

THE VALE OF GLAMORGAN COUNCIL

HEALTHY LIVING AND SOCIAL CARE SCRUTINY COMMITTEE: 6TH DECEMBER, 2022

REFERENCE FROM CABINET: 3RD NOVEMBER, 2022

“C123 CONSULTATION ON PROPOSALS FOR PRIMARY LEGISLATION IN RELATION TO CHILDREN’S SOCIAL CARE, CONTINUING HEALTH CARE, MANDATORY REPORTING AND REGULATION AND INSPECTION (SCH) (SCRUTINY – HEALTHY LIVING AND SOCIAL CARE) –

The purpose of this report was to approve the consultation response for Welsh Government’s proposals for changes to primary legislation in relation to children’s social care, continuing health care, mandatory reporting and regulation and inspection.

The consultation covered the following areas:

- legislative proposals for eliminating profit from the care of children looked after;
- proposals enabling access to Direct Payments for adults who were eligible for Continuing NHS Healthcare;
- existing duties to report children and adults at risk in Wales, and asked whether these duties should be expanded; and
- areas within existing regulation of service providers, responsible individuals, and the social care workforce, and sought views on potential amendments.

Cabinet Members commented on the level of detail provided in the Council’s response, which was considered to be comprehensive. Therefore, Cabinet agreed to support the responses provided within Appendix 1 to the report.

This was a matter for Executive decision.

Cabinet, having considered the report and all the issues and implications contained therein

RESOLVED –

- (1) T H AT the consultation response attached at Appendix 1 to the report be considered and approved for submission to Welsh Government.
- (2) T H A T the use of paragraph 15.14.2(ii) of the Council’s Constitution (urgency decision procedure) in respect of Resolution (1) be approved.

(3) T H A T the consultation response be referred to the Healthy Living and Social Care Scrutiny Committee for consideration.

Reasons for decisions

(1) To ensure that the response is considered by Cabinet and if appropriate, formally endorsed.

(2) To ensure the response is submitted on or before the deadline of 5th November, 2022.

(3) To ensure that Members have the opportunity to consider the consultation documents and the response, with any additional comments referred back to Cabinet for further consideration.”

Attached as Appendix: Report to Cabinet: 3rd November, 2022

Meeting of:	Cabinet
Date of Meeting:	Thursday, 03 November 2022
Relevant Scrutiny Committee:	Healthy Living and Social Care
Report Title:	Consultation on Proposals for Primary Legislation in Relation to Children's Social Care, Continuing Health Care, Mandatory Reporting and Regulation and Inspection
Purpose of Report:	To approve the consultation response.
Report Owner:	Cabinet Member, Social Care and Health.
Responsible Officer:	Director of Social Services
Elected Member and Officer Consultation:	Social Services Management Team
Policy Framework:	This report is a matter for Executive decision by Cabinet
<p>Executive Summary:</p> <ul style="list-style-type: none"> The purpose of this report is to approve the consultation response for Welsh Government's proposals for changes to primary legislation in relation to children's social care, Continuing Health Care, mandatory reporting and regulation and inspection. 	

Recommendations

1. That Cabinet considers and approves the attached consultation response (Appendix 1) for submission to Welsh Government.
2. That the use of paragraph 15.14.2(ii) of the Council's Constitution (urgency decision procedure) be authorised in respect of Recommendation 1.
3. That Cabinet refers the consultation response to Scrutiny Committee (Healthy Living and Social Care), for consideration

Reasons for Recommendations

1. To ensure that the response is considered by Cabinet and if appropriate, formally endorsed.
2. To ensure the response is submitted on or before the deadline of 5th November, 2022.
3. To ensure that Members have the opportunity to consider the consultation documents ([attached as Background Papers](#)) and the response, with any additional comments referred to cabinet for further consideration. .

1. Background

- 1.1 Welsh Government issued documents for consultation on the above topics on 17th August, 2022.
- 1.2 The Social Services Directorate management team has considered the consultation documents and developed a response based on the views of officers who work in the areas related to the different parts of the consultation.

2. Key Issues for Consideration

- 2.1 The consultation document contained wide ranging topics for consideration with some requiring technical detail and others less defined.
- 2.2 The consultation covers the following areas:
 - outlines legislative proposals for eliminating profit from the care of children looked after;
 - proposes enabling access to Direct Payments for adults who are eligible for Continuing NHS Healthcare;
 - looks at existing duties to report children and adults at risk in Wales, and asks whether these duties should be expanded;
 - explores areas within existing regulation of service providers, responsible individuals and the social care workforce, and seeks views on potential amendments.

3. How do proposals evidence the Five Ways of Working and contribute to our Well-being Objectives?

- 3.1** This is a consultation response and will be considered should any proposals be implemented in the future.

4. Climate Change and Nature Implications

- 4.1** There are no climate change and/or nature implications to consider as a direct result of this report.

5. Resources and Legal Considerations

Financial

- 5.1** There are no financial implications as a direct result of this report.

Employment

- 5.2** There are no employment implications to consider.

Legal (Including Equalities)

- 5.3** The proposals would impact upon the current legislative framework. The consultation document concentrates on the use of primary legislation to eliminate profit from the care of looked after children.

6. Background Papers

Proposed changes to legislation on social care and continuing health care -

<https://gov.wales/proposed-changes-legislation-social-care-and-continuing-health-care>

Consultation Response Form

Your name: Lance Carver

Organisation (if applicable): Vale of Glamorgan Social Services

Email / Telephone number: lcarver@valeofglamorgan.gov.uk

Your address:

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please place a tick in the box:

Please tell us who you are responding on behalf of. For example is this your own response or is it sent on behalf of an organisation?

If you want to receive a receipt of your response, please confirm your email address, here:

Questions on Chapter 1: Eliminating profit from the care of children looked after

There are 12 questions about this chapter.

Question 1.1: Do you think that introducing provision in legislation that only allows 'not-for-profit' providers to register with CIW will support delivery of the Programme for Government commitment to eliminate profit from the care of children looked after?

Yes it would support the commitment, but there are a number of other factors to consider.

It is essential we recognise the population of children who need to be looked after has increased. This has been impacted by the pandemic and the cost of living crisis is likely to result in more families requiring intervention. Local Authorities are not able to identify suitable match placements for all of these children currently. Compromises are made on a daily basis and despite significant effort, children are not always being placed in the most appropriate settings. Legislative change is not a sufficient approach to resolving this issue and to implement this without a thorough and achievable plan is likely to result in unintended consequences.

Question 1.2: What in your view are the likely impacts of the proposal? You may wish to consider, for example:

- Benefits, and disbenefits;
- Costs (direct and indirect), and savings;
- Impacts upon individuals and groups with protected characteristics;
- Other practical matters such as cross-border issues.

Your views on how positive effects could be increased, or negative effects could be mitigated, would also be welcome.

Please explain your reasoning.

There is a significant shortage of all children's placements in Wales and in England. This includes fostering, residential and secure. This needs to be addressed as the first priority before looking to eliminate profit. The elimination of profit agenda will potentially further reduce placement availability in Wales.

Not for profit placements in our experience do not necessarily cost less to the local authority and it cannot be assumed that the quality is higher than those making profit.

There does not appear to be any differentiation between large profit making companies and small local companies who provide a good service and reinvest their profits to benefit the quality of care for children.

We are not aware of there being a shared understanding of what constitutes acceptable profit.

Question 1.3: One approach could be for the legislation to define 'not-for-profit' in terms of the types of organisation that would qualify. Do you consider that the restriction should also be expressed in terms of the way that any trading surplus is expended? What would be the effects and implications of this?

Yes we think this could be helpful – see above.

Question 1.4: Do you think the primary legislation should include a power for Welsh Ministers to amend the definition of 'not-for-profit' through subordinate legislation?

This is not clear – further explanation is required.

Question 1.5: What are your views on the proposed timings for the primary legislation to come into effect?

It is premature for this legislation to come into effect until there have been further efforts and investment in increasing placement provision in Wales. To progress without this investment could result in further insufficiency of placements and associated negative outcomes for children.

Question 1.6: Are there any issues in relation to transition for children looked after, local authorities and service providers you would like to draw our attention to?

This is a significant area of concern. Without a thorough plan and investment it is likely placement disruption will increase, placement stability will reduce, and the use of unregulated placements will increase.

Question 1.7: What are your views on the issuing of guidance to support the implementation of the primary legislation?

This would be expected but please note our observations regarding what needs to happen first.

Question 1.8: What are your views on using legislation to place a restriction on local authorities to commission placements from 'not-for-profit' organisations only? In particular:

- Do you think it would support us to deliver the commitment to eliminate profit from the care of children looked after in Wales?

- What would be the benefits, disbenefits and other implications of such an approach?
- What would be an appropriate timescale for implementing such an approach, if it were to be adopted in Wales?

This approach would severely limit our ability to identify placements, match children appropriately and meet our statutory responsibilities. Simply limiting the options available to placing authorities is not helpful.

In relation to timescales, this legislation should not be implemented until placement sufficiency within Wales has been addressed.

Question 1.9: What are your views on the possibility of approaches being taken in response to these legislative proposals which would undermine the intention to eliminate profit from the care of children looked after in Wales? Are there any actions which would guard against such activity?

No views on this.

Question 1.10: We would like to know your views on the effects that the legislative changes to eliminate profit from the care of children looked after will have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Unless there is increased placement availability within Wales, opportunities for children to have an appropriately matched placement within Wales, within their own local culture, whether welsh speaking or not, will be affected.

Question 1.11: Please also explain how you believe the legislative changes to support delivery of eliminating profit from the care of children looked after could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

See above.

Question 1.12: This chapter has focused on how we can achieve the commitment to eliminate profit in the care of children looked after, and we have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them.

We feel that any further steps can only be successfully achieved through continued engagement with local authorities and providers and investment in increasing placement provision in Wales.

Questions on Chapter 2: Introducing direct payments for Continuing NHS healthcare

There are 8 questions about this chapter.

Question 2.1: We have outlined our proposals to introduce further voice and control for adults receiving Continuing Health Care (CHC) in Wales. Do you agree or disagree with these proposals? Please explain your reasoning.

We strongly agree with the principle that adults receiving CHC in Wales should have their voice heard and that they should be able to control their care through the provisions of Direct Payments.

Many people who may be eligible for Continuing Health Care and are currently utilising a Direct Payment for their social care or wish to receive their CHC through Direct Payments are currently disadvantaged, leading to uncertainty for the person and a potential point of conflict between the LHB and Local Authority.

It is vital that the principles of Voice and Control are taken seriously by policy makers and health professionals, if we are ever to achieve an improve patient experience by balancing the relationship between the patient and the professional. Direct Payments is one way of achieving this.

We are concerned that it is proposed that the LHB has a power, and not a duty to offer Direct Payments which implies that a final decision will be retained by the LHB, and not the individual. We understand that Direct Payments would not be in everyone's best interests, but the choice to determine the delivery of healthcare must remain with the individual, albeit on the advice of the health professional. We strongly advocate that the power of the LHB to provide health care through direct payments is amended to a duty to provide through Direct Payments unless the patient chooses otherwise or where it would be unsafe to do so. We would be interested to scrutinise regulations regarding this matter.

Historically a number of service users in receipt of Direct Payments have evaded Continuing Healthcare Assessments for fear of losing voice and control over their care. This has left local authorities in the unenviable position of continuing to provide care through this mechanism despite there being overwhelming evidence that the individual has a primary health care need.

Question 2.2: What in your view are the likely impacts of the proposal?

You may wish to consider, for example:

- Benefits, and disbenefits;
- Costs (direct and indirect), and savings;
- Impacts upon individuals and groups with protected characteristics;
- Other practical matters such as cross-border issues or transition to the new arrangements.

Your views on how positive effects could be increased, or negative effects could be mitigated, would also be welcome.

Please explain your reasoning.

The overarching positive impact of this proposal is to provide a person with the choice to receive their health care in a way that matters to them. This will encourage health professionals to involve people in their care planning from the earliest opportunity and will open alternative methods of meeting healthcare needs, which not only will improve people's quality of life, but will open the range of healthcare options available to the LHB, which in turn may take some pressure off traditional services.

The opportunity of Direct Payments may also remove barriers to healthcare for people with protected characteristics, where a person can choose to have their healthcare needs met in a culturally sensitive manner, which would otherwise be unavailable in their local area.

Question 2.3: What lessons can we learn from other countries' practice in this area?

In England Personal Budgets provide even greater levels of choice and autonomy for people regarding their care arrangements.

Question 2.4: Do you believe there are any other or complementary approaches we should be considering to achieve the same effect? If so, please outline below.

Yes, but not at the expense of Direct Payments.

To compliment and achieve the aim of DP need to ensure outcome focussed and person-centred care and support plans

Question 2.5: We will work to ensure that any legislative change is supported by robust guidance to help both payment recipients and practitioners understand how the system will operate. Can you identify anything that it would be helpful to include in this guidance? What other support should be provided?

Guidance needs to be absolutely clear in respect of the kind/type of support the LHB are prepared to provide through a Direct Payment. We believe it would help for it to be a requirement that LHBs offer direct payments before considering other models of care.

In addition to the robust guidance, we would welcome a promotion campaign to ensure all professionals are aware of their duty to offer Direct Payments and also to ensure that all citizens accessing continuing health care are aware of their rights to Direct Payments.

Question 2.6: We would like to know your views on the effects that introducing direct payments for continuing NHS healthcare would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Positive as stated in answer to 2.1. We believe more bespoke care arrangements will enhance the opportunities for service users to secure their care using the Welsh language.

Question 2.7: Please also explain how you believe our proposals for introducing direct payments for continuing NHS healthcare could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

As above

Question 2.8: We have asked a number of specific questions in this chapter. If you have any related issues which we have not specifically addressed, please use this space to report them.

Positive step for citizens. Need to have clear structures in the LHB to support this and make it a positive offer – duty, not power.

For a Direct Payments scheme to be successful, the LHB would need to invest in a support mechanism to provide people with management, pay roll and recruitment support, either in-house or through a 3rd party organisation. We would recommend that this is included in the regulations.

Questions on Chapter 3: Mandatory reporting of children and adults at risk

There are 11 questions about this chapter.

Question 3.1: What are your views on the principle of imposing a duty to report a child at risk (as defined in section 130(4) of the Social Services and Well-being (Wales) Act 2014 directly on individuals within relevant bodies?

The current duty on organisations is sufficient and there is an established understanding of this duty. There is little information to support that imposing an individual duty will ensure that children and adults at risk are further prevented from the risk of or experiencing harm, abuse or neglect by introducing an individual duty.

Question 3.2: What are your views on the principle of imposing a duty to report an adult at risk (as defined in section 126(1) of the 2014 Act) directly on individuals within relevant bodies?

As above

Question 3.3: What in your view would be the likely benefits, disbenefits, risks, costs, savings and equality impacts of such an approach?

Please explain your reasoning.

Benefits:

- Strengthen the duty to report and support collective responsibility to report children and adults at risk.
- Could be aligned to specific codes of professional conduct; employee contracts; wider understanding of collective responsibility for individuals working with or providing services to adults/children at risk.
- Has to be owned by an individual, can't 'hide' within an organisation or group.
- Reduces duplication and delays

Disbenefits: Could further compound recruitment issues within social care sectors – individuals may not wish to work in a sector where they have a personal/individual duty and associated consequences.

Risks: As above. Also, wider resource implications for services in terms of what the consequences of not reporting where there is an individual duty – HR processes; Section 5 (WSP) implications, future professional development. How will individuals

be identified? At what levels within relevant authorities/partners? How would this be monitored; what would be the consequence of not reporting? Who would oversee this. Would this also dilute the duty report already in place.

Question 3.4: What lessons can we learn from the duties to report in other countries?

As detailed in the consultation document, countries who have introduced there is a mixture of evidence base to support whether this approach impacted positively on reporting adults/children at risk and has previously been considered in the UK and dismissed.

Question 3.5: If individual reporting duties were to be introduced – for children and adults at risk – should these sit alongside, or replace, the existing duties on organisations under the 2014 Act?

They would need to sit alongside, the relevant partner duty should remain.

Question 3.6: If individual reporting duties were to be introduced, should they apply to the workforce of current ‘relevant partners’ under section 162 of the 2014 Act (including youth offending teams in relation to children), or more widely, for example to those working in religious or sports settings, etc., and in particular:

(a) What are your views on this in respect of children (under the age of 18)?

Relevant partners; organisations providing services; commissioned services; registered social care workers in all organisations.

(b) What are your views on this in respect of adults?

As above

Question 3.7: If individual reporting duties were to be introduced, which occupation types or roles should be subject to any duty (e.g. members of regulated professions; employed staff, even if they are not regulated; volunteers), and in particular:

(a) What are your views on this in respect of children (under the age of 18)?

members of regulated professions; employed staff, even if they are not regulated; volunteers

(b) What are your views on this in respect of adults?

As above

Question 3.8: What sanctions do you think would be proportionate or appropriate for failure to comply with an individual reporting duty?

This approach would need to dovetail with Section 5 of the Wales Safeguarding Procedures– Allegations of Practitioners/Those in Positions of Trust as failure to report could be considered within the criteria for these reports.

Would need to be managed on a case by case basis. If a blanket approach may lead to people not reporting or pretending they didn't witness anything. A range of sanctions are likely to be appropriate to cover the most minor to the most major reporting failures.

Question 3.9: We would like to know your views on the effects that introducing individual reporting duties would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

None that we can think of.

Question 3.10: Please also explain how you believe proposals for introducing individual reporting duties could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

None that we can think of.

Question 3.11: We have asked a number of specific questions in this chapter. If you have any related issues which we have not specifically addressed, please use this space to report them.

The impact of introducing individual reporting could have a significant resource impact across the sector and could have a negative impact on the social care and other sectors in terms of recruitment and retention. There is little evidence base to support this approach but would require significant resource to support its implementation and monitoring across regulatory bodies; LAs and more widely. Training and support and good structures are all required to support this proposal.

Questions on Chapter 4: Amendments to regulation of service providers and responsible individuals

Part 2 and Schedule 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 ('the 2016 Act') provides the basis on which Care Inspectorate Wales ('CIW') – on behalf of the Welsh Ministers – undertakes functions relating to the registration, regulation and inspection of 'regulated services'.

This chapter of the consultation focuses on proposed amendments to the regulatory regime for regulated services, service providers and their designated responsible individuals. These relate to a range of matters provided for within the 2016 Act, including:

- a) Identifying unregistered services
- b) Publication of annual returns
- c) Publication of inspection reports
- d) Improvement notices and cancellation of registration
- e) Responsible individuals
- f) Definition of 'Care' for children and young people

Questions on proposed amendments relating to each of these matters follow.

There are 21 questions about this chapter.

Question 4.1: *(a) Identifying unregistered services - power to obtain information:* Do you agree with the proposal to amend the 2016 Act to enable the Welsh Ministers (CIW) to require information from any person where there is reasonable cause to believe that they are providing a service which should be regulated?

No objection

Question 4.2: *(a) Identifying unregistered services - power to obtain information:* Do you agree with the proposal to extend the offence of failing to provide information when required to do so, to include these persons?

We would be concerned if this related to anyone other than service provider or responsible individual.

Question 4.3: *(a) Identifying unregistered services - power of entry:* Do you agree with the proposal to amend the 2016 Act to remove ambiguity and make it clear that the Welsh Ministers (CIW) have the power to enter and inspect any premises which they have reasonable cause to believe is (or has been) used as a place at or from

which a service is (or has been) provided, or which is (or has been) used in connection with the provision of a regulated service?

No objection

Question 4.4: (a) *Identifying unregistered services - power of entry:* Do you agree with the proposal to extend the offence of obstructing an inspector or failing to comply with a requirement imposed by an inspector, to include these circumstances?

No objection

Question 4.5: (b) *Publication of annual returns:* Do you agree with the proposal to amend the 2016 Act to require service providers to publish their annual returns?

No objection

Question 4.6: (b) *Publication of annual returns:* Do you agree with the proposal to create a related offence of failing to publish an annual return?

No objection (although 2 years imprisonment seems harsh for such an 'offence' and doesn't fit well with the positive arrangements we have in place with local providers).

Question 4.7: (c) *Publication of inspection reports:* Do you agree with the proposal to amend the 2016 Act to provide additional flexibility for the Welsh Ministers (CIW) to recognise circumstances where it may not be appropriate, relevant, or proportionate to prepare and/or publish an inspection report?

No objection

Question 4.8: (d) *Improvement notices and cancellation of registration – variation of registration as a service provider:* Do you agree with the proposal to amend the 2016 Act to remove the requirement for the Welsh Ministers (CIW) to issue an improvement notice to a provider in circumstances where the provider is no longer providing that service or using that place to provide a service?

No objection

Question 4.9: (d) *Improvement notices and cancellation of registration - removal of a condition on a service provider's registration:* Do you agree with the proposal to amend the 2016 Act to enable the Welsh Ministers (CIW) to remove a condition on a service provider's registration without giving a notice of proposal (section 18) and notice of decision following notice of proposal (section 19), when the circumstances which led to the imposition of the condition no longer apply?

No objection

Question 4.10: *(d) Improvement notices and cancellation of registration – power to cancel a service provider’s registration:* Do you agree with the proposal to amend the 2016 Act to remove the requirement for the Welsh Ministers (CIW) to follow the improvement notice process to cancel the registration of a service provider in circumstances when the provider has already ceased to provide a regulated service?

No objection

Question 4.11: *(d) Improvement notices and cancellation of registration – information from providers who are cancelling their registration:* Do you agree with the proposal to create a regulation-making power under Section 14 of the 2016 Act to enable the Welsh Ministers (CIW) to require information from a service provider who is cancelling their registration and exiting the market?

No objection

Question 4.12: *(d) Improvement notices and cancellation of registration – power to extend the timescale within an Improvement Notice:* Do you agree with the proposal to amend the 2016 Act to give the Welsh Ministers (CIW) the power to extend the timescale for information to be provided when improvement notices are issued?

No objection

Question 4.13: *(d) Improvement notices and cancellation of registration – power to cancel a service provider’s registration in prescribed circumstances:* Do you agree with the proposal to amend the 2016 Act to enable the Welsh Ministers (CIW) to disapply the section 16(3)(b) requirement within the improvement notice – to take particular action or provide information – in prescribed circumstances, when it would be futile to apply the requirement?

No objection

Question 4.14: *(e) Responsible individuals – making representations:* Do you agree with the proposal to amend the 2016 Act to give Responsible Individuals the right to make representations to the Welsh Ministers (CIW), against any improvement notice or cancellation of their designation, provided the representations are made within the time limit specified within the notice?

No objection

Question 4.15: *(e) Responsible individuals – sending the improvement notice to the service provider:* Do you agree with the proposal to amend the 2016 Act to require that any improvement notice served to a Responsible Individual must also be sent to the service provider?

No objection

Question 4.16: *(e) Responsible individuals - Removing a Responsible Individual without making an application to designate a new Responsible Individual:* Do you agree with the proposal to amend the 2016 Act to allow a service provider to apply to the Welsh Ministers (CIW) for a variation of the conditions of their registration to remove a Responsible Individual when they are not designating a replacement Responsible Individual as part of the same application?

No objection

Question 4.17: *(f) Definition of 'Care' for children and young people:* Do you agree with the proposal to adjust the definition of 'care' in section 3 of the 2016 Act in order to place beyond doubt that the provision of parental-type care is recognised as being 'care' within the meaning of the 2016 Act?

No objection

Question 4.18: What in your view would be the likely impacts of the proposals in this chapter? You may wish to consider, for example:

- Benefits, and disbenefits;
- Costs (direct and indirect), and savings;
- Impacts upon individuals and groups with protected characteristics;
- Other practical issues.

Your views on how positive effects could be increased, or negative effects could be mitigated, would also be welcome.

Please explain your reasoning, either here or, if easier, please feel free to note any impacts specific to an individual proposal under the appropriate question above.

Any improvement notice served to a Responsible Individual sent also to the service provider will result in greater transparency and accountability.

To give Responsible Individuals the right to make representations to the Welsh Ministers (CIW), against any improvement notice or cancellation of their designation is welcomed as it emphasises 'fairness' in offering an opportunity for redress.

Question 4.19: We would like to know your views on the effects that the proposals in this chapter would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

No impact anticipated

Question 4.20: Please also explain how you believe the proposals in this chapter could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

No changes required

Question 4.21: We have asked a number of specific questions in this chapter. If you have any related issues which we have not specifically addressed, please use this space to report them.

Questions on Chapter 5: Amendments to regulation of the social care workforce

There are 9 questions about this chapter.

Question 5.1: Do you agree with the proposal to amend the 2016 Act to provide that a person who has held office as a member of Social Care Wales may be reappointed once? Please explain your reasoning.

Agree – no strong view

Question 5.2: Do you agree with the proposal to amend the 2016 Act to provide Social Care Wales with the power to grant a conditional registration for a person, when they are renewing their registration, in certain circumstances? Please explain your reasoning.

Agree – appropriate in some circumstances. Allows some exceptions for some staff who have genuine reasons for not complying with registration requirements.

Question 5.3: Do you agree with the proposal to amend the 2016 Act to allow a panel to review and extend interim orders as appropriate, up to the maximum of 18 months? Please explain your reasoning.

Agree

Question 5.4: Do you agree with the proposal to amend the 2016 Act to provide a Fitness to Practise panel with the ability to revoke an interim order, during review proceedings, where it is necessary and appropriate? Please explain your reasoning.

Agree – panel should be able to have this option and enable a person to resume their role sooner – timely FTP hearings would be beneficial.

Question 5.5: What, in your view, would make it necessary and appropriate for a Fitness to Practise panel to revoke an interim order?

Evidence of appropriate training to remedy/mitigate risks of further concerns.
Character references.

Question 5.6: What in your view would be the likely impacts of the proposals in this chapter? You may wish to consider, for example:

- Benefits, and disbenefits;
- Costs (direct and indirect), and savings;
- Impacts upon individuals and groups with protected characteristics;

- Other practical issues.

Your views on how positive effects could be increased, or negative effects could be mitigated, would also be welcome.

Please explain your reasoning.

A more timely response to Fitness To Practise investigations would be appreciated whilst considering this proposal –this will allow people to move on if they cannot practice in social care, or reinstate them into the sector if appropriate to do so. When we are struggling to recruit and retain we need the ability to have timely responses to conclude matters.

Question 5.7: We would like to know your views on the effects that the proposals in this chapter would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

None anticipated

Question 5.8: Please also explain how you believe the proposals in this chapter could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

None anticipated

Question 5.9: We have asked a number of specific questions in this chapter. If you have any related issues which we have not specifically addressed, please use this space to report them.

Questions on Chapter 6: Extending the definition of social care worker to include childcare and play workers

There are 5 questions about this chapter.

Question 6.1: We would like to know your views on the proposal to extend the definition of 'social care worker' to include both childcare and play workers. In particular, are you in favour of extending the role of Social Care Wales to cover childcare and play workers working in the childcare sector?

Please explain your reasoning.

We feel that the professions are different, and should be regarded as such. The responsibilities are very different and I think broadening the definition may have a detrimental impact on both professions. I feel that child care and Play workers may be better described within educational terms rather than social care.

Question 6.2: What in your view would be the likely impacts of the proposal? You may wish to consider, for example:

- Benefits, and disbenefits;
- Costs (direct and indirect), and savings;
- Impacts upon individuals and groups with protected characteristics;
- Other practical issues.

Your views on how positive effects could be increased, or negative effects could be mitigated, would also be welcome.

Please explain your reasoning.

As above

Question 6.3: We would like to know your views on the effects that the proposal would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

None Anticipated

Question 6.4: Please also explain how you believe the proposal could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh

language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

None

Question 6.5: We have asked a number of specific questions in this chapter. If you have any related issues which we have not specifically addressed, please use this space to report them.