

## Social Services (Wales) Bill – Consultation Response Form

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Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please tick here:

If you are responding on behalf of your organisation, please tick here:



This consultation runs from 12 March until 1 June 2012. Please send your responses to us by the deadline of the **1 June 2012**.

You can send your completed response forms to us by e-mail, to [socialservicesbill@wales.gsi.gov.uk](mailto:socialservicesbill@wales.gsi.gov.uk), or by post, to Social Services Bill Team, Social Services Directorate, 4 Floor, Cathays Park, Cardiff, CF10 3NQ.

Responses can come from individuals or groups. The form is set out in the order of the consultation document and the questions are grouped into sections. You do not have to answer **all** of the questions if you do not wish to; you are welcome to only answer the questions that are relevant to you, and to continue your answers on additional sheets if required. There is however, a final question, (number 98), where you can feed back any other views you have on the Social Services (Wales) Bill, that are not covered by the other questions asked in the consultation document.

## **Introduction:**

Shared Lives also known as Adult Placement, arrangements are provided by individuals and families (Shared Lives Carers) in local communities. The Shared Lives Scheme (an organisation managed by a local authority or independent charity and registered with CSSIW) recruits the families and undertakes a rigorous assessment process with them including references, CRB checks and induction training before they become approved Shared Lives Carers

Shared Lives Carers across Wales provide a range of services including:

- Long term accommodation and support
- Short breaks
- Day time support
- Rehabilitative or intermediate support
- Kinship support where the Shared Lives Carer acts as 'extended family' to someone living in their own home

The main feature that distinguishes Shared Lives from other kinds of support is that, whatever the service provided by the Shared Lives Carer, the person being supported has the opportunity to share the Carer's family life and be part of their social networks. The relationships that develop are committed and consistent and highly valued by both the person receiving the services and the Shared Lives Carers.

Shared Lives Plus in Wales is the Welsh Committee of Shared Lives Plus member organisation representing Scheme's and approved Shared Lives Carers in Wales. There are 13 registered Schemes providing Shared Lives services in all local authorities in Wales to a greater or lesser degree provided by local authority run schemes and 3<sup>rd</sup> sector providers. There are over 300 Shared Lives Plus Carer members in Wales. All 13 Registered Schemes contribute to the Shared Lives Plus in Wales Committee with staff and approved carer representation.

Shared Lives is a regulated service, with minimum standards enforced by government inspectors.

In an excellent Shared Lives scheme:

- People who use Shared Lives and their families are at the heart of all the scheme does. They are fully involved in decisions about their lives, their support and the scheme's future.
- Matching between Shared Lives carers and people who use Shared Lives is at the heart of the referral process and is a fair and transparent system. Shared Lives carers are not placed under pressure to accept matches. People who use Shared Lives have a strong sense of belonging within their household, community and relationships.

- The ongoing roles of Shared Lives carers, scheme workers and social workers are clear and all are able to work together positively to help each individual plan and review their goals and support.
- Shared Lives carers are recognised and respected as colleagues and play an active part in developing the Scheme policies.
- There is a local Shared Lives carer group which allows Shared Lives carers to meet up, learn from each other and to influence the development of the scheme. Shared Lives carers are encouraged and supported to take part in NAAPS at regional or national level.
- The care and support expected of Shared Lives carers is clear and reasonable, with adequate access to respite and breaks. Payment levels are structured and transparent.
- The scheme is a learning organisation and always seeks to improve its practice.
- There are clear procedures for when things go wrong and Shared Lives carers can access appropriate support if they face an allegation.
- Scheme workers recognise both the emotional and economic implications for carers when a Shared Lives arrangement ends.

Shared Lives Plus works in partnership with the Welsh Government who has recognised the importance of the Shared Lives model by funding a three year part time Development Post from this year.

## **1. Maintaining and enhancing the wellbeing of people in need**

### **1.1 Wellbeing of people in need**

**Question 1** – Do you agree with our proposals to base this legislation on the concept of maintaining and enhancing the wellbeing of people in need?

**Question 2** – Do you agree with our working definitions of “wellbeing” and “people in need”? Do you wish to suggest alternatives?

**Question 3** – What are your views on the proposed general duty on local authorities and their partners to maintain and enhance the wellbeing of people in need in their local areas?

**Question 4** – What are your views on the proposals to provide guidance on this area through the Code of Practice?

**Response:**

**Q1:** We support the legislative approach proposed that is aimed at enhancing and maintaining the wellbeing of people in Wales.

We find the definition 'adults in need' problematic when it is extended from children, who due to their age and vulnerabilities cannot make decisions for themselves, to adults who have the capacity to make individual choices in life. Many adults, whether 'in need' or not, make choices that do not enhance their wellbeing and on the contrary can have a detrimental impact on their lives. We fear that the duty to maintain and enhance the wellbeing of people is open to misinterpretation and could lead to the potential disempowerment of service users in an effort to encourage them to make 'right' and safe choices.

Shared Lives schemes support adults to try out new experiences and to take manageable risks. We have found that this model of work allows personal growth and enables people to become more confident and independent. The service users supported by Shared Lives services would fit into the working definition of adults in need outlined in the Bill. Although they have various and often multiple care and support needs, this does not define them as 'in need'.

A balance needs to be maintained between upholding people's rights and independence on one hand, and promoting their safety and wellbeing on the other. Adults should be supported and empowered to make informed choices in their lives that will ultimately lead to a more fulfilled life and enhanced wellbeing.

**We believe that the wording should better reflect a general duty to maintain and enhance the wellbeing of people in Wales and to assist and support people facing barriers to wellbeing.**

**Q2:** The term "people in need" is patronising and disabling and should be discarded. We support the suggestion made by WCVA to use the term "**people facing barriers to well being**".

**Q3:** The concept of "people in need" weakens the wording of this bill as it provides the opportunity for individuals to feel subservient and excluded when we are actually agreed nationally that individuals need control over their lives and the services they choose. People supported by Shared Lives Carers do not feel they are "in need", rather that they are choosing to be part of a vibrant, inclusive lifestyle of which they are a strong and important part.

**Q4:** We share the view expressed by WCVA that very often guidance is ignored. Legislation make it clear that local authorities and their statutory partners demonstrate how they have discharged their wellbeing duties against local and national outcomes.

## **1.2 Defining social care services**

**Question 5** – What are your views on the proposed broad power for local authorities in Wales to provide or make arrangements for the provision of social care services?

**Question 6** – What are your views on our proposed definition of “social care services”?

### **Response:**

**Q5:** We support this broad power for local authorities in Wales to make arrangements for the provision of social care services.

**Q6:** Drawing on our earlier comments that individuals need to feel that they are empowered to choose, select and manage their services we would urge caution around the language used in the definition. The term “other assistance” should not be used in a way that restricts the kind of support a person needs which may include support to avoid social isolation or simply support to pursue ordinary activities that enhance an individuals’ wellbeing.

## **2. A stronger voice and real control**

## **2.1 Information, advice and assistance**

**Question 7** – Do you agree that we need to make a significant step forward in making information, advice and assistance accessible?

**Question 8** – Do you think that the legislation should specify any particular organisational form for this, such as an information hub?

**Question 9** – Do you think that the legislation should specify more clearly how local government and the NHS should work more closely together in the provision of information, advice and assistance?

### **Response:**

**Q7:** We would agree that ensuring that people have all the relevant information about the range of services that could be made available to them, and supporting them to make informed choices about the care and support that they receive is crucial. The requirement also focuses on preventative strategies and earlier access to support which is also important in terms of better quality of support and also cost savings.

People who are supported by Shared Lives Carers are used to having clear information and advice that is geared toward their own circumstances and abilities.

Many individuals require a level of support to reach decisions about the support they wish to receive. It will need to be clear if the term “assistance” and “advice” has a disabling factor; putting the individual in a position of feeling “in need”, or if it means real advocacy; an area that needs to be more strongly available in Wales.

**Q8:** We support the idea of legislation that recognises the need to bring initiatives together to develop a Wales wide approach that includes input from all relevant parties at all levels; locally, nationally, at planning and implementation levels.

**Q9:** We support legislation that clarifies how local government and Health Services work together in providing advice, information and assistance/ advocacy.

## 2.2 Assessment of need

**Question 10** – Do you agree there should be a single right of assessment?

**Question 11** – Do you agree the new system will benefit service users and their carers, as well as professionals in understanding their duties of assessment? If not, why?

**Question 12** – Do you agree that law and policy should provide for proportionate assessments i.e. a formal prescribed assessment for people who have social care needs?

**Question 13** – Is it helpful to prescribe the assessment process and who should be involved?

**Question 14** – What information do you think should be included within the “common core” of a new integrated assessment?

**Question 15** – Will the new system be more efficient and provide local authorities with greater flexibility?

**Question 16** – Do you see a role for self assessment and if so, how would this work?

### **Response:**

**Q10:** The tone of this section gives cause for concern. Though we agree with the principal that individuals should have a right for their circumstances to be assessed there is a strong feeling in the text that an individual has to appear to be in need to warrant and assessment potentially placing the individual in a subservient relationship with social services and providers. A more positive approach will be for people to be seen as wanting support to maintain their wellbeing. This would ensure that individuals remain in control of the services they use.

**Q11:** The new system would need to consider a more enabling and empowering approach to benefit people using it.

**Q12:**

**Q13:** We believe that the assessment process has to be flexible so that assessors can adapt to the circumstances and abilities of the individual rather than having a “one size fits all” approach.

**Q14:**

**Q15:** More efficiency and flexibility will only be achieved if local authorities are enabled to use the new system in ways that recognise the complexity of individuals’ circumstances and lifestyles.

### **2.3 Portability of assessments**

**Question 17** – Should the Bill impose a general duty on local authorities and their partners to provide social care services to a person in need who resides in their area?

**Question 18** – Do you agree that portability of assessment will bring greater consistency of care for services users? Do you agree that it will lead to savings?

**Question 19** – When someone moves into a new local authority area, what do you think is an acceptable period for which to require that the new authority must maintain the assessment of a service user before it reviews the case?

**Question 20** – Do you agree with our proposals for notification and transfer of information?

#### **Response:**

**Q17, 18, 19:** We agree with the positive suggestion that the assessment would be transferred with the service user into the new Local Authority where the individual is being relocated. The receiving local authority would be required to provide the same level of support as set out in the person's support plan (until this is reviewed) as far as this is reasonable.

The portable assessment of care can be a really useful tool to minimise the disruption to a person's life and to ensure a seamless provision of care. It talks about the duty on local authorities to provide services when the person is ordinarily a resident. There are real problems with different interpretations of the ordinary residents rules which could be clarified in this legislation. Shared Lives Plus welcomes the inclusion of para 2.3.8 in relation to adult placements which recognises that the recruitment and movement of shared lives carers(adult placement carers) may extend beyond the boundaries of the scheme with which they are registered.

**Q20:** We agree that improved systems of notification and transfer of information would be a very positive step toward ensuring greater safety to individuals but also to providers. Shared Lives Carers provide unique, inclusive support within their own families. A lack of clarity around information sharing can place Shared Lives Carers in extremely vulnerable positions if their Shared Lives Schemes are unable to gain essential details about the person they are asked to support. Shared Lives Carers provide extensive information about themselves and have the right to expect a similar approach if they are to provide a positive, inclusive level of support.

## **2.4 Management and review of care plans**

**Question 21** – Do you agree that the statutory duty changes we have outlined above are the right ones to improve care and support plan and review systems?

**Question 22** – Do you agree that it will be important to prescribe, in the regulations and guidance, the different arrangements for the different needs?

**Response:**

**Q21:** We support the proposal to place the preparation use of care and support plans to be placed on a statutory footing. This should apply equally in situations where people requiring care services have undergone a self assessment as well as those assessed by a local authority.

**Q22:** In prescribing the arrangements for use of care and support plans regulations should ensure proper cooperation and sharing of care and support plans between agencies.

## **2.5 National eligibility framework**

**Question 23** – Do you think that a new national eligibility framework will be beneficial?

**Question 24** – What do you see as the local authority's role in setting criteria for eligibility and what do you see as the Welsh Government's responsibilities?

**Question 25** – Do you believe that the current four-level definition of eligibility: "critical, substantial, moderate and low" is a helpful way of categorising eligible needs?

**Question 26** – Do you agree the new framework should extend to all categories of people in need – both children and adults?

**Question 27** – Do you envisage any particular barriers in operating a single eligibility threshold? How would you overcome these barriers?

**Question 28** – Should people be able to self assess for access to services? If so, how would you see this working?

**Response:**

**Q23:** We agree that the introduction of a national eligibility criteria could be beneficial. However this should be informed by the outcomes people wish to achieve in their lives and not simply a gatekeeping tool which how such criteria tend to be used at present.

**Q24:** We feel that the Welsh Government should set the criteria nationally as a way of avoiding the current post code lottery. Local authorities should be responsible for determining whether people meet the criteria and for meeting all eligible needs.

**Q25:** The current four level definition has in our experience been open to misinterpretation and misuse and as a tool to exclude people from services. It has particularly made it difficult to deliver services which are about early intervention and prevention particularly where for financial reasons local authorities have limited eligibility to those with critical or substantial needs. Greater prominence needs to be given to the consequences of not intervening particularly at the point where people may have low level needs but are without intervention likely to escalate to a higher level.

**Q26:** Yes.

**Q 27:** Local Authorities will argue that needs are not evenly distributed across Wales and that the revenue potential also varies making the availability of funding also an uneven distribution.

**Q28:** Giving people choice and control over their lives should be central to any policy and so too with assessment. We therefore believe that self assessment should be available to anyone who wishes to use it and this should be driven by people's desired outcomes and the life that people would like to live.

## **2.6 Rights of carers**

**Question 29** – Do you agree that the proposed definition of a carer should be based on the one referred to in paragraph 2.6.8?

**Question 30** – Should we allow local authorities to include some carers who receive payments or have a contract for the care they provide within the definition of a carer, where the relationship is not a commercial or ordinary volunteering one? (In order that carers can receive an assessment and benefit from other support provided to unpaid carers.)

**Question 31** – Are there other groups of carers that are not covered but should be included?

**Question 32** – Should local authorities be allowed discretion to consider requests from Foster Carers or Adult Placement / Shared Lives Carers to be classified as a 'carer' and be entitled to request a carers' needs assessment?

**Question 33** – Do you agree that there should be a duty placed on local authorities to publish information on carers' rights and the services offered to carers in their local areas?

**Question 34** – Do you agree that local authorities should be required to offer a carer's assessment to anyone who appears to the authority to be a carer with substantial caring responsibilities?

**Response:**

**Q 29:** We agree with the definition of carer.

**Q30:** See 32 below.

**Q31:**

**Q 32:** This could benefit Shared Lives carers(adult placement carers) who whilst providing care and support on a contractual basis and involving a payment do so on a non commercial basis. They often carry 24/7 responsibility for individuals and like unpaid carers do have respite, support and training needs which cannot always be met inside the funding available for the person they support. Giving them access to a carer assessment would be a fair way of ensuring that they are placed in a position where for the want of their own needs not being met they are unable to continue supporting the person with them.

**Q33:** Absolutely yes

**Q34:** Yes

## **2.7 Direct Payments**

**Question 35 –** Do you agree with the proposal to use this Bill to bring together legislation regarding the provision of Direct Payments in Wales?

**Question 36 –** Do you agree with the proposals to allow Welsh Ministers broad powers to extend the existing Direct Payments arrangements so that they can introduce an effective model of self-directed support and control that also encourages a greater uptake of Direct Payments arrangements in Wales?

**Question 37 –** Do you have views on other ways in which Direct Payments could be extended beyond the current scheme? For example, should they be extended to allow the purchase of residential accommodation or to allow a local authority or independent organisation to be an agent or a broker for services and hold a budget on the service user's behalf?

**Response:**

**Q35:** We welcome this.

**Q 36:** We agree that Direct Payments are central to ensuring that people can take full control over their lives and the support that they need and that this is reflected in legislation.

**Q37:** We feel that Direct Payments should be available to all and that their use should be extended to the purchase of residential care. We feel it would be particularly beneficial for people to have access to support in managing their payment. Allowing local authorities, brokers, or other independent organisations to act as budget holders could be a helpful way of removing some of the burdens that currently may inhibit people taking out a Direct Payment. However, the downside to this may be the costs involved which may lead to an actual reduction in the amount of money available.

**2.8 Complaints and the Public Services Ombudsman**

**Question 38** – Do you agree with the proposal that people funding their own social care should have their complaints considered by the Public Services Ombudsman for Wales (PSOW)?

**Question 39** – Do you agree that the PSOW’s remit should be extended to care homes and domiciliary care agencies only, or that a wider extension to his remit should be considered?

**Question 40** – Do you agree that the PSOW’s remit should be extended to independent palliative care services?

**Question 41** – Do you agree with the proposal to allow the PSOW to consider complaints about matters arising, prior to the PSOW’s powers being extended?

**Question 42** – We are not proposing that “information sharing powers” between CSSIW and the PSOW be included in the proposal, and expect that a protocol between the two bodies will be established. Do you agree that this is sufficient, or should information sharing powers be considered?

**Question 43** – Do you agree that individuals who have complaints about independent palliative care services should also be able to access advocacy services?

**Response:**

**Q38:** We agree.

**Q39:** We feel that the PSOW remit should extend to all provided social care services.

**Q 40:** Yes

**Q41:** Yes

**Q42:** Given that information held by CSSIW about services should be transparent and publicly available we think that the establishment of information sharing protocols should be sufficient.

**Q43:** Yes we agree with this.

**3. Strong national direction and local accountability for delivery**

### **3.1 National Outcomes Framework and Standards for Social Services**

**Question 44** – Do you agree that there should be a duty on Welsh Ministers to encourage improvement in social services and social care services (as defined in this Bill) in Wales?

**Question 45** – Do you agree that Welsh Ministers should have a duty to publish (from time to time) and review (periodically) a statement of national outcomes for social services and social care services?

**Question 46** – Should there be a power to specify performance standards to be met by local authorities and social care service providers to sit beneath the national outcomes framework?

**Question 47** – Should the standards be measured through performance indicators?

#### **Response:**

**Q 44 – 47:** We agree with the proposals as outlined.

### **3.2 Code of Practice**

**Question 48** – Should there be a duty on Welsh Ministers to prepare a Code of Practice to bring together statutory guidance on social services matters?

**Question 49** – Should Welsh Ministers be required to consult on the contents of the Code of Practice before it is introduced?

**Question 50** – Should Welsh Minister be required to consult in advance on any substantial amendments that they propose to make to the Code of Practice?

**Question 51** – Should the Bill specify that the Code of Practice must be followed by authorities acting under the legislation and can only be deviated from where there are good reasons to do so (although this proviso would not give the freedom to take a substantially different course)?

**Question 52** – In addition to the Code of Practice, should Welsh Ministers retain their existing power to issue directions on certain matters, such as policy or practice guidance?

**Response:**

**Q 48 – 52:** We agree with the proposals as outlined.

**Question 53** – Do you agree that we should place the requirement to appoint a Director of Social Services on the face of the Bill and have powers to specify the competencies that a Director of Social Services should have?

**Question 54** – Do you agree that the local authorities should be able to share a Director of Social Services?

**Response:**

**Q53 and 54:** We agree with the proposals as outlined.

### **3.4 Collaboration in integrated Social Services**

**Question 55** – Do you agree with the proposal to introduce a single consistent set of powers relating to the creation of formal partnerships in Wales, for the purpose of delivering integrated services?

**Question 56** – Do you agree with our proposal to introduce powers to define in Regulations and guidance the parameters for developing formal partnerships and pooled budgets and to set out how and when these will be used?

**Response:**

**Q55:** Whilst we can see the benefits of formal partnerships between local authorities we have strong concerns unless third sector organisations are formally included in these arrangements. The presence of a strong third sector is, we believe, crucial to the delivery of high quality and a diverse range of social care services and any initiatives which explicitly excludes participation of the third sector will, we believe, have a long term detrimental effect.

**Q56:** We agree with this proposal as this could be the mechanism through which the third sector can be protected.

**4. Safeguarding and protection**

#### **4.1 A National Independent Safeguarding Board**

**Question 57** – Do you agree with the view of the Welsh Safeguarding Children Forum on the role and function of the National Independent Safeguarding Board?

**Question 58** – What type of organisation do you think the Board should be? How would the relationship and accountabilities with Welsh Ministers and Safeguarding and Protection Boards be constructed (see section 4.2 – Safeguarding and Protection Boards)?

**Question 59** – How should the Welsh Government achieve service user representation on the Board?

**Response:**

**Q57:** We agree with this proposal.

**Q58:**

**Q59:** We feel this could best be achieved in consultation with user led organisations.

#### **4.2 – Safeguarding and Protection Boards**

**Question 60** – What do you think the functions of the Adult Protection Boards and Safeguarding Children Boards should be?

**Question 61** – Do you agree that a funding formula is needed? What approach should be taken to devising this formula?

**Question 62** – Do you think that the existing statutory membership of LSCBs is sufficient for Safeguarding Children Boards? What additional members should be included within the membership of Adult Protection Boards?

**Question 63** – Should there be a requirement that all Safeguarding and Protection Boards have independent Chairs? Please explain your rationale.

**Response:**

**Q 60:**

**Q61:**

**Question 64** – Is the scope of what would constitute an ‘adult at risk’ reasonable?

**Question 65** – Should the duties on agencies to protect adults at risk be based on someone being the victim, or potentially the victim of ‘harm’?

**Question 66** – Should the definition of an ‘adult at risk’ also take account of where, or in what circumstances, the abuse has taken place and whether someone is unable to safeguard themselves as a result of their health and social care needs (paragraph 4.3.9)?

**Question 67** – Is the range of agencies that the Bill will place duties on appropriate? Are there any other agencies that should be considered for inclusion in this framework, and if so why?

**Question 68** – Should a duty to report apply to all the agencies encompassed by other duties? If not, why not? Who should the duty apply to?

**Question 69** – Should the legislation include powers of intervention? If so, what should be the nature of these powers?

**Response:**

**Q64:** Yes

**Q65:** Yes we agree with this subject to people themselves being given the opportunity to determine themselves whether they are at risk of harm. Taking risks is part of ordinary life and people learn and grow and develop through taking risks and any duty to protect from harm should take proper account of this.

**Q66:** We agree with this proposal.

**Q 67:** As far as we can tell.

**Q68:** We agree that a duty to report known risks by all agencies is essential to ensure consistent support and safety. Our concern about imposing a wider duty to report concerns or complaints is that this could lead to less reporting. If a support worker/Shared Lives Carer/volunteer has concerns about an individual but are uncertain as to the severity or likelihood of harm having taken place it is more likely that they will report it to their manager, coordinator etc than to report directly to the Adult Protection Board. The duty should continue to be very clearly the role of the organisation who in turn should demonstrate compliance with robust complaints and whistle blowing procedures.

**Q69:** We agree that the adult protection provisions should adopt a Human Rights approach recognising that an adult is the best person to determine their own well being. Intervention to protect against the wishes of the individual should therefore be a last resort. For example the routine removal of a person from their home or placement for the purposes of protection against their agreement should be subject only to a court order.

## **5. Regulation and Inspection**

### **5.1 Workforce registration**

**Question 70** – Do you believe that the current definitions of social care workers in the Care Standards Act 2000 are broad enough to capture workers in new models of service delivery?

**Question 71** – Do you agree that the Care Council should have powers to regulate the training of all social care workers, not only social workers?

**Question 72** – Do you agree that Welsh Ministers should have powers to make regulations that reserve certain activities to staff with certain specified qualifications?

**Question 73** – Do you have views about what activities should be reserved to staff with certain specified qualifications?

**Response:**

**Q70:** Social care is delivered by a wide range of people ranging from unpaid family carers, friends and neighbours, volunteers, paid Shared Lives carers, domiciliary care workers, supported living workers and a wide range of residential and day care staff. In addition a growing number of service users are, through the use of Direct Payments, taking responsibility for the recruitment of their own personal assistants. To establish a qualification requirement on all of those providing care would seem both disproportionate and unsustainable. Whilst having knowledge and skills is clearly important for the delivery of good quality care this does not necessarily equate to the possession of a formal qualification. Some caring roles especially those that involve ordinary family living such as Shared Lives require skills not necessarily achieved through formal qualifications but through other learning methods.

**Q71:** We agree with the general principal of this but would question how sustainable this would be considering the size of the workforce and its turnover.

**Q72:** Yes

**Q73:** Adult protection roles.

## **5.2 Service Regulation**

## 5.2a Extending regulation to new service categories

**Question 74** – Do you agree that Welsh Ministers should be able to bring appropriate new service delivery models into the scope of the regulator?

**Question 75** – Do you agree that social work services should become a regulated service?

**Question 76** – Do you agree that the registered manager of the service must be registered in the social work register of the Care Council for Wales?

### **Response:**

**Q74:** Yes we agree with this.

**Q75:** We agree with this as a common frustration with current regulation is that where the quality of care services are negatively affected by assessment and care management decisions the regulator has no power to intervene. Bringing social work services with scope would ensure that the whole service provided to an individual would be subject to a more holistic scrutiny by the regulator.

**Q76:** We agree with this proposal.

## **5.2b Revising the registration model for social care services**

**Question 77** – Do you agree that there should be powers to make registration time limited? If so, should this be introduced in a staged way?

**Question 78** – Should certain services, as a matter of principle, be exempt from this provision? If so, why?

**Question 79** – What sectors/services do you believe would be particularly suited to this model?

**Question 80** – What issues do you think this model would raise?

**Response:**

**Q77:** We are not convinced that time limiting registration would improve the quality of services. We would prefer to see the continuation of a single entry level registration and a more clearly defined compliance regime with stronger powers for the regulator to act on non compliance. This should ensure that where services are not compliant with regulation rapid action is taken to remedy the position and if necessary take steps to de register.

**Q78:** no additional comments

**Q79:** no additional comments

**Q80:** This just seems to add to the regulatory burden on both providers of services and the regulator and it is not clear what the rationale is for its introduction. For services that become none compliant with regulations then this should be picked up at the time and we believe that there may be a tendency for matters to be left until re registration which could have the perverse effect of allowing standards to drop between registrations. The CQC in England have recently been severely criticised for placing too many of their limited resources into registration and neglecting ongoing compliance. Without a substantial increase in resourcing of the regulator in Wales we feel that a similar situation could occur if time limited registration is introduced. If the expectation is that many services will fail re registration and therefore have to close down this will have a huge impact on people receiving services and on remaining services. If the purpose is to ensure that services are at re registration brought up to compliance standard then this is a duplication of what should be happening on a continuous basis through inspection and compliance monitoring.

**5.2c The Register**

**Question 81** – Do you agree that the register should contain specified information?

**Question 82** – Do you think that this approach will enable service users and their carers to make decisions about services they use or may wish to use?

**Question 83** – Do you agree that there should be information sharing powers afforded to the regulator?

**Question 84** – Do you agree that this approach will drive up improvement?

**Response:**

**Q81:** We agree with this proposal.

**Q82:** Having clear, full, accurate and up-to-date information about both the quality services is we feel critical in helping people who are contemplating using services to make the right choice.

**Q83:** We agree that the regulator should have powers to share information with other regulators and appropriate bodies

**Q 84:** This remains to be seen.

**5.2d Organisational governance and quality assurance mechanisms**

**Question 85** – Do you agree that these reports should be publically available?

**Question 86** – Do you agree that we should specify matters for public reporting?

**Response:**

**Q85:** We agree that there should be transparency of reporting and that reports should be publicly available. This should ensure a balanced approach between how the providers view of their performance and that of the external regulator.

**Q86:** We agree that this should be the case subject to close consultation with provider organisations regarding the specified matters.

**5.2e National Minimum Standards**

**Question 87 –** Do you agree that we should remove the word ‘minimum’ from sections 23 and 49 of the Care Standards Act 2000

**Response:**

**Q 87:** We agree with this proposal.

## **6. Services**

### **6.1 Adoption**

**Question 88** – Do you agree the functions that a National Adoption Service will be responsible for, as set out in paragraph bb?

**Question 89** – Do you suggest any additional functions that should be included?

**Question 90** – Are there any other barriers to the current arrangements that should be considered in the development of the Social Services (Wales) Bill?

**Question 91** – Do you have any other comments that you wish to make about our proposals for a National Adoption Service?

**Response:**

**Q88 to 91:** We have no comments to make on these proposals.

**Question 92** – Are there any key, identifiable entitlements that disabled children receive that would be of continued benefit beyond age 18 for those with the most complex needs? Please provide details and rationale.

**Question 93** – Do you have any suggestions for how we might define “complex needs”?

**Response:**

**Q92:** We agree that there should be very clear terms of reference for transition from Children’ to Adult services. This area will need careful consideration before changes are made. The current approach often results in a lack of thought and time being given to an individuals needs. By extending the responsibility of local authorities to provide support until 21 to people with complex needs there is a danger that there will just be further delay to their adult needs being considered. It will be important not to assume that individuals with complex needs want or would benefit from remaining in children’s services or education facilities.

**Q93:** We feel that complexity of need should not be the defining factor but that an individual’s eligibility to access adult services is the important issue. This will also need careful consideration to avoid assuming that complex needs are just physical support needs. We have an opportunity in Wales to move away from defining people by their needs and focussing on the support they need to maintain their health and wellbeing. This shouldn’t be age or time limited but based on effective assessment and review. The support needs of an individual should be determined as early as possible and the way support is provided should be applied over a period of time rather than on a particular birthday ensuring continuity and minimal disruption.

## **7. Implementation of proposed legislation**

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**Question 94** – Throughout this document we have identified the impacts of the proposals we would like to include in the Bill. Do you have any comments on the impacts that we have identified?

**Question 95** – Do you agree with our analysis of the impacts? If not, why?

**Question 96** – What do you think the potential cost implications are for the new proposals? Could the new duties be met through minor changes to current arrangements etc?

**Question 97** – Are there other areas of impacts we should be considering?

### **Response:**

**Q94:** We are glad that the Welsh Government has the opportunity to reform the social care system in Wales. We support the indications in the bill that individuals will have a stronger voice and more say in the services they use. The opportunity to ensure appropriate information sharing and communication will result in greater wellbeing and safer lifestyles for everyone in Wales including those providing support.

**Q95:**

**Q96:**

**Q97:**

**Final Consultation Question**

**Question 98** – We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please let us know.

**Response:**