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GMB response to Welsh Government:  
Regulation & Inspection of Social Care (Wales) Bill.

## **GMB Trade Unions Response to the Consultation on the Regulation and Inspection of Social Care (Wales) Bill**

### **General:**

***1. Do you think the Bill as drafted will deliver the stated aims (to secure Well being for citizens and to improve the quality of care and support in Wales) and objectives set out in Section 3 (paragraph 3.15) of the Explanatory Memorandum?***

***Is there a need for legislation to achieve these aims?***

The GMB welcomes the broad aim and direction of the legislation with its focus on the provision of quality regulated services, and a system of workforce regulation that supports the workforce to practise effectively and safely.

The GMB has campaigned continually to highlight that the responsibility is on the social care providers to provide high quality services whilst also advocating the principle that regulation has a significant role in promoting and supporting high quality provision, as well as addressing areas of poor practice.

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

The main barriers to implementing the provisions of the bill are the wider pressures on the sector in terms of the increasing volumes required at a time of significant resource and financial pressures, The Bill seeks to address these issues through provision for improved planning and market analysis, a focus on high quality professional practice, and enhanced coordination of improvement activity to address agreed national priorities.

***3. Do you think there are any issues relating to equality in protection for different groups of service users with the current provisions in the Bill?***

The GMB believes that the legislation would support equality for all groups that are dependant on services within the Social care sector.

***4. Do you think there are any major omissions from the Bill or are there any elements you believe should be strengthened?***

This question will be addressed in our responses given below.

***5. Do you think that any unintended consequences will arise from the Bill?***

In relation to service regulation we do not believe that there should be any unintended consequences, although careful monitoring of the impact of implementing the legislation will be required to ensure that there are no negative consequences arising for a sector that is somewhat unstable at present.

For workforce regulation, we feel that the detail of the Bill may potentially restrict ability in the future to respond to new patterns of service and

workforce groups for whom other regulatory approaches may be more appropriate.

## **Provisions in the Bill**

***6. What are your views on the provisions in Part 1 of the Bill for the regulation of social care services? For example moving to a service based model of regulation, engaging with the public, and powers to introduce inspection quality ratings and to charge fees.***

It is important that the public are able to understand the complexities of the Social care sector in a clear and transparent way, allowing the public to have confidence in the sector.

Central to this development will be improved public information on the care sector. Such approaches undertaken in collaboration with the sector should result in increased public protection, public accountability, and improved public understanding of the care sector, and these improvements should help to inform and enable individuals who use services, when having to make decisions about their care.

This should result in higher expectations of social care provision through wider ownership of matters of quality and safety of provision.

***7. What are your views on the provisions in Part 1 of the Bill for the regulation of local authority social services? For example, the consideration of outcomes for service users in reviews of social services performance, increased public involvement, and a new duty to report on local markets for social care services.***

I will expand upon this question at the committee.

***8. What are your views on the provisions in Part 1 of the Bill for the development of market oversight of the social care sector? For example, assessment of the financial and corporate sustainability of service providers and provision of a national market stability report.***

The GMB welcomes the market oversight at national and local level as is the assessment of the financial stability and sustainability of providers which will hopefully allow greater stability for the workforce. However achieving meaningful information at both the individual provider and national level will only be attained by close working with providers with recognition that transparency is critical in being a part of the social care sector.

***10. What are your views on the provisions in Part 3 of the Bill to rename and reconstitute the Care Council for Wales as Social Care Wales and extend its remit?***

The GMB is disappointed with the decision to re-brand The Care Council for Wales. The Care Council has developed its brand since its inception and is now the most recognisable establishment within the care sector. We are concerned that the significance of The Care Council may be lost with the change.

***11. What are your views on the provisions in Parts 4 & 8 of the Bill for workforce regulation? For example, the proposals not to extend registration to new categories of staff, the removal of voluntary registration, and the introduction of prohibition orders.***

The GMB is concerned that the Bill has chosen not to take the opportunity to regulate Domiciliary care workers and Care home workers; The GMB believes that this will simply cause confusion to the workforce and to the public. The GMB have campaigned for recognition within the sector to professionalize the workforce, and we believe that registration of these workers allows for this.

The GMB is aware that The Care Council has considered a model of some form of licensing for the workforce. This has been used successfully in a number of sectors over many years, with 2 of the GMB organised industries using effective licensing schemes. E.g. 'Gas Safe' and the Security Industry Authority are both examples of effective schemes which provide public assurance and raise standards.

We believe that it could be used as a model for social care workforce groups such as domiciliary care workers and care home workers.

The key feature of the model is its focus on supporting care workers to practice safely and effectively through provision of accredited training and guidance, while at the same time addressing areas of poor or dangerous practice by removing those workers from the workforce.

As stated above we consider that the proposal to not implement a standard register for workers who are currently required to register and those that are not currently not required to register with Social Care Wales, would lead to confusion between the two registers for the sector and the public.

The GMB agrees that a reliance on voluntary registration is not appropriate, due to the confusion that it can cause to the Workforce and public. As indicated above, we believe that alternative models of licensing regulation are available to replace voluntary approaches.

***12. What are your views on the provisions in Part 9 of the Bill for cooperation and joint working by regulatory bodies?***

The GMB believe that this is a natural progression and welcome closer cohesive working between the CSSIW and The Care Council

**Delegated powers**

***13. In your view does the Bill contain a reasonable balance between what is included on the face of the Bill and what is left to subordinate legislation and guidance?***

I will expand on this point at the committee.

### **Financial implications**

*14. What are your views on the financial implications of the Bill as set out in parts 6 and 7 of the Explanatory Memorandum?*

I will expand on this point at the Committee.

### **Other comments**

*14. Are there any other comments you wish to make about specific sections of the Bill?*

The GMB welcomes the majority of the legislation and considers that it provides an important opportunity to support the development of the social care sector and the social care workforce in facing the significant changes that will be required in the forthcoming decade.

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