



Comments from Public Health Wales on the Regulation and Inspection of Social Care (Wales) Bill April 2015

Introduction

Public Health Wales are grateful for the opportunity to comment on the above Bill.

As requested we have used Annex A format and the questions listed to respond to the consultation document.

Consultation Questions

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 content of the Bill identifies a number of key changes which will support the wellbeing of citizens and the improvement of the quality of care and support provided in Wales. Consideration might need to be given to the use of “secure” as the Bill sets out actions and changes that will help support the wellbeing of citizens but will not be able to secure it.

Depending on the outcomes and impact of the Bill, legislation may need to be considered at a later date.

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 are a number of potential barriers to implementing the provisions of the Bill. The initial barrier is the cost (as set out under the financial implications of the Bill) which the public and service users might see as prohibitive. The potential for increased bureaucracy, with the reform of the regulatory regimes and the renaming of an organisation, is another barrier. Finally there could be a reticence from providers and also the workforce in relation to the implementation and application of increased regulation, as they potential could view this as unnecessary.

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 Explanatory Memorandum contains a number of impact assessments which should consider the issues of equality. However, specific consideration should be given to those vulnerable members of society such as those with learning disabilities, children and vulnerable adults. The use of advocacy services could help to address this issue.

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

We do not think that there are any major omissions in the Bill.

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

Due to an increase in regulation there could potentially be a knock on effect in relation to the number of providers available. Some providers may feel that the level of regulation is too much and choose to cease trading.

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.

The general objectives of Part 1 of the Bill ie to protect, promote and main the safety and wellbeing of people set out are to be applauded. The provision for the use of quality ratings in relation to the quality of care and support provided by a service provider, can be seen as positive as potentially the use of ratings can raise standards across the sectors.

We support the intent to engage and involve the public. The provision to have the power to charge fees would appear sensible to include although, depending on the level of fees, this may have a detrimental effect on some providers.

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.

The increased public involvement is particularly welcome and special steps to include the use of advocacy services should ensure that the views of all service users (especially those who have special needs) can have an impact on the regulation of social care services. It is also positive that there is a requirement on local authorities to produce an annual report which will include a focus on outcomes for service users.

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 national market stability report.

In view of the recent history with certain service providers where they have become unable to sustain a service this provision is particularly welcomed. This provision should have a positive effect on service users if it provides a more stable market provision.

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?

While we have no particular objections to this proposal, any benefits of the proposed change should be considered in relation to the associated cost.

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.

The professionalisation of the workforce in the social care sector can only be beneficial. There is a need to ensure that staff from domiciliary care services which originate from English based agencies (and which are

currently unregulated in Wales) will be added to the list of those who should be regulated if as stated there is a proposal not to extend registration to new categories of staff. Such currently unregulated staff provide intimate care to our most vulnerable people within their own homes.

We would welcome the proposed prohibition orders intended to remove unsuitable persons from working in the social care sector.

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

The need for all regulatory bodies to cooperate and work together is necessary and welcomed.

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?

The content of the Bill appears to contain a reasonable balance.

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

The financial implications of the Bill are considered in detail under each section of the Bill and also under various groups. The costs are significant and whilst it can be presumed that the public would want improved regulation of the social care sector many may view the cost as prohibitive. The document also contains a number of statements which specify that not all costs have been quantifiable; so potentially the final cost might be significantly higher than already calculated.

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

Joint inspections and integration of standards between Health and Social care are essential. The appropriate sharing of information in relation to risks associated with care environments and staff providing care is also key to the safety and well-being of citizens requiring care.