

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 British Red Cross – RISC 37 / Tystiolaeth gan Y Groes Goch
Brydeinig – RISC 37

Regulation and Inspection Bill consultation

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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?

- 1.1 The British Red Cross welcome the intended aims of the Bill. Protecting the well-being of citizens by ensuring the delivery of good quality services through a robust regulatory and inspection system is and should be driving social care provision in Wales. We agree that changes to social care demand and delivery and current loopholes in regulation, which risk undermining the well-being of citizens, need to be addressed through legislation. We feel that the Bill does seek to resolve this.
- 1.2 We feel unable to definitively agree that the Bill will meet each objective based on the detail on the face of the Bill. We will be able to better reflect on this question when the regulations and standards underpinning the Bill are developed.
- 1.3 We are concerned that the Bill risks not meeting its objectives by not requiring the registration of domiciliary care workers and removing the availability of voluntary registration. This creates a gap where the training, competence, and performance of non-registered domiciliary workers, responsible for supporting vulnerable older people in their own homes, will

in future not be monitored by a regulating body. To require the registration of domiciliary managers but not their staff contradicts the aim of protecting the well-being of citizens and potentially weakens the step-change improvement agenda and development of the workforce.

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

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?

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

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

5.1 As already voiced in our response to question one (1.3), we are concerned by the decision not to extend registration to domiciliary care workers and removing the option of voluntary registration. We believe this will result in a large cohort of workers delivering care to vulnerable older people without their competence or training being regulated to ensure the well-being of people in receipt of those services.

Provisions in the Bill

The Committee is interested in your views on the provisions within the Bill, and whether they will deliver their stated purposes. For example:

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.

6.1 The Red Cross welcomes the provisions of a service-based model of regulation and engaging with the public.

6.2 We welcome the provision within the Bill to introduce quality ratings. We feel that quality ratings would help to ensure transparency and improve citizens' ability to make informed decisions about their care. Quality ratings will require clear communication to ensure that their meaning is properly understood and correctly interpreted by citizens.

6.3 In consideration of registration fees, we agree that before introduction there should be a consultative process. Whilst we support the intentions of the registration fees, careful consideration must be afforded to ensure that they do not deter organisations from delivering registered services and reduce the range and choice for citizens.

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.

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.

8.1 Whilst we welcome the provisions to develop market oversight, sustainability of services sometimes depends on the funding terms of statutory sector commissioners. Often third sector commissioned services are funded year by year, full-cost recovery is not always achieved and services are subsidised by charitable funds. We would welcome the use of assessments of financial sustainability to encourage statutory sector commissioners to award longer term funding.

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?

10. 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.

10.1 As previously stated, we are concerned with the proposals not to extend registration to new categories of staff, particularly domiciliary care workers. This is exacerbated by the removal of voluntary registration. Currently, although domiciliary care workers are not required to register, the option of voluntary registration enables services to reassure individuals, their families and carers, and commissioners that staff are properly trained and competent to undertake their care role. By only requiring the domiciliary care manager to be registered, and not the workers delivering the care in the individual's home,

there is a risk to the individual's well-being and potential for a lack of confidence in the quality of the service.

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

Delegated powers

The Bill contains powers for Welsh Ministers to make Regulations and issue guidance, and for Social Care Wales to make Rules.

12. 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?

12.1 The face of the Bill seems to make provision for the subordinate legislation and guidance required to deliver the aims and objectives. However, it is difficult to comment on the balance without knowing the content of the subordinate legislation and guidance.

Financial implications

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

Other comments

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