

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 Cardiff and Vale of Glamorgan Community Health Council – RISC 35 /  
Tystiolaeth gan Cyngor Iechyd Cymuned Caerdydd a Bro Morgannwg – RISC 35



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24th April 2015

Committee Clerk  
National Assembly for Wales  
Cardiff Bay  
Cardiff CF99 1NA

Dear Sir/Madam

**Re: Call for Evidence on the General Principles of the Regulation and Inspection of the Social Care (Wales) Bill Consultation**

Thank you for offering the Members of the Cardiff and Vale of Glamorgan CHC the opportunity of commenting on the above Consultation. The following are our response to the questions raised in Annex A:

## General

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**Cadeirydd / Chair:** Mrs Lesley Jones MSc, Cert.Ed. CQSW  
**Prif Swyddog / Chief Officer:** Mr Stephen Allen MSc: MIHM

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- 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 Bill does meet some of the aims, but not all. We welcome the improvement in administration, regulation of service providers and strategic thinking on market stability.

We do not feel however that there is adequate description on how service users can be supported when there are problems with service provision.

The timescale of 14 days following identification of a problem seems adequate but what happens during an emergency i.e. immediate closure of a Nursing Home?

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

There is no mention of the Mental Capacity Act and Risk Assessment. Not mentioning these may mean that aspects of care may be overlooked (33 – sub-section 6).

The charging for policy documents could be prohibitive for the public.

There is no mention of the Disability Discrimination Act within section 106 (2).

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

The Bill does not take into account equality of provision to those service users with Spiritual Needs/Mental Health Needs/Learning Disabilities or Sensory Impairment.

These groups may be disadvantaged and special provision should be provided to ensure that people with limited capacity have adequate support from an advocate from an appropriate agency to support them during the consultation process.

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

There is no clarity regarding Investigation of Complaints against Social Workers. The Bill does not make it clear to whom to refer regarding Fitness to Practice.

There is no mention of Social Services and or an employer in the disciplinary process of the Social Worker.

There is no mention how visiting Social Workers will be checked and monitored from Europe by private employers.

There is no mention of Wales within Part 2 – Section 35 on page 125.

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

Responsibility for payment of registration if not paid for by the employer could possibly result in the employment of insufficiently qualified workers.

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

There must be specific criteria for arriving at a rating whereby an appeal can be made.

There is ambiguity around charging fees for reports and we feel that a charge should not be made.

**7. What are your views in the provisions in Part 1 of the Bill for the regulation of local authority 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 in local markets for social care services.**

Despite the offence of providing false or misleading information, there is a danger that the collection of the service user views by the service provider could lead to misinterpretation or abuse. This is particularly the case when the service users have reduced capacity. It would be preferable to have an advocate who is independent of the providers to undertake this task.

Under point 149d – There should be an addition for the consideration of outcomes for service users in accessible formats.

We welcome the new duty to report on local markets. There is a great deal about regulating in-house Social Services provision but less so about maintaining and regulating out-sourced services e.g. domiciliary care.

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.**

We welcome the development of market oversight of the Social Care Sector.

If you are assessing financial and corporate sustainability of service providers at what level will this be set? Should there be minimum financial requirements for the provision of social care services.

9. **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?**

We have no comment to make in relation to the name change.

10. **What are your views on the provisions in Part 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 regulation, and the introduction of prohibition orders.**

We would be in favour of extending registration to new categories without reference to other perceived constraints as it links to meeting defined standards of competency and accountability.

Under Point 116 1(e) it is not clear how adverse physical or mental health can be reconciled with the requirements of the Disability Discrimination Act.

11. **What are your views on the provisions in Part 9 of the Bill for co-operation and joint working by regulatory bodies?**

We welcome co-operation and joint working by regulatory bodies, but there is no mention of the Welsh Ambulance Services NHS Trust.

## Delegated Powers

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

No comment.

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

While there are no additional ongoing costs to providers and the CSSIW for the changes, it is noted that there will be additional transitional costs to the service providers for amending the data collection tools. This will have the biggest impact on small service providers.

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

More clarity is required between Welsh Ministers and Social Services in the Bill.

We welcome the move to provide better and more comprehensive information on the quality of social care services which will inform service users, their carers and their families on what is available to them, but we are concerned that the quality of information should be accurate. In this regard, we also welcome the Post Implementation Review to monitor the effectiveness of the new regulatory approach.

Will the guidance be specific about the qualification requirements for the different categories of workers?

P.45 – Advice and Assistance – Will details be provided on grants advice or other assistance in Section 68 (1).

Mrs Jill Shelton  
Mrs Alison Walker  
**CHC Members**