



Rhif: WG47837

Llywodraeth Cymru

Ymgynghoriad - Cynigion ar gyfer deddfwriaeth sylfaenol mewn perthynas â gofal cymdeithasol plant, Gofal Iechyd Parhaus, hysbysu gorfodol a rheoleiddio ac arolygu (WG45428)

Ymatebion i'r ymgynghoriad – 3 (051 i 075)

Nodwch y canlynol:

- Mae'r ymatebion yn y ddogfen hon yn cael eu cynnwys yn yr iaith neu'r ieithoedd y cawsant eu cyflwyno.
- Wrth ymateb i geisiadau, mae swyddogion Llywodraeth Cymru wedi golygu enwau, cyfeiriadau a manylion cyswllt unigolion.
- Mae Llywodraeth Cymru hefyd wedi golygu enwau, cyfeiriadau, manylion cyswllt a gwybodaeth arall yn ymwneud ag unigolion eraill, fel arfer i sicrhau preifatrwydd, neu mewn ymateb i gais penodol.
- Yn sawl un o'r ymatebion, mae adrannau lle nad yw ymatebwyr wedi cynnwys eu safbwyntiau i benodau neu gwestiynau.
- Mae'r ddogfen hon yn cynnwys 314 o dudalennau (gan gynnwys y tudalennau pennawd).



Number: WG47837

Welsh Government

Consultation - Proposals for primary legislation in relation to children's social care, Continuing Health Care, mandatory reporting and regulation and inspection (WG45428)

Consultation responses – 3 (051 to 075)

Please note the following:

- Responses contained within this document are presented in the language or languages in which they were submitted.
- In response to requests, Welsh Government officials have redacted individuals' names, addresses and contact details.
- Welsh Government officials have also redacted other individuals' names, addresses, contact details or other information, usually for reasons of privacy, or in response to a specific request.
- Within several responses, there are sections where respondents have not included their views to chapters or questions.
- This document contains 314 pages (including title pages).

Proposed changes to legislation on social care and continuing health care

Q1. 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?

No. I believe it will move the profit to England and other areas, and adversely impact on the sufficiency of care for children in Wales

Q2. 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.

The proposals ignore the fact that not for profit and charitable entities often provide care at the same rates as profit generating entities. The analysis also ignores the link between return and investment - private providers have often invested upwards of £700,000 in opening children's services, and the perceived profit is a return on this money. Private providers often provide places for the higher acuity children, whilst LA operated homes tend to care for lower acuity children. Private provision offers an incentive to improve quality because low quality private providers simply can't survive. They have to be good to be able to function. LAs cannot possibly replace all the Welsh provision currently operated by private providers. There is no conclusive evidence that private provision is more cost efficient for Local Authorities than charity or in-house provision, as some available evidence does not consider that private providers tend to take more higher acuity children. It is also likely that a mirror of what has occurred in Scotland will occur - private providers may move their central office functions to England and generate profit recharges over the border from non profit entities. The current uncertainty is harming sufficiency because providers are not opening new sites, and this means more unregulated and cross border placements. Further, charities make profit, but term it 'surplus'. Would this be allowed?

Q3. 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?

I don't believe there should be any restriction on the types of organisations that offer care - the key thing is the quality of care being delivered for the costs incurred by the government, not the type of organisation that provides them. Legal structures vary depending on how an organisation has come about, but provided high quality care is being provided, at a cost that is deemed good value for money, then this is meeting the aims.

Q4. 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?

No

Q5. Question 1.5: What are your views on the proposed timings for the primary legislation to come into effect?

It should be settled quickly to avoid uncertainty. It is not clear how the Welsh government will recompense private providers already in Wales, who may have their lives work invested in their residential care organisations, and the lack of clarity is harming sufficiency, so it should be settled quickly.

Q6. 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?

Yes. Local Authorities generally are already over-stretched and lack the capability to open and operate high quality service provision, lacking in house expertise. There are high capital commitments to opening new children's homes. Also will settled children with private providers be moved, disrupting a stable placement.

Q7. Question 1.7: What are your views on the issuing of guidance to support the implementation of the primary legislation?

Unsure

Q8. 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?

No. There will be insufficient not for profit provision for the Welsh authorities to choose from, and they will end up placing children outside of Wales in higher cost placements. There are not enough providers willing to enter Wales, and insufficient capital to do so, and the Welsh government will not be able to fund or have operational capability to open sufficient provision to replace what has been lost.

Q9. 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?

N/a

Q10. 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?

It will adversely impact use of the Welsh language and access, as it will lead to higher numbers of children being placed outside of Wales.

Q11. 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.

The legislation will inevitably have an adverse impact on this. Even a requirement to place Welsh children within Wales will not be viable because there will not be sufficient provision.

Q12. 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.

N/a

Q13. 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.

N/a

Q14. 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.

n/a

Q15. Question 2.3: What lessons can we learn from other countries' practice in this area?

n/a

Q16. 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.

n/a

Q17. 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?

n/a

Q18. 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?

n/a

Q19. 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.

n/a

Q20. 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.

n/a

Q21. 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?

This is a positive step forward and should be implemented

Q22. 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?

This is a positive step forward and should be implemented

Q23. 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.

n/a

Q24. Question 3.4: What lessons can we learn from the duties to report in other countries?

n/a

Q25. 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?

Unsure

Q26. 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)?

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

Yes more widely for children

Q27. 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)?

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

Regulated professions and those who could be assumed to reasonably have known or suspected

Q28. Question 3.8: What sanctions do you think would be proportionate or appropriate for failure to comply with an individual reporting duty?

It needs to be fairly onerous to encourage reporting, perhaps fine rather than jail, but jail if repeated offence, or serious breach of expected professional understanding

Q29. 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?

n/a

Q30. 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.

n/a

Q31. 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.

n/a

Q32. 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?

Yes

Q33. 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?

Yes

Q34. 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?

Yes

Q35. 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?

Yes

Q36. 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?

Yes

Q37. 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?

Yes

Q38. 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?

Yes

Q39. 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?

n/a

Q40. 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?

yes

Q41. 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?

n/a

Q42. 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?

n/a

Q43. 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?

n/a

Q44. 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?

n/a

Q45. 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?

n/a

Q46. 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?

n/a

Q47. 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?

n/a

Q48. 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?

n/a

Q49. 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?

n/a

Q50. 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.

n/a

Q51. 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?

n/a

Q52. 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.

n/a

Q53. 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.

n/a

Q54. 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.

n/a

Q55. 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.

n/a

Q56. 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.

n/a

Q57. 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.

n/a

Q58. Question 5.5: What, in your view, would make it necessary and appropriate for a 'fitness to practise' panel to revoke an interim order?

n/a

Q59. 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.

n/a

Q60. 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?

n/a

Q61. 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.

n/a

Q62. 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.

n/a

Q63. 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.

Yes. The more regulated the sector the safer it is, and it allows for professional standards, and protects children

Q64. 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.

n/a

Q65. 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?

n/a

Q66. 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

n/a

Q67. Question 6.5: 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:

n/a

Submit your response

Q68. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

No Response

Q69. If you want to receive a receipt of your response, please provide an email address.

Email address

No Response

Q70. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

Proposed changes to legislation on social care and continuing health care

Q1. 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?

No. Shutting 80% of care homes in Wales when there is already a chronic lack of placements is utterly ridiculous. It also ignores the fact that looked after children are better cared for than they have ever been, something CIW have pointed out in their annual reports. Since quality and cost are not the drivers for this policy, as Welsh Government acknowledge, then we are left with ideology. When Welsh young people start paying the price for this policy, it is noticeable that the architects of it, Drakeford and Holland, will both have retired. Leaving others to pick up the pieces.

Q2. 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.

Impacts, more Welsh children placed in England. Collapse of investment in to care provision in Wales. Closing of homes. More Welsh children in unregulated homes. Massive job losses across sector. Loss of Welsh language options for young people within Wales. Complete breakdown of trust between providers and Welsh Government, not just in children's sector, but effecting adult care and education.

Q3. 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?

UK based companies will get round this, it will just end up wiping out SME that are based in Welsh communities. Whatever happened to talk of the foundation economy. Most care homes are owned and run by Welsh based people in Wales. This anti-business approach is criminal. It's like Welsh Government have forgotten what the sector was like 30 years ago, when most homes were run by local authorities. They were appalling.

Q4. 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?

There is currently no definition of 'not for profit' that identifies which type of provision is acceptable to the WG. This is causing high levels of uncertainty amongst providers with the result that there is widespread talk of many withdrawing from the sector. If there is the provision for Welsh Ministers to amend the definition through subordinate legislation there will be no confidence in business models thereby removing incentive to invest in the sector. Care homes have no trust in Welsh Government at all.

Q5. Question 1.5: What are your views on the proposed timings for the primary legislation to come into effect?

The policy will fail because it is practically undeliverable. Local authorities will not be able to open the required number of homes within the time span. It takes 4 1/2 years to train a manager, for example. It takes at least a year to open a home from scratch. Lots of local authorities have no experience of running care homes for children. Rather than seeing an improvement in services, young people will end up being moved into sub-standard care provision. Many will also see their schools disappear, since many care providers also provide education for their residents.

Q6. 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?

Calling shutting 80% of care homes a 'transition' is an insult. Welsh Government are just playing politics with children's lives.

Q7. Question 1.7: What are your views on the issuing of guidance to support the implementation of the primary legislation?

What guidance? Since there are already so many lies being said about care providers, coupled with the utter incompetence of Government to understand the basics of investment and business, why would anyone think that 'guidance' would be useful.

Q8. 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?

No as it is unachievable given the number of children requiring placements and the lack of public and voluntary sector provision currently and the time it will take to grow. If placed in England there are few not for profit providers and a lack of sufficiency sector wide. This is the key issue, a lack of sufficiency, not who runs care homes.

Many Welsh LA's are already failing in their sufficiency duty. Such an approach would in all likelihood cause all local authorities to fail in their duty to meet the sufficiency needs of children in their care. Since this policy was announced, registered provision has contracted and use of unregulated placements has gone through the roof. This will only get worse.

Q9. 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?

Since there is no published legislation yet, how does anyone know how to undermine it? Also, since it is so clearly such a stupid idea in the first place, you can't blame the sector if they collectively try to stop it.

Q10. 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?

There will be an inevitable increase in placements at distance from the child's home including provision in England, some of which will be delivered by providers that until the 'eliminate' announcement only delivered services in Wales and by Welsh speakers. There will also be an increase in the use of unregulated provision. In both these scenarios the children will not be ensured the Welsh language will be promoted and facilitated.

Q11. 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.

You would encourage the growth of the current provision by Welsh providers with expectation of social duty including the commitment to Welsh being available. You would not shut down all Welsh homes.

Q12. 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.

This Policy is the wrong answer to the current issues within child care in Wales. Government should be seeking to harness the best of the private sector, encouraging it to grow, using its skills to support local authority provision. Once there are enough placements, then LA will have greater choice, with only the very best care homes surviving. Wiping them all out in one go is utter madness.

Q13. 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.

No Response

Q14. 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.

No Response

Q15. Question 2.3: What lessons can we learn from other countries' practice in this area?

No Response

Q16. 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.

No Response

Q17. 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?

No Response

Q18. 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?

No Response

Q19. 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.

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No Response

Q21. 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?

They already have a Duty of Care, as well as all staff who are registered with Social Care Wales, to report issues as it is. Not sure that this will make any difference.

Q22. 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?

No Response

Q23. 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.

No Response

Q24. Question 3.4: What lessons can we learn from the duties to report in other countries?

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Q25. 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?

No Response

Q26. 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:

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Q27. 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:

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No Response

Q28. Question 3.8: What sanctions do you think would be proportionate or appropriate for failure to comply with an individual reporting duty?

No Response

Q29. 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.

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How could positive effects be increased, or negative effects be mitigated?

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Q30. 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.

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Q35. 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?

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Q36. 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?

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Q41. 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?

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Q42. 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?

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Q43. 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?

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Q44. 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 Response

Q45. 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 Response

Q46. 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 Response

Q47. 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?

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Q48. 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?

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Q49. 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?

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Q50. 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.

Since all care homes in Wales in the private sector are to be shut down by 2027, not sure any of this really matters.

Q51. 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?

If Welsh Government were bothered about Welsh language provision, why are they shutting down all Welsh providers?

Q52. 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 Response

Q53. 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.

No Response

Q54. 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.

No Response

Q55. 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.

No Response

Q56. 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.

No Response

Q57. 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.

No Response

Q58. Question 5.5: What, in your view, would make it necessary and appropriate for a 'fitness to practise' panel to revoke an interim order?

No Response

Q59. 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.

No Response

Q60. 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?

No Response

Q61. 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.

No Response

Q62. 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.

No Response

Q63. 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.

No Response

Q64. 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.

No Response

Q65. 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?

No Response

Q66. 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

No Response

Q67. Question 6.5: 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:

No Response

Submit your response

Q68. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

No Response

Q69. If you want to receive a receipt of your response, please provide an email address.

Email address

No Response

Q70. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

Proposed changes to legislation on social care and continuing health care

Q1. 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?

I do not believe that CIW, as a vehicle to monitor quality of care, should be utilised to monitor or intervene on issue of cost.

Q2. 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.

I do not believe the proposal is viable or practical in application.
I believe imposing the proposal will have detrimental effects both in terms of cost and quality.
I believe that the proposal will see a rise in unregistered provision and children being placed outside of Wales as the private sector increasingly disinvests. I think the proposal will add a burden to LA's that they do not have the will or means to address.

Q3. 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?

I am unsure how profit is being defined and have seen little to suggest the government knows either.

I view the proposal as a restriction of trade

Q4. 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?

No; I think the focus should be realigned to define a reasonable profit, whilst eradicating the small numbers of providers who seek unscrupulous profiteering. This proposal tars all providers with the same brush and will ultimately "throw the baby out with the bathwater".

Q5. Question 1.5: What are your views on the proposed timings for the primary legislation to come into effect?

I believe that damage is being done now and will only increase during the intervening months and years, as the impact of private sector disinvestment increases.
I do not think the timescale affords sufficient scope for viable alternatives to for profit provision to be set up in the numbers required.

Q6. 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?

I feel that transition from private provision to leaving care is extremely poor in Wales already. I feel children are being left high and dry now, post residential care, and that this proposal will only make matters worse and earlier in their journey.

Q7. Question 1.7: What are your views on the issuing of guidance to support the implementation of the primary legislation?

I believe the proposal is flawed and as such no amount of guidance will mitigate this

Q8. 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?

I believe that demand outstrips supply now. Fast forward to a world beyond the private sector and I think such restrictions of LA's will make placing children impossible.

Q9. 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?

If eliminating profit is not undermined then I fear that undermining quality of care and positive outcomes for children is inevitable

Q10. 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?

I do not see the Welsh language being supported by the proposal; if anything I see it being undermined by the risk of more placements being required in England.

Q11. 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.

Please see above

Q12. 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.

I think this proposal is totally misguided and will hurt the children of Wales. I view it as profoundly unrealistic and dangerous and believe the negative impacts are already too apparent if the government would only care to look.

Q13. 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.

No Response

Q14. 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.

No Response

Q15. Question 2.3: What lessons can we learn from other countries' practice in this area?

No Response

Q16. 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.

No Response

Q17. 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?

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No Response

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Please explain your reasoning.

No Response

Q56. 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.

No Response

Q57. 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.

No Response

Q58. Question 5.5: What, in your view, would make it necessary and appropriate for a 'fitness to practise' panel to revoke an interim order?

No Response

Q59. 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.

No Response

Q60. 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?

No Response

Q61. 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.

No Response

Q62. 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.

No Response

Q63. 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.

No Response

Q64. 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.

No Response

Q65. 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?

No Response

Q66. 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

No Response

Q67. Question 6.5: 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:

No Response

Submit your response

Q68. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Name:

Organisation (if applicable):

E:mail:

Telephone:

Your address:

Q69. If you want to receive a receipt of your response, please provide an email address.

Email address

No Response

Q70. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

Proposed changes to legislation on social care and continuing health care

Q1. 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 our children's services are there to protect and care for vulnerable children in our communities, providing a lifeline for those in difficult situations, they should not be able to make profit from the children they protect.

Q2. 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.

Benefit it will be easier to regulate and ensure all children receive the best care.
I would say a significant investment needs to build the capacity public not for profit care home sector.

Disbenefits

Placement availability children may be sent further from home.

A Private market still being in place for emergency care if we do not have enough non-profit placements.

What would happen to the private homes would they cost? What would the cost be ? we would loss provisions without any alternatives being out there?

How will this be address in rural areas in North Wales, will we be expected to send children across borders to English families .

Has the Welsh language been considered

What will happen to foster carers how they get paid, will there income remain the same ?

Q3. 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?

Do you consider that the restriction should also be expressed in terms of the way that any trading surplus is expended?

Yes

What would be the effects and implications of this?

A lack of provisions

Q4. 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?

yes

Q5. Question 1.5: What are your views on the proposed timings for the primary legislation to come into effect?

You need to ensure that you have the provisions in place before this legislation comes into being. Can we cater for all the children we currently have in care and what are the projected figures within the next five years.

I see the aim is to keep children with the families, however, what support/counselling, MHT, wrap round will be put in place for this to happen.

Will more social workers be recruited. Will there be an increase in third sector/partnership support for the family ?

Q6. 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?

The volume of children in private care and the lack of foster carers in Wales. Can the Welsh government put a cap on how much they will pay for these facilities , this would limit the market ?

Q7. Question 1.7: What are your views on the issuing of guidance to support the implementation of the primary legislation?

Good idea, needs to be detailed and needs to include what is being put in place to house these children. Keeping children with families does not always work and we need to have the facilities to support these children on their journeys

Q8. 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?

It has to be done, but you need to ensure the facilities are in place, I feel that we will struggle for placements and homes. These have to be the right homes/ placements with the right support and care. If you don't you will have to again fall back on private home.

I would say 5 years.

Q9. 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?

Legislation re private run homes

Q10. 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?

Do not move Welsh speaking children out of Wales. We need to ensure that we have a provision

Q11. 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.

You will need a Welsh provision to cater for their needs this will need to be across Wales and not just in the cities. Consideration needs to be given sending children to very rural areas is this the best for them. How will we support children from England that come into Wales in a care setting ?

Q12. 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.

n/a

Q13. 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.

No Response

Q14. 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.

Agree. This will give the adult more say over how they wish to use their monies

The benefits are that you will be listening to the adult.

Disbenefits

They may not be able to manage their monies.

They may have learning disabilities and struggle to engage .

Carer/family fraud.

Money may be used for the wrong thing.

Q15. Question 2.3: What lessons can we learn from other countries' practice in this area?

n/k

Q16. 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.

n/a

Q17. 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?

n/a

Q18. 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?

No affect. People may struggle with paperwork so will have to be supported

Q19. 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.

Already documented above

Q20. 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.

none

Q21. 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?

I believe that all individuals should have a duty to report a child at risk.

Q22. 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?

I believe that all individuals should have a duty to report an adult at risk

Q23. 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.

There will be an increase in reports.

I feel it is proportionate, as I as a police officer have this duty.

A procedure would need to be formulated.

Q24. Question 3.4: What lessons can we learn from the duties to report in other countries?

n/a

Q25. 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?

Sit alongside an added responsibility . it makes people have ownership and will increase that professional curiosity that all safeguarding views mention. This is something that we fall down with all the time and making it your own responsibility would make professionals question their judgment

Q26. 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)?

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

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

Relevant partners but also those that deal with child in religious and sport settings

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

Relevant partners but also those that deal with adult in religious and sport settings and private care homes

Q27. 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)?

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

It would need to form part of the CBR check and they would all need to understand the duty to report as part of there job role.

Q28. Question 3.8: What sanctions do you think would be proportionate or appropriate for failure to comply with an individual reporting duty?

This would be depended on the failure this would need to be part of HR. it could amount to a criminal offence in some cases.

Q29. 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?

No effects if managed correctly.

Q30. 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.

n/a

Q31. 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.

n/a

Q32. 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?

yes

Q33. 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?

yes

Q34. 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?

yes

Q35. 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?

yes

Q36. 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?

yes

Q37. 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?

yes

Q38. 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?

yes

Q39. 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?

yes

Q40. 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?

yes

Q41. 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?

yes

Q42. 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?

yes

Q43. 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?

yes

Q44. 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?

yes

Q45. 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?

yes

Q46. 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?

yes

Q47. 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?

yes

Q48. 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?

yes

Q49. 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?

yes

Q50. 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.

yes

It will reduce burden on the inspectors.
Gives ownership to the homes
Cost for the home. Who will pay for this ?
Data protection issues

Q51. 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?

none

Q52. 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.

n/a

Q53. 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.

none

Q54. 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.

Yes enables member to continue work. It seems fair and transparent

Q55. 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.

Yes , as long as it is documented why and when it has been authorised to.

Q56. 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.

Yes this seems appropriate and proportionate.

Q57. 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.

Yes this will be a more streamlined approach.

Q58. Question 5.5: What, in your view, would make it necessary and appropriate for a 'fitness to practise' panel to revoke an interim order?

Right to review, an appeal, concerns around the order if other incidents of note came to the attention of SCW

Q59. 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.

As documented above

Q60. 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?

As documented above

Q61. 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 noted

Q62. 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.

None noted

Q63. 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.

It will be clearer, people will be able to move role to role. Pay will be reflected correctly.

Q64. 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.

This will be positive, they will be better qualified and regulated
They will get support
They will get further training

Q65. 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 noted if applied in accordance with other regulations/ policy

Q66. 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

as above

Q67. Question 6.5: 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:

none

Submit your response

Q68. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Name:

[REDACTED]

Organisation (if applicable):

[REDACTED]

E:mail:

[REDACTED]

Telephone:

[REDACTED]

Your address:

[REDACTED]

Q69. If you want to receive a receipt of your response, please provide an email address.

Email address

[REDACTED]

Q70. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

To: Welsh Government

6th November 2022

Dear colleagues

Welsh Government consultation: Proposed changes to primary legislation in relation to social care and continuing NHS Healthcare

Thank you for the opportunity to respond to the consultation regarding the Welsh Government's proposed legislative changes with respect to social care and continuing NHS Healthcare.

About us

The Education Workforce Council (EWC) is the independent, professional regulator for the education workforce in Wales, covering teachers and learning support staff in school and further education settings, qualified youth/youth support workers, and work-based learning practitioners.

Our legislative remit charges us with raising the status of the education workforce by maintaining and promoting the highest standards of professional practice and conduct in the interests of education practitioners, learners and the general public. The EWC Register is the largest of its type in Wales, covering over 83,000 practitioners (registrants).

Our comments

The Council limits its comments on this consultation to matters relevant to its statutory remit. Specifically, we are interested in the proposals to extend the definition of social care workers to include childcare and play workers, outlined within Chapter six.

We understand the rationale for the specific changes being proposed is to make it clear that the definition of a social care worker (as applied to childcare) applies to all individuals working in day care (as well as childminders), where the legislation, as currently worded, only specifies a definition that applies to childminders and "providers" of day care. We believe, however, that it would be sensible to delay the introduction of any such changes until the Welsh Government's Professional Registration of the Childcare and Play sector Working Group has completed its work. This group (of which I am a member) was established in response to the Independent Review of registration for the childcare, play and early years workforce (which reported in July 2022) and is currently considering the parameters for registration relating to these practitioners, with a sector wide consultation planned to take place in early 2023.

The work being led by the Professional Registration of the Childcare and Play sector Working Group will help to provide greater clarity regarding the range and nature of work carried out by early years practitioners in Wales. Its establishment therefore provides an important opportunity to consider whether various roles within this space can be primarily characterised as being in education or social care. This distinction will, of course, be key to determining with which body each practitioner should be registered with, specifically the EWC, Social Care Wales (SCW) or both.

Although there may be a sensible rationale for the changes that are proposed within the consultation (in terms of providing a more comprehensive description of SCW's function in supporting the childcare sector) we believe that amending the Act in advance of the Professional Registration of the Childcare and Play sector Working Group may be perceived as pre-empting its work. Furthermore, we believe that allowing the Working Group to complete its work, in advance of any legislative changes, would aid the drafting of any amendments to the Act, through ensuring that the legislation is based upon accurate definitions.

Thank you once again for the opportunity to respond to this consultation. I hope the information that we have provided is helpful. Please do not hesitate to contact me if I can be of further assistance.

Yours faithfully,

A handwritten signature in black ink, appearing to read 'H Llewellyn', written in a cursive style.

Mr Hayden Llewellyn
Chief Executive

Consultation Response Form

Your name: [REDACTED]

Organisation (if applicable):

Email / Telephone number: [REDACTED]

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?

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.

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?

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?

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

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?

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

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?

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?

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?

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.

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.

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..

I agree with the proposals. Our son was in receipt of ILF until it ceased and then he became one of the first to benefit from the DP for social care in Flintshire. This has allowed us to be in control and tailor his care around his needs. He is transitioning now to CHC and this is causing many problems for us because it's proving very difficult to provide continuity of his very special care. Having the control that a DP gives would mean that he could keep his PA's who have been with him for over 10 years.

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 benefits for ourselves: we would have continuity with the transition from DP for social care.

We would have the choice of who we want to have in our home on a daily basis.

We can hand pick our PAs.

PAs are more likely to remain for longer as part of our team because we all have the same goal and they are not part of an organization or care company. We look after each other.

Disbenefits for DP are that we are responsible for managing people and all of the responsibilities that go along with this. It can be challenging but as long as there is support from our insurance provider this should not be a problem. For instance, Mark Bates provides, along with insurance, an employer advice service which gives step by step instructions for all situations. I have used this service on a number of occasions and it has completely met my needs.

I don't see that there would be any extra costs involved for individuals. We already have extra costs just from having PA's in our home all day because this naturally causes a higher consumption of gas and electric. Also wear and tear of property. So, I would not expect any change in this area.

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

I am aware that in England they have been using DPs for Health for some years. As this is still happening I have to assume that it is working well for them. So, it would make sense to look at the framework that they have in place to manage and monitor their DPs. By this time they should have been able to put in place what is needed to minimise the likelihood of problems arising.

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.

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?

I would look at how the Local Authorities in Wales have supported individuals who have been in receipt of DPs for social care. In my own LA Flintshire, they have developed the means to support us by learning from experience what is needed for us to be able to manage our DP and the responsibilities that come with that. They are now the experts. Guidance should clearly set out what you are permitted to use your funds for.

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?

I can not envisage direct payments for CHC having any impact on use of the Welsh language. We already have PAs who are fluent Welsh speakers. Our disabled son is non verbal but we believe he will understand Welsh because he attended Ysgol Y Bont in Llangefni up to the age of 19 years. We encourage and enjoy the language of the country that we reside in.

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.

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.

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?

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?

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.

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

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?

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

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

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

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?

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.

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.

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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.

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?

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.

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.

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.

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.

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.

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

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.

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?

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.

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.

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.

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?

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.

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.

Question	NEWFOCAS Response	Internal action by whom?
<p>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?</p>	<ul style="list-style-type: none"> • If you can, so easily, reduce, as you propose, the number of children by 25%, why not do this BEFORE you embark on the 'eliminating profit' scheme? Then demand for profit making IFA's would diminish anyway. Seems like common sense. • What is profit (ref page 6 point 20) the whole consultation hinges on this and you haven't yet defined what you mean by profit. • So logically -what do you mean by 'not for profit' You are excluding other financially ethical models without having clarified this. • You have not defined yet, what not for profit models will be 'allowed' • You have not written about/analysed overtly, what the implications will be and how the 'industry' (or what is left of it) will manage this safely, through staged plans of action over the next 5 years -or if you have you have not shared these with us. • You are 'throwing the baby out with the bathwater' -removing the ability for us to look after vulnerable children in the way we have developed, that works for the children we care for. • i.e. you are removing profit at the cost of removing the wholistic standards of care that have been developed over years, by the independent sector. 	
<p>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.</p>	<ul style="list-style-type: none"> • Take the example of Logan Mwangi -he was allowed home to family. He died! Many more children will die if you insist on this route. • There will be a reduction of sufficiency. • IFA's have already decided that they will take only English children and will remain, or seek to be, registered in England. What plans are in place to manage this? 	

	<ul style="list-style-type: none"> • Some providers, with years of experience/expertise, will leave the sector entirely. • Those that remain have seriously devalued businesses -have you considered what types of claim will be made in respect of this? • There will be disruption of services and obvious knock-on effects to vulnerable Welsh children. • There will be an increase in costs of placements as Welsh IFA owners, becoming non 'profit' making, go onto the payroll. This will cost much more than tax efficient dividend taking for owner run businesses and be reflected in placement costs. • Foster carers will leave the industry rather than change organisations, especially if their choices in Wales are limited. Many foster carers refuse to return, for example, to LA working. The need for re-assessment will also cause many to leave fostering. • The cost of re-assessments will impact cost of placements. And where will all the assessors come from to manage this? This will inevitably result in some children being placed in non-regulated placements. Non-regulation placements have led, historically, to child death at worst, or being subject to sever harm and abuse. • Companies will not invest in Welsh fostering as they have in the past -inevitable consequence of this is reduced IFA's in Wales and reduced number of fostering placements available to Welsh children, more being placed over the border in England. • Local authority fostering teams are already on their knees -talk about 'the straw that broke the camel's back' -this is likely to increase LA staff stress, sickness levels, LA foster carer resignations <p><i>Will you not learn from historic surveys about what support foster carers have told continuously what they want and need in order to maintain placement stability? - more placement breakdowns, more damaged children, ultimately more damaged adults, more cost to adult services across the board -prisons, probation services, police, hospitals, mental</i></p>	
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	<i>health services, GP surgeries, etc etc. You are simply shifting the cost elsewhere and damaging children needlessly.</i>	
<p>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?</p>	<ul style="list-style-type: none"> • How will you do this without defining what 'for profit' is? • Will you be legislating to determine how a trading deficit will be dealt with? • Do you mean that we cannot generate surplus funds, in which case how do we safeguard against years when we have operated a deficit -regulatory bodies would have something to say about this as they demand statutorily that we hold surplus funds for just such eventuality. • As an organisation who are independent of both Local Authority and Welsh Assembly Government we should be able to determine what we do with our surpluses, which invariably is straight back into service delivery, training (carers, staff, panel etc) quality of care, quality of service delivery, service development generally. We do not 'line our pockets' from the care of children as implicated in the whole of this process. <i>Have you thought of undertaking a comparative survey of the salary levels of staff in LA's, Charities and similar, and IFA's?</i> • You risk stifling innovation in an industry that has developed this to the benefit of children (and carers) in Wales. <p><i>We repeat the question, "will you not learn from historic surveys about what support foster carers have told continuously what they want and need in order to maintain placement stability? - more placement breakdowns, more damaged children, ultimately more damaged adults, more cost to adult services across the board -prisons, probation services, police, hospitals, mental health services, GP surgeries, etc etc".</i></p> <p><i>You are simply shifting the cost elsewhere and damaging children needlessly.</i></p>	

<p>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?</p>	<p>NO!</p> <p>Organisations need certainty to make plans and decisions.</p>	
<p>Question 1.5: What are your views on the proposed timings for the primary legislation to come into effect?</p>	<p>Seems unrealistic, given that 2 years on, you still have not been able to define what you mean by profit/not for profit.</p> <p>Hard to discuss time frames when we do not know what we need to do within the time frames.</p> <p>The time frame should commence from WHEN the detailed proposals are published.</p> <p>Consultation needs to be on such detailed proposals, not, as this consultation appears to be, a nebulous conglomerate of unclear, uncertainties.</p>	
<p>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?</p>	<ul style="list-style-type: none"> • We know that there are not enough foster carers in Wales currently to meet demand. • Proposing to lower the number of children in the care system by 25% is not to learn by history -we again cite such cases as Logan Mwangi -a prime, but by no means unusual or isolated, example of what will happen if your proposals are put into action. • These proposals can only lead to the reduction in the number of foster carers in Wales. Kinship caring, whilst it has its place in the whole picture, does not replace the need for more foster carers. This scheme will cause there to be less Welsh carers, in our considered opinion for reasons already stated elsewhere (dearth of experienced assessors, dearth of finances for assessments, dearth of applicant carers etc) There will be nowhere for children to transition to from agencies that choose to close rather than transition to 'Not for profit'. (Individual LA's may manage in the 	

	<p>very short term but it is well known that many children placed with IFA's are children for whom LA's cannot support their carers sufficiently well to attain stability for the child)</p> <ul style="list-style-type: none"> • Subsequently, more placement breakdowns will occur for Welsh children, more trauma damage, thus more damaged adults in society which is where this consultation needs to give strong consideration to Welsh financial priorities. Ill-functioning adults cost far more in societal terms than their child version. • Carers used to receiving high levels of support may not subsequently receive such support and this will lead to placement breakdowns -same results as the point above -false economy for any strategically thinking government. • Some carers (some would estimate as many as 50%) will not choose to transition and will instead, be lost from the sector. • Increased workloads for LA social workers. It may not be clear to politicians but many IFA's -ours is one such case -take much of the 'heat' out of managing high criteria children's needs, thus freeing LA SW's time to work with other children and families. If agencies such as ours no longer exist, could put severe strain upon the infrastructure of safeguarding services (of which fostering is key) and there is nothing in your blurb acknowledging this whatever. • Less IFAS, less recruiting of new foster carers, normal wastage of existing carers (old age, ill health, personal circumstance change) mean LESS Welsh carers, not more. OH yes, you are going to 'reduce' the numbers of children in care by 25%- at what risk to children and the Governments' reputation? • Reiterating, if you can, so easily, reduce the number of children by 25%, why not do this BEFORE you embark on the 'eliminating profit' scheme? Then demand for profit making IFA's would diminish anyway. Seems like common sense. • The foster care system will become clogged with LA social workers spending time children transitioning from stable placements with IFA's who no longer exist for Welsh children, to new placements - 	
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	<p>again increasing the damage to those children and again, leading to increased cost to society as they become damaged adults costing society -not strategic thinking at all.</p> <ul style="list-style-type: none"> • Lack of focus on children's needs drawn away to the inordinate amount of time this proposal is already taking for IFA's to address. • CIW registration of 'new' agencies -have you considered the increased financial investment and manpower required to effect all the proposed changes? <p><i>Again we repeat the question, "will you not learn from historic surveys about what support foster carers have told continuously what they want and need in order to maintain placement stability? - more placement breakdowns, more damaged children, ultimately more damaged adults, more cost to adult services across the board -prisons, probation services, police, hospitals, mental health services, GP surgeries, etc etc." You are simply shifting the cost elsewhere and damaging children needlessly.</i></p>	
Question 1.7: What are your views on the issuing of guidance to support the implementation of the primary legislation?	Would you even consider introducing primary legislation without guidance? If you would, we are in more trouble than is currently feared in terms of diminishing quality and safeguarding children in Wales.	
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?	<p>This would also prohibit making placements in England.</p> <ul style="list-style-type: none"> - Not in a position to be so choosy given the lack of available placements. Nowhere in the consultation document is 'matching' given any priority -one of eh most fundamentally important issues for children living in substitute families. - What happens to children currently placed in England -particularly those in stable, well-matched, long-term placements? 	
Question 1.9: What are your views on the possibility of approaches being taken in response to these legislative	Our agency is run in a fair and ethical way -unlike these proposals and consultation process.	

<p>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?</p>	<p>Once detailed proposals are produced, we will consider how to respond.</p> <p>We are astounded as to why no one in WAG has sought to speak, early on, to each individual IFA in Wales prior to setting up this unwieldy, unclear and unethical system of 'consultation'. In our experience it has felt like a dictatorship rather than consultative process between like minded professionals who all have, (supposedly) the best interests of the most vulnerable children in Wales, to the fore. It feels like the finances are the paramount issue for this government, and ignore the consequences, as long as the Government has been seen to fulfil this manifesto pledge. Surely there would have been better ways to go about reducing perceived 'profit' than treating every agency the same?</p>	
<p>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 favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?</p>	<p>If the number of available placements is reduced, due to these proposals, then Welsh children may well need to be placed in England, which will have a detrimental effect on the Welsh language, culture and heritage.</p>	
<p>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.</p>	<p>We constantly seek to attract more Welsh speaking carers and language and culture is an important aspect of placement matching when considering placement referrals. (<i>Don't forget that if you reduce the number of Welsh placements you are working contrary to such an aim</i>)</p> <p>There will be no change, unless placed in England (see 1.10)</p>	

<p>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.</p>	<p>There has been no apparent thought given to achieving the overall aims, via other routes. If such consideration has been given and discounted this should have been published for all to see and consider.</p> <p>There has been no acknowledgement given to the high levels of expertise, experience and knowledge held in the private sector.</p> <p>Small companies making reasonable profit levels are the hardest hit with no consideration given to this, despite the life investment of individuals.</p> <p>Why are you targeting this part of the care industry? Why not, for example,</p> <ul style="list-style-type: none"> - Elderly provision - Agency staff (which in most cases, treble the cost to local authority finances) and increases risk to the clientele because of lack of resultant service stability - Ancillary services run by private agencies, project staff, support services etc. - Private homes / schools / etc 	
<p>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.</p>		
<p>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</p>		

negative effects could be mitigated, would also be welcome. Please explain your reasoning		
Question 2.3: What lessons can we learn from other countries' practice in this area?		
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.		
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?		
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?		
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.		
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.		
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?		
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?		
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.		
Question 3.4: What lessons can we learn from the duties to report in other countries?		
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?		

<p>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:</p> <p>(a) What are your views on this in respect of children (under the age of 18)?</p> <p>(b) What are your views on this in respect of adults?</p>		
<p>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)? (b) What are your views on this in respect of adults?</p>		
<p>Question 3.8: What sanctions do you think would be proportionate or appropriate for failure to comply with an individual reporting duty?</p>		
<p>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?</p>		
<p>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</p>		

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.		
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.		
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?		
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?		
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?		

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?		
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?		
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?		
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?		
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?		
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?		
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?		
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?		
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?		
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?		
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?		
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?		
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?		
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?		
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.		
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?		
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.		

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

<p>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. 52 Your views on how positive effects could be increased, or negative effects could be mitigated, would also be welcome. Please explain your reasoning.</p>		
<p>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?</p>		
<p>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.</p>		
<p>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.</p>		

Name: [REDACTED]

Email/telephone number: [REDACTED]

I support direct payments. However

The process has been too slow for assessment in the community. The waiting list too long. I know someone I applied for six months ago still on the list no follow up. The profit making agencies are sometimes not fit for purpose. Too many have set up and failed. Little monitoring of quality of care. Some Care standards are not acceptable. Training of carers are not monitored and supported enough.

I can give you examples I believe person centred care is more appropriate. Direct payments faster track supporting people at home with individual needs. In this time of reduced hospital beds no end of life care beds available no convalescent rehabilitation or assessment units beds there is very little choice or support for a lot of people. Particularly the elderly.

Sent from my iPhone

Consultation Response Form

Your name: Peter Orford

Organisation (if applicable): Torfaen County Borough Council, Children and Family Services and Commissioning

Email / Telephone number:

Your address: peter.orford@torfaen.gov.uk

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?

Torfaen County Borough Council, Children and Family Services and Commissioning unit response

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

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?

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal.

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?

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal.

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?

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal and would suggest that CIW set up the (independent) website to allow providers to publish the annual returns.

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?

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal.

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?

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal.

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?

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal.

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?

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal and would suggest that in some instances just to publish the recommendation

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?

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?

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal.

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?

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal.

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?

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal.

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?

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal, within reason.

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?

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?

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal, within reason.

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?

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal

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?

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal

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?

Torfaen Children and Family Services and Torfaen Commissioning **does not agree with this proposal.** This change would have a detrimental impact on Supported Housing services for 16–18 year old's. Many of the organisations that provide these services would not have the infrastructure in place to register with CIW. Some of the properties currently used as supported housing would require significant works in order for them to meet regulatory requirements. All of this coupled with the financial investment required and additional administration of regulated services could deter organisations and lead to a lack of this type of provision. Housing and Homelessness Services are already facing increased challenges and pressures to respond to unprecedented demand in individuals experiencing episodes of homelessness. The supply of temporary and supported accommodation is currently struggling to keep up with the demand. Therefore, any further

legislative changes which could lead to a decrease in the supply of supported accommodation for young people would have a detrimental effect.

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.

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal

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?

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.

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.

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal

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.

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal

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.

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal

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.

Torfaen Children and Family Services and Torfaen Commissioning agree with this proposal

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

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.

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?

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.

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.

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.

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?

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.

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.

Consultation Response Form

Your name: Professor Sally Holland

Organisation (if applicable): CASCADE children's social care research and development centre

Email / Telephone number: Hollands1@cardiff.ac.uk

Your address:

School of Social Sciences, Cardiff University.

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?

This is an individual response, reflecting my experiences as Children's Commissioner for Wales 2015-22 and as a Professor of Social Work.

I have only responded to the first chapter of this consultation.

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.

I believe that this is a vital element of fulfilling the policy goal.

Another option would be to continue to allow for-profit providers to deliver residential and foster care services in Wales but not care for any children from Welsh local authorities. I believe this would be negative for the following reasons.

- First, it would mean that even more children from England would be placed in Wales than is currently the case, potentially meaning that even more children from England would be placed a distance from home, because there would be no local children placed in these for-profit settings. In my experience, some children thrive when placed far from home, but this is often 'despite' being a distance from their family and community, rather than 'because of' this distance.
- Second, continuing to allow for-profit providers to register and deliver services in Wales would mean a perpetuation of the current 'clustering' of services in areas of cheaper housing. This can lead to high demands on local mental health, youth justice, policing and education services due to the often high needs of children living in residential care. It can also exacerbate the already serious problem of stigmatisation of looked after children, if viewed as a 'burden' to services.

This clustering of provision could still occur in the future with not-for-profit providers seeking cheaper accommodation costs. A further way of managing this would be to allow CIW to consider the level of provision already in a local area when considering applications for registration, rather than considering each application on its own merits only.

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

- Benefits, and disbenefits;

The first benefit would be a values-based one. Wales will have sent a strong signal to its children that we will not allow companies to make a profit out of their social needs. This is

important. As children's commissioner I met care-experienced young people frequently. I never raised the matter of profit with young people and did not expect them to have much awareness or interest in the financial framework of their provision. I was wrong in this. On several occasions young people spontaneously raised the matter with me. The first of these were two young people from Wrexham who raised the matter as part of generic discussions about housing, employment and care we were holding as part of our 'Hidden Ambitions' work programme. They had personal knowledge of a some previously locally-owned, private, children's homes that had been bought up by a large private firm that ran a chain of children's homes in England and Wales. They said that the standard of care had deteriorated. They also talked about the general issue of 'the market' in care. They knew that the care of individuals was often procured through a process and said that they felt that they were being bought and sold in a market-place. They suspected that somewhere someone was profiting from their care.

About a year later I was speaking at a conference in north Wales when a young person approached me in the break and explained that they were in a private foster placement in the north-west. They said that they were very happy with their carers, but were concerned about how much the local authority was paying to the company instead of to the carers directly. They said that the company advertised psychological support for the young people in their care but they had not received what they needed. They were concerned about excessive profits being made by the company. I told them I had raised the matter with ministers but would do so again.

On another occasion I met with a youth organization in the south west. This organization was a generic one and the chair happened to be care-experienced. We were discussing a wide range of issues including period poverty and mental health services when the chair asked if they could raise something they had a personal passion about. Again, from personal experience, the young person raised the fact that they wished people could not make a profit from care. They had been a for-profit children's home and involved in a row with their carers, where they threatened to walk out. They claimed to have been told 'you just go then, we can easily replace you with someone more complex that we can charge more for'. This young person was mystified by the fact that their local authority had to pay so much for what they considered to be poor quality care.

These are illustrative examples of one-off, but unprovoked conversations I had with young people over the years. I did not carry out a consultation on the issue and do not know how widely the views of these individuals are shared by others being cared for in profit-making settings, but I felt that they raised important issues of principle from personal experience.

For balance I should note that one young person approached me when they saw that I had called for an end to profit to say that they were very happy in their for-profit foster home and would not wish it to end if the rules were changed. I assured them that I would not call for an immediate change and any changes should not de-stabilise care arrangements like their own.

The second benefit of the proposals would be cost savings. The Competition and Markets Authority report¹ published earlier this year noted that private foster care, in particular, was more expensive than in-house provision. The costs of out-of-home care have spiraled over the last decade. The solution to these spiraling costs mainly lies in reducing numbers of looked after children, but reducing reliance on expensive placements would also help with this. Although the CMA report did not find that residential provision would necessarily be cheaper in-house than by procuring from private providers, there are many indirect costs that are associated with out-of-area provision. This includes paying for family and social worker visits to the child and the costs of senior managers spending many working hours trying to procure scarce provision.

The third benefit would be in keeping children closer to their home communities. Although there is provision everywhere in Wales, much of the profit-making sector is clustered in areas of cheaper housing and few of the children being cared for are local. Children from these areas are then being placed a long way from home because local provision is full or would not meet their needs. Although shifting these patterns will require a huge effort by the government and local authorities, I have never met a social care leader who is satisfied with the status quo.

A fourth benefit will be avoiding the risk of instability caused by a provider failing financially and provision closing abruptly. The CMA report mentioned above noted the risk that some firms are carrying large debts. Profits are used to service these debts. 'some of the largest private providers are carrying very high levels of debt, creating a risk that disorderly failure of highly-leveraged firms could disrupt the placements of children in care.'²

A fifth potential benefit is quality. There has been very little research on quality by mode of ownership in the children's social care sector. Not-for-profit provision can be of poor quality and private provision can be excellent. This is borne out by inspection reports. Nonetheless a recent report from Oxford University³ reported: 'We find that LA providers are significantly more likely to receive better ratings than for-profit providers across all Ofsted's domains' (p.5).

In 2019 a thematic review by Care Inspectorate Wales found that staff in the children's residential sector often do not have the required qualifications to work in that sector. Those working in the private sector were much less likely to have the required qualifications than those in local authorities or the third sector. For example, 40% of female staff and 48% of male staff in the private sector had the required qualifications, while the figures in the local authority sector were 80% and 70% respectively. Staff in the private sector were more likely to have completed the induction framework than those in other sectors but this may be

¹ [Wales summary \(publishing.service.gov.uk\)](https://publishing.service.gov.uk)

² Ibid, p.2.

³ Bach-Mortensen, AM, Goodair, B, Barlow, J. (2022) 'Outsourcing and children's social care: A longitudinal analysis of inspection outcomes among English children's homes and local authorities', Social Science & Medicine, Volume 313, 115323, <https://doi.org/10.1016/j.socscimed.2022.115323>.

because having relevant qualifications can act as a 'passport' to replace core elements of the induction framework⁴. The lack of required qualifications is a concern throughout the sector, but is significantly worse in the private sector in Wales.

A potential disbenefit to the proposed legislation will be a period of instability. Developing sufficient in-house provision will be a huge endeavour for most local authorities, and regional and national support will be needed. It is possible that some providers will depart abruptly, if their boards and shareholders require it, leading to disruption for young people in their care. I would urge such providers to seriously consider a switch to not-for-profit models or to seek a not-for-profit partner to transfer their provision to.

- Costs (direct and indirect), and savings;

I have made some comments about costs above.

- Impacts upon individuals and groups with protected characteristics;

Many looked after children's experiences will be impacted by their protected characteristics, such as disability, sex/gender and ethnicity. I have been particularly concerned about mental health and neurodevelopmental services for looked after children. Due to waiting lists and the requirement for services to work together to develop the right health care for looked after children, who may experience complex mental health and behavioural challenges due to early trauma, moves out of their health board region can lead to them losing the agreed package of care and having to re-enter a new set of waiting lists. The development of the NEST/NYTH model in the Welsh regions, although far from ready at present to meet all care-experienced children and young people's needs, should in the future work in tandem with locally commissioned residential and foster care.

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?

I do not feel qualified to answer this question.

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?

⁴ [Guidance for workers | Social Care Wales](#)

Yes, this seems to be a sensible safeguard to allow for any emerging trends in provision or any loop-holes that emerge after the legislation has passed.

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

I believe that it will be challenging to achieve in the timescale, but also understand that there needs to be a cut-off point or it will remain an unachieved aspiration. The timescale gives notice to providers and enough time to switch to not-for-profit model of operation if they choose to do so.

If it proves too challenging, another approach may be to work on one sector at first, such as ending profit in foster care before residential care, or vice versa, depending on which is more achievable.

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?

If children are living with for-profit foster carers on a long-term basis, are well-settled with those carers, and will not achieve adulthood before the proposed cut-off point, an exception may need to be made on a case-by-case basis. This would be necessary if the carers were unwilling to become local authority carers. A similar situation may arise in a 'bespoke' or very small residential provision.

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

I would expect guidance to be necessary to support commissioning.

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?

This will be necessary or there is a risk that, with for-profit providers not allowed to function within Wales, even more children will be sent across the border to for-profit provision if this

is still permitted. I would expect that there will be exceptional situations where a very specialist provision in the private sector is required. This could require ministerial sign-off, or the agreement of a board or body to whom the task is delegated by ministers.

- What would be the benefits, disbenefits and other implications of such an approach?

Such legislation would not guarantee sufficiency of provision. Local authorities regularly use unregistered accommodation, e.g. bed and breakfasts, hotels or rented cottages, sometimes with temporary staff being used to care for young people. Other problems include the use of in-patient mental health provision beyond the period when in-patient treatment is needed, due to a lack of suitable accommodation and care following discharge, and the use of unregulated and sometimes unregistered care for some 16+ year olds. In my experience, after calling for and then witnessing the development of specialist regional provision for young people with mental and emotional health care needs, new provision takes many years to come to fruition.

Concerns about sufficiency do not mean that this is not the right policy, only a reminder of what a challenge it will be to reduce and then remove our dependency on the private sector.

- What would be an appropriate timescale for implementing such an approach, if it were to be adopted in Wales?

Due to the issues with sufficiency of provision, several years lead-in time will be needed.

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?

Support for commissioners to understand and root out against practices such as where profits are hidden because they are servicing debt, for example. Another concern could be excessive salaries and benefits being paid to owners of not-for-profit companies. Commissioners may need a framework for specialist not-for-profit providers, such as 4Cs, when they are not able to meet need in the local authority or region.

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?

I believe that increasing local provision and reducing cross-border placements is likely to have a positive impact on the Welsh language. This will mean that children will be more likely to be able to attend Welsh medium school or study Welsh second-language. They will be more likely to Welsh-speaking carers if this is their language of choice. Local authorities will have higher expectations placed on them to commission local services which will have to meet the linguistic needs of their local looked-after population.

As children's commissioner I came across several situations where Welsh-speaking children were placed in England with no Welsh provision. I also came across a situation where a child who did not speak Welsh fluently but enjoyed studying Welsh was unable to continue with their Welsh studies after being placed in England.

I recall meeting a care leaver in 2016 in north-west Wales when I was working on the 'Hidden Ambitions' report. She told me she had been placed in residential care in England as a first language Welsh-speaker. After a few years spent there she had lost her confidence to speak Welsh.

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.

All provision should meet Welsh Language Standards and this should be made clear in guidance.

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.

I think it would be helpful for external stakeholders to have access to more information about the Welsh Government's reform programme relating to children's services, showing where this policy sits within the wider programme.

Proposed changes to legislation on social care and continuing health care

Q1. 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?

I think it will result in a damaged foster care provision. eliminating profit is probably achievable but at the expense of childrens placements, which will inevitably lead to poorer matching and more placements outside wales. As England is also very short of foster provision the squeeze on placements will result in greater stress on social workers and a poorer service to looked after children

Q2. 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.

I cannot see any benefits, they are aspirational but not achievable as you are asking businesses to turn into not for profit agencies, as they are businesses a lot will move or close down. The costs will be the practical and emotional costs borne by children who do not have good quality foster and residential placements due to the reduction in placement availability and good quality all round support provided by the agencies, particularly the smaller family run ones. saving money at the expense of childrens well-being is less ethical than your plan to eliminate profit. the extra stress on social workers looking for placements will increase the number leaving the profession, it is already difficult to recruit and retain social workers evidenced by the vacancy rate and number of agency social workers, even the agency ones don't remain.

Q3. 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?

I think how profit is defined is very important, it may be appropriate to define it differently for different organisations. I think if you start trying to control how trading surplus is expended you are micro managing and also restricting innovation. it would potentially prevent agencies providing services to children if they fell outside of your potentially restrictive rules. A 'one size fits all' is probably not the best approach to take.

Q4. 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?

No, its going to be difficult enough for business to fit into your new system without Welsh ministers changing the rules once business who do convert have finally set themselves up. it almost looks like you are blind to the effect this is likely to have on residential provision bearing in mind 80% are privately owned and 50% of the foster care market.

Q5. Question 1.5: What are your views on the proposed timings for the primary legislation to come into effect?

As its been two years since this was first proposed and a deffinition of profit and what type of organisation to convert into has not been established, the timings are not long enough.

Q6. 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?

Yes, how are you going to accomadate the children from the agencies who close down bearing in mind the lack of sufficiency in the sector already. if local authorities could recruit foster carers to accomate these children they would already have done/ would be doing it.
What compenstaion are you planning to give to owners and invetors who have put their money and savings into the buisness you want to convert to not for profit?
it takes months to assess foster carers , having a large amount with no agency who need to join another agency would create chaos. partiuclly as social workers undertake the assessments and reassessing is extra work in an already overwored sector

Q7. Question 1.7: What are your views on the issuing of guidance to support the implementation of the primary legislation?

Guidance is vital to go alongside any legislation including this one

Q8. 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?

I think you are going to create a pressure cooker situtaion if you ban LA's from accessing profit making organisations, an increased number of children and no way to place them with profit making organisations and not enough non profit ones to cope with the amount of children.
As for a time scale, the dire consequences will happen whatever your timescale, the only way to achieve what you want is to build local authority residential homes and recruit Local authority foster carers in masssive numbers, this won't give the level of support needed to many of the foster carers and placement would breakdown more often but you wouldn't be placing with a profit making buisness.

Q9. 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?

You want to guard against people who have put their savings, pensions and taken out loans from protecting their interests? You have already devalued the buisnesses to what will end up as worthless. Maybe you should offer the market value before your propals were put forward and simply buy out those who don't want to convert, but if you did that would the Local Authorities have the resources to manage them? How would you manage a multi tire service with staff and carers having different conditions and support over multiple services? What if the staff and carers simply left. maybe not a practical option!

Q10. 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?

I can't see it would make much difference, except that it is likely to result in more Welsh children being placed in England and not having access to life in a the Welsh medium

Q11. 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.

I don't see that it would make a difference

Q12. 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.

I don't think you have taken the long term effects of this into consideration. there will be no new investment in the sector as there is no business opportunities and people who do it for altruistic reasons would still need to be able to recoup and profit from their investment as it would be their livelihood which not for profit would prevent them from doing.
there are more children entering the system each year not less. the target to reduce the children coming into care by 25% seems to be unachievable unless you are simply going to 'fudge' figures, such as not counting those placed at home on a care order.
The effects of a poorer fostering sector will ultimately lead to child deaths and public enquiries.

Q13. 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.

No Response

Q14. 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.

No Response

Q15. Question 2.3: What lessons can we learn from other countries' practice in this area?

No Response

Q16. 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.

No Response

Q17. 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?

No Response

Q18. 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?

No Response

Q19. 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.

No Response

Q20. 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.

No Response

Q21. 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?

this sounds like a good idea

Q22. 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?

This sounds like a good idea

Q23. 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.

No Response

Q24. Question 3.4: What lessons can we learn from the duties to report in other countries?

No Response

Q25. 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?

It would be sensible to replace so it was clear and accessible with no confusion?

Q26. 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)?

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

I think it would be difficult to enforce in non regulatory relevant partner activities particularly those run by volunteers, so although it would be best for sports groups and any other group involved with vulnerable adults or children to report, it may result in fewer services operating if this was regulatory rather than best practice.

Q27. 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)?

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

No Response

Q28. Question 3.8: What sanctions do you think would be proportionate or appropriate for failure to comply with an individual reporting duty?

No Response

Q29. 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?

No Response

Q30. 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.

No Response

Q31. 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.

No Response

Q32. 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 Response

Q33. 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?

No Response

Q34. 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 Response

Q35. 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 Response

Q36. 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 Response

Q37. 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 Response

Q38. 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 Response

Q39. 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 Response

Q40. 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 Response

Q41. 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 Response

Q42. 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 Response

Q43. 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 Response

Q44. 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 Response

Q45. 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 Response

Q46. 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 Response

Q47. 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 Response

Q48. 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 Response

Q49. 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 Response

Q50. 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.

No Response

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What effects do you think there would be?

How could positive effects be increased, or negative effects be mitigated?

No Response

Q52. 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.

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No Response

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Please explain your reasoning.

No Response

Q58. Question 5.5: What, in your view, would make it necessary and appropriate for a 'fitness to practise' panel to revoke an interim order?

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No Response

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No Response

Submit your response

Q68. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Name: [REDACTED]
Organisation (if applicable): [REDACTED]
E:mail: [REDACTED]
Telephone: [REDACTED]
Your address: [REDACTED]

Q69. If you want to receive a receipt of your response, please provide an email address.

Email address

No Response

Q70. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

Proposed changes to legislation on social care and continuing health care

Q1. 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?

This seems to be a rehetorical question - the issue is that the Programme for Government commitment to eliminate profit from the care of children looked after is misguided in its understanding, not evidence based, ideologically driven and will lead to increased risks to the children that it purports to support.

Q2. 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.

The only benefit here is an ideological one. The idea of private equity being in the sector is not palatable to the Welsh government and they wish to remove those businesses, but in turn are destroying a huge number of small providers who do not make excessive profits and who provide excellent services.

The reality for the children who are supported (and their families), for the communities in which these services exist, for the staff who provide the support and for the local authorities who have the duty of care for the provision of suitable care services; this will be a disaster. You should speak with AND LISTEN TO the commissioners of children's services; the existing structure is creaking and there is a massive sufficiency issue - implementation of this policy will only make that worse.

There are no evidenced cost savings to be made. None. The Welsh Government have failed to provide any evidence to this effect and have ignored the evidence that private providers are offering services at reduced costs to those provided in-house by the local authority.

Existing private sector children's services will close. The 'options' put forward to change structure to a charity are simply not viable for the majority, so they will close. For those close enough to England, they will move services across the border, for those where this is not possible, (as their teams are too far from England), they will simply close and no doubt use any equity in their properties to pay off their large finance arrangements which most have been carrying as they have been trying to 'develop services in Wales for Welsh people'.

Many small businesses have homes in both England and Wales - they cannot change their corporate structure to become a charity if 90% of their trade is in England. There has been no suggestion of how this could be reasonably managed - so the homes in Wales will be closed and relocated into England. What research have you undertaken into how many beds lost situations like this will mean?

There is no plan for how these existing places will be picked up; so children will be forced to leave successful stable placements for an uncertain future - driven purely by this misguided ideology. Children's well-being is being put at risk; particularly that of disabled children for whom suitable services are very hard to develop given the often very bespoke nature of the need.

When these services close, staff will be unemployed, often from within rural communities with no other job opportunities. And providers with a huge knowledge and experience base, will be lost.

Q3. 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?

I don't see how you can define this in such a way as to not penalise the businesses that you (are perhaps starting to realise) that you can ill afford to lose

Q4. 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?

I don't see why we should have any confidence that this would lead to better decision making, but leaves the opportunity for the welsh ministers to back track in the future, so seems sensible.

Q5. Question 1.5: What are your views on the proposed timings for the primary legislation to come into effect?

Far to rushed. Providing risks to the children supported without any mitigation measures.

Q6. 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?

As above - there are only risks in relation to this transition. And none of these risks have been properly mitigated against - providers will be forced to close, leading to loss of beds (when there is already a shortage) and children will be forced to move from stable successful placements. Local authorities will have fewer resources to use to support their duty of care and this will lead to more unregulated placements. Nothing about this is good for children.

Q7. Question 1.7: What are your views on the issuing of guidance to support the implementation of the primary legislation?

What guidance has been provided?

Q8. 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?

I am repeating detail from previous answers but this will reduce the size of the pool of services from which local authorities can place and that pool is already too small. You might 'eliminate profit' but you will also remove massive amounts of service with no plan for how to make up the inevitable shortfall.

There are no benefits.

An appropriate timescale would be to say any new provider registering with CIW in Wales should be not for profit, or something similar.

Q9. 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?

I think any approach to undermine the intention to eliminate profit from the sector is a sensible thing and should be encouraged.

Q10. 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?

None

Q11. 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.

None

Q12. 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.

No Response

Q13. 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.

No Response

Q14. 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.

No Response

Q15. Question 2.3: What lessons can we learn from other countries' practice in this area?

No Response

Q16. 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.

No Response

Q17. 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?

No Response

Q18. 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?

No Response

Q19. 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.

No Response

Q20. 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.

No Response

Q21. 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?

No Response

Q22. 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?

No Response

Q23. 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.

No Response

Q24. Question 3.4: What lessons can we learn from the duties to report in other countries?

No Response

Q25. 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?

No Response

Q26. 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)?

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

No Response

Q27. 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)?

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

No Response

Q28. Question 3.8: What sanctions do you think would be proportionate or appropriate for failure to comply with an individual reporting duty?

No Response

Q29. 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?

No Response

Q30. 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.

No Response

Q31. 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.

No Response

Q32. 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 Response

Q33. 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?

No Response

Q34. 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 Response

Q35. 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 Response

Q36. 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 Response

Q37. 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 Response

Q38. 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 Response

Q39. 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 Response

Q40. 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 Response

Q41. 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 Response

Q42. 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 Response

Q43. 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 Response

Q44. 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 Response

Q45. 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 Response

Q46. 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 Response

Q47. 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 Response

Q48. 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 Response

Q49. 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 Response

Q50. 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.

No Response

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No Response

Submit your response

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Name: [REDACTED]

Organisation (if applicable): -

E:mail: [REDACTED]

Telephone: [REDACTED]

Your address: -

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Email address

[REDACTED]

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Keep my response anonymous

Proposed changes to legislation on social care and continuing health care

Q1. 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?

No Response

Q2. 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.

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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?

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Are there any actions which would guard against such activity?

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What effects do you think there would be?

How could positive effects be increased, or negative effects be mitigated?

No Response

Q11. 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.

No Response

Q12. 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.

No Response

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Do you agree or disagree with these proposals?

Please explain your reasoning.

No Response

Q14. 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.

No Response

Q15. Question 2.3: What lessons can we learn from other countries' practice in this area?

No Response

Q16. 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.

No Response

Q17. 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?

No Response

Q18. 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?

No Response

Q19. 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.

No Response

Q20. 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.

No Response

Q21. 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?

No Response

Q22. 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?

No Response

Q23. 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.

No Response

Q24. Question 3.4: What lessons can we learn from the duties to report in other countries?

No Response

Q25. 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?

No Response

Q26. 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)?

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

No Response

Q27. 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)?

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

No Response

Q28. Question 3.8: What sanctions do you think would be proportionate or appropriate for failure to comply with an individual reporting duty?

No Response

Q29. 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?

No Response

Q30. 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.

No Response

Q31. 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.

No Response

Q32. 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 Response

Q33. 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?

No Response

Q34. 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 Response

Q35. 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 Response

Q36. 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 Response

Q37. 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 Response

Q38. 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 Response

Q39. 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 Response

Q40. 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 Response

Q41. 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 Response

Q42. 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 Response

Q43. 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 Response

Q44. 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 Response

Q45. 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 Response

Q46. 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 Response

Q47. 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 Response

Q48. 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 Response

Q49. 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 Response

Q50. 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.

No Response

Q51. 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 Response

Q52. 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 Response

Q53. 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.

No Response

Q54. 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.

No Response

Q55. 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.

No Response

Q56. 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.

No Response

Q57. 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.

No Response

Q58. Question 5.5: What, in your view, would make it necessary and appropriate for a 'fitness to practise' panel to revoke an interim order?

No Response

Q59. 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.

No Response

Q60. 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?

No Response

Q61. 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.

No Response

Q62. 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.

No Response

Q63. 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.

Social Care Wales already has a statutory role to do these things for health and social care, including childcare. The changes would give them the same role for playwork. Whilst it will probably take time for Social Care Wales to make a complete transition, there are various things that the changes could help with:

- Qualification requirements for all settings registered with Care Inspectorate Wales (CIW) could be brought under one framework, rather than two different lists for childcare and playwork
- Social Care Wales could use its statutory role to promote and support sustainability within the playwork sector, including recruitment and retention.
- Play Wales already works in partnership with Social Care Wales on matters that effect playwork. The changes would formalise this relationship.
- Social Care Wales could use their statutory role to make the case for funding for training and CPD and to influence workforce development plans.
- SkillsActive, who used to provide sector support around training and skills, no longer receive dedicated funding to support playwork and do not undertake this role. The changes would help to fill this gap.
- Future registration of the playwork workforce could be done by Social Care Wales – however, this would be subject to a separate consultation.

Q64. 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.

- Playwork is the smallest sector that Social Care Wales support. There is a risk that that needs of the sector are marginalised or diluted in favour of early years or childcare.
- The Playwork Education and Training Council for Wales (PETC Wales), who currently approve and publish the required qualifications list would take on a slightly different role.
- Playworkers may feel that being described as a 'social care worker' does not reflect the ethos and values of playwork.

Q65. 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?

No Response

Q66. 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

No Response

Q67. Question 6.5: 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:

No Response

Submit your response

Q68. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

No Response

Q69. If you want to receive a receipt of your response, please provide an email address.

Email address

No Response

Q70. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

Consultation Response Form

Your name: [REDACTED]

Organisation (if applicable): [REDACTED]

Email / Telephone number: [REDACTED]

Your address: [REDACTED]

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:

X

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?

[REDACTED]

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

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?

It will allow control and monitoring measures to be in place for providers.

This will allow a more equitable and accessible placements for the children that need to access complex provision. Through not profit services this would free up funds to support other placements for LAC.

Services set up for LAC wouldn't centre around profit.

Avoid providers setting up purely based on profit but for commitment to make a difference to every LAC.

Unfortunately, whilst there are care providers in England who will continue to take children from across the border. Unless able to match current provision, limiting services in Wales will result in placements being sourced in England and children being placed further from their families. This in turn will produce large bills for Welsh local authorities and health boards. There will be minimal access to the governance structure around these commissioned services in England. There has been issues where placements have failed and this in turn reverts care back to the original referrer. How will capacity and demand be met if this legislation is passed. The provision that is in place is insufficient to meet the demands and requirements of care that this group of young people require.

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.

Removing care providers who profit from LAC will benefit the children and the experiences they have. The regulations around these providers, monitoring of what they provide and how they meet the needs of the children are very poor. From my experience the prices charged are not value for money and are not assessed as being fit for purpose. Removing these organisations can only benefit the public pot of money which should be used to provide high quality care rather than profits.

A fairer system for children to stay within wales and closer to home and access these providers.

Cost savings by not re assessing LAC for potential health needs –health needs would already be identified on original assessment when undertaking placement search.

There are many private children's homes throughout Wales housing hundreds of children. Many with severe Learning disabilities and / or CAMHS needs. It is debatable if these children's needs are met appropriately in their placements. Many children with complex mental disabilities become looked after due to challenging behaviors with which their families are unable to cope. Serious investment into learning disability and CAMHS provision is needed to prevent the children becoming LAC at all. Any savings from introducing not for profit care needs to be redirected to support the future development of service that meets the needs of these children.

Where will these children go if the current provision is reduced? There would need to be serious investment in alternative provision to enable them to successfully manage the needs of the children. Recruitment of staff with registration that will provide the planned care and support needed, this recruitment should be a joint with health and local authority. However current funding arrangements would mean that savings go to the Local Authorities and the not the NHS where the LD and CAMHS expertise sit. Local Health Boards will need additional funding as they will by default be expected to support any LAC provision for children's with disabilities, without any resource to provide additional services.

Best interest of LAC not to be over assessed.

Possible reduction in possible placements and less care homes available. Could possibly result in more LAC being placed out of area due to insufficient placements

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, if able to avoid limiting of provision and ensure adequate staffing who are paid appropriately for the skills they will need.

Definition to be clear, specific concise

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?

Yes

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

Implementing and rushing through changes could adversely affect the CYP and services being able to access. Time frame needs to allow sufficient notice to providers and what is expected to make adequate changes but timeframe is too long and brought forward is this taken forward.

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?

Tighter planning for LAC transitioning

Robust multi-disciplinary meetings need to be in place.

Clear processes and understanding of roles prior to LAC transitioning

Better communication between all professionals – very fragmented.

In relation to children with physical and mental / learning disabilities – Under current arrangements children with disabilities who are LAC are the responsibility of social care supported by health where possible. In adulthood these children are likely to have a primary health need and become the responsibility of the local health board through Continuing Health Care CHC. Currently there are repeated referrals across Wales for LAC children who are 17 years old for children's continuing care to fund placements. This is not appropriate or achievable for health boards however it is the belief of social care workers that these children should be eligible for children's continuing care so that they can transition to adult continuing care. This is not the case as CHC is assessed differently on a different framework. This takes a huge resource from children's continuing care who assess these children due to a referral being received. Any future legislation must prevent this happening with clear indication of how children transition from children's social care to adult CHC.

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

Yes, guidance is required and welcomed to ensure no misinterpretation.

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?

Yes, this is the only way to prevent Local authorities who are desperate to find children places of safety commissioning services that benefit from over priced provision

- What would be the benefits, disbenefits and other implications of such an approach?

Potential savings which will need to be used appropriately including additional resource for NHS services. Possible inability to place children quickly and efficiently. Increased placement of children in England.

- What would be an appropriate timescale for implementing such an approach, if it were to be adopted in Wales?

Ensuring not for profit organisations are able to meet the needs of children cared for by the current system will take a lot of time, training and resource in both health and social care. Minimum of 5 years.

Are there sufficient placements being offered through the non for profit services to meet the complex needs of LAC, if not this may be creating more barriers for LAC to access appropriate services. Potentially should be some 'flex' to allow LA to access other organisations if they are the only ones able to meet the needs of the LAC but this could re introduce 'profit' back into system.

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?

Increase in placements in England. Increase strain on the NHS as children's wards forced to take social admissions if care placements can't be found.

LAC Placement's out of wales may rise if more costs can be made, less placements may become available.

Providers may set up in England instead of coming to Wales if more costs can be made.

Costs associated health in child is placed outside of wales.

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?

Opportunity for organisations to deliver through the medium of welsh, if this is compulsory then this could have a negative impact of providers having the ability to undertake this or need training - if this is optional this wouldn't have that impact. i don't see this having any negative impact other than training / support for services to support staff supporting LAC

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.

Same as 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.

Children with challenging behaviors who are not able to be kept safe are likely to injure themselves and / or others. This frequently results in hospital admission for the child, which becomes a prolonged 'social admission' while a suitable placement can be found. In the case where third parties particularly members of the public are hurt this can lead to criminal prosecution and children with disabilities entering the youth justice system. Neither of these are appropriate for the child or the services and robust contingency planning is essential around looked after placements.

Early panel needs to be held to discuss needs and ensure appropriate placements – health must be included.

Numbers of placements and care homes needs to be monitored to prevent overburden of local service provision such as CAMHS.

Care providers need to have minimum standards (same as LA / Education) on food standards and nutrition provided (care homes with education on site)

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.

Introducing direct payments for individuals in receipt of CHC is linked to the underpinning themes in the Social Services and Well-being (Wales) Act 2014 and introduces options for individuals who wish to retain 'voice and control' of how their health care needs are met. Whilst we recognise the value of retention of voice and control, as this provides the individual more control over their care, additional guidance is required to enable Health Boards to identify a clear governance mechanism that identifies the accountable individuals and the responsibilities of Health Boards where care has been delegated externally. A clear and agreed process to support the delegation of healthcare to non-NHS staff is also required.

Direct payments from local authority are available for children with continuing care funded by the local authority. Research and feedback from families indicates that families who receive these payments often do not feel they have been 'given a voice' in their care but rather been given money to find their own care which is often problematic. There are many families who have the direct payment money but cannot find suitable services or personal assistants who can meet their needs. Families feel abandoned to find their own care and do not want the responsibility of becoming an employer of a direct payment worker. Also children with health needs will often employ a personal assistant who requires significant training in order to meet the child's health needs. This falls back to the NHS to provide training with no additional resource, no governance around the PA practice and very grey areas around accountability. Currently NHS nurses find themselves training and delegating this care to workers chosen by the family and have no say in their suitability. PAs are often not suitable and are friends or neighbours of the family and this leads to dispute between health boards and local authorities over how health needs can be met while in the care of direct payment workers. These problems will be mirrored in adult services, where direct payments funded by CHC will have significant impact on nursing services to provide and monitor care which is currently covered by care agencies governance arrangements.

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.

We acknowledge that direct payments provides another option for care and support and given the current pressures within the care sector, this is a benefit for the individual as well as the sector. It will also give more choice and control to the patient.

However, the risk to individuals purchasing complex care and how the risk is managed must be clear. The healthcare funded by the Health Board, but provided by individuals who have no background or experience in healthcare needs to be risk managed. This is not impossible as there are examples today of complex children being managed by their parents, A proper framework of delegation setting out roles and responsibilities and competencies to be achieved may support this more robustly.

Providing care via direct payment may be more expensive than through traditional routes and further consideration will be needed on how these additional costs will be met. Costs such as initial legal costs with an ongoing requirement for input and advice on each case, as well as additional costs such as additional operational/management time on an ongoing basis. The role of the Health Board in providing training and undertaking competency assessments also needs to be worked through. There will also be a financial cost pressure for training and competency sign off for each case. Also the level of demand is unknown at this stage.

Any healthcare purchased must be evidence based and as a Health Board, we would require confidence that the complex healthcare needs of an individual can be safely and sustainably met. Ultimately, the Health Board must have confidence that any health care purchased via direct payments operates in a way that does not lead to an inappropriate level of risk to either the individual or the Health Board. Perhaps a phased approach in the first instance which addresses those individuals who have large personal care needs as a result of their CHC eligibility could be considered. With the complex health task remaining with the Health Board. So a partnership in care arrangement with families and carers as a possible PDSA

A clear financial process would need to be established to transfer the payment of NHS funding to an individual, reflecting any legal requirements. A criterion needs to be identified that allows Health Boards to issue funds to an individual to purchase their own healthcare.

Practical matters also need to be considered such as the requirement for the Health Board to provide 'back up' arrangements in the event of sickness or lack of access to support.

However for children who have employed PAs who are competent in their care and have worked with them for a long time, the possibility of keeping their PA into adulthood is extremely important to them and should be an option.

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

This is a new process in Wales and staff need to be prepared for the implementation. There will be significant learning from England regarding their use, as well as from our Local Authority colleagues.

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.

Potential to engage with big private health companies?? BUPA

Direct payments cannot become the only option. In children we find that social care focuses on direct payments and where they are problematic or not a suitable option for the family there is no alternative. Ultimately the family get no care at all where they cannot find their own services.

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 on clarity of roles responsibilities and escalation may be useful.

Below is more detail on the financial and vicarious liabilities which would need specific guidance.

A governance framework will be required that provides clear advice on the arrangements in place to consider requests for Direct Payments, with professional and operational lines of accountability.

Systems need to be in place to ensure the funding is used appropriately and specifically to meet healthcare needs. Also, any requirement for the Health Board to step in and provide support in the event of no cover/care.

A delegation framework would help mitigate the risks of unqualified care staff providing complex and potentially invasive care.

There must be additional help in signposting families to care providers or provision of alternatives to finding their own care. Also the current hourly rate does not allow families much choice in who they employ. For example no care agency will provide

carers for minimum wage per hour should that be the persons choice of care provider. Agencies will often charge double the DP hourly rate or more.

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 favorably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

The nature of Direct Payments enables the individual to employ their own staff, meaning welsh speaking individuals could choose to employ welsh speaking staff, if this is their individual preference.

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 favorably 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 favorably than the English language.

Starting with national communications in Welsh to the public about the proposal

Supporting the what matters to me conversation in Welsh may help develop individual outcomes for those who are eligible for CHC.

This will be curtailed somewhat unless practitioners are able to do this through the medium of welsh.

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.

There is a requirement for tighter governance around direct payment work. The current system is open to fraud where carers can be paid but do not actually provide any care. This will be a waste of NHS resource should this happen in CHC.

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?

There are conflicting thoughts and views on the principle of imposing a duty to report a child and adults at risk.

Raising the profile of Safeguarding can only be a positive and this would reinforce individual responsibilities. However, current organisational duties and responsibilities, supported by statutory guidance together with the Wales Safeguarding Procedures provide advice for individuals and organisational on what is required if a person has suffered harm or is likely to suffer harm.

Currently, this is an expectation within Health Boards, although this may progress to prosecution following the recently published recommendations from IICSA

There is a need to understand the risk versus the benefit of imposing the duty to report and would this only apply to regulated professionals or all employees, including volunteers and what would be the sanctions?

There would be implications in relation to Part 5 of the Wales Safeguarding Procedures, which are currently being re written, with a potential increase in referrals. Also individuals will be more likely to submit inappropriate reports to protect themselves.

Will imposing the Duty to report improve outcomes or processes?

Relevant bodies needs to be clarified, ie not absorbed into wider Acts/legislation/Guidance

? Risk to young people and adults and their autonomy related to capacity and their human rights

The IICSA report published 20th November 2022 states anyone who works with children and does not report CSA should be prosecuted.

This could work as long as relevant bodies are able to support, train and enable their staff to do so. This cannot be expected of individual who have not had relevant training to identify a child at risk. This is likely to significantly increase reporting.

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?

There are conflicting thoughts and views on the principle of imposing a duty to report a child and adults at risk.

Raising the profile of Safeguarding can only be a positive and this would reinforce individual responsibilities. However, current organisational duties and responsibilities, supported by statutory guidance together with the Wales Safeguarding Procedures provide advice for individuals and organisational on what is required if a person has suffered harm or is likely to suffer harm.

Currently, this is an expectation within Health Boards, although this may progress to prosecution following the recently published recommendations from IICSA

There is a need to understand the risk versus the benefit of imposing the duty to report and would this only apply to regulated professionals or all employees, including volunteers and what would be the sanctions?

There would be implications in relation to Part 5 of the Wales Safeguarding Procedures, which are currently being re written, with a potential increase in referrals. Also individuals will be more likely to submit inappropriate reports to protect themselves.

Will imposing the Duty to report improve outcomes or processes?

Relevant bodies needs to be clarified, ie not absorbed into wider Acts/legislation/Guidance

? Risk to young people and adults and their autonomy related to capacity and their human rights

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.

Earlier identification of those at risk would be a benefit, increased awareness in the wider population, increased ownership for risk reduction.

How would you govern this duty?

There could be over reporting and defensive practices, services might become inundated.

Depleted workforce, increased pressure on individuals/sectors and recruitment/retention of staff

Professional judgement may be lost

Potentially this could have an adverse impact

Diluted responses from Local Authorities, increased pressures on resources

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

As far as I am aware mandatory reporting does not exist in the other three UK nations.

Global evidence does not indicate if this is a useful way forward or not.

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?

Sit alongside.

This is considered as a moral duty also

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)?

Yes. Victoria Climbié was reported by a taxi driver. All adults who have access to children should have a duty to report concerns.

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

As above the age of a person at risk should not matter

If working directly with vulnerable adults or children then there should be a duty to report those at risk of harm

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)?

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

As above, regardless of paid or unpaid employment

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

Possibly a fine

Uncertain on the use of the word 'sanctions' or what the 'sanctions' would achieve in relation to improving outcomes for adults or children at risk.

We need to be mindful of the impact the Professional Allegation/ Concern process under Part 5 of the Wales Safeguarding Procedures has on employees. We often experience staff being absent from work long term due to the stress from the onset of the process. The Adult Safeguarding process often identifies an employee as the alleged perpetrator of neglect or abuse towards a patient. The process needs to be consistently managed with collaborative working with HR and area management teams.

This will likely increase the number of referrals made by colleagues against a work colleague. Professional abuse cases within Safeguarding has increased overwhelmingly since the pandemic.

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?

This would be important to consider in relation to the promotion of the duties, so that people have an understanding and implications, similar to the Children (Abolition of Defence of Reasonable Punishment) Wales Act 2020.

There is a need to be mindful of the Welsh Active Offer which is law in Wales.

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.

As above

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.

How will reporting duties be governed?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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.

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?

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.

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.

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.

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.

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.

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

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.

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?

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.

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.

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.

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?

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.

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.

Proposed changes to legislation on social care and continuing health care

Q1. 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?

Ues

Q2. 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.

The likely impact is settings will refuse to become not for profit and there will be a loss of jobs and shortage of care for sometime. Finding "appropriately qualified" persons to run a not for profit will likely be the problem, with too much responsibility & red tape for little reward.

Q3. 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?

I believe the owners of the companies, not necessarily the RIs won't welcome further imposed restrictions in regards to spend. You will be asking a private company to run under the expectations of Local Authority settings for which they likely won't compete. They will have rent and rates to consider as well as all other costs that would otherwise be covered in LA costs

Q4. 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?

No

Q5. Question 1.5: What are your views on the proposed timings for the primary legislation to come into effect?

No Response

Q6. 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?

No Response

Q7. Question 1.7: What are your views on the issuing of guidance to support the implementation of the primary legislation?

No Response

Q8. 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?

No Response

Q9. 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 Response

Q10. 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?

No Response

Q11. 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.

Learning the Welsh Language should be a choice and not a bribe.

By providing further financial support to businesses because they choose to enlist is coersive behaviour. Speaking Welsh should not mean you are paid a higher rate of pay than the English speaker doing the same job. English is the international language and is spoken and understood by far more nationalities.

Q12. 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.

No Response

Q13. 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.

No Response

Q14. 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.

No Response

Q15. Question 2.3: What lessons can we learn from other countries' practice in this area?

No Response

Q16. 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.

No Response

Q17. 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?

No Response

Q18. 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?

No Response

Q19. 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.

No Response

Q20. 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.

No Response

Q21. 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?

No Response

Q22. 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?

No Response

Q23. 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.

No Response

Q24. Question 3.4: What lessons can we learn from the duties to report in other countries?

No Response

Q25. 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?

No Response

Q26. 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)?

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

No Response

Q27. 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)?

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

No Response

Q28. Question 3.8: What sanctions do you think would be proportionate or appropriate for failure to comply with an individual reporting duty?

No Response

Q29. 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?

No Response

Q30. 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.

No Response

Q31. 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.

No Response

Q32. 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 Response

Q33. 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?

No Response

Q34. 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 Response

Q35. 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 Response

Q36. 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 Response

Q37. 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 Response

Q38. 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 Response

Q39. 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 Response

Q40. 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 Response

Q41. 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 Response

Q42. 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 Response

Q43. 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 Response

Q44. 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 Response

Q45. 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 Response

Q46. 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 Response

Q47. 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 Response

Q48. 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 Response

Q49. 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 Response

Q50. 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.

No Response

Q51. 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 Response

Q52. 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 Response

Q53. 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.

No Response

Q54. 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.

No Response

Q55. 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.

No Response

Q56. 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.

No Response

Q57. 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.

No Response

Q58. Question 5.5: What, in your view, would make it necessary and appropriate for a 'fitness to practise' panel to revoke an interim order?

No Response

Q59. 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.

No Response

Q60. 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?

No Response

Q61. 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.

No Response

Q62. 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.

No Response

Q63. 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.

No Response

Q64. 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.

No Response

Q65. 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?

No Response

Q66. 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

No Response

Q67. Question 6.5: 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:

No Response

Submit your response

Q68. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Name: Kate Lloyd
Organisation (if applicable): Button's and Bow's Day Nursery
E:mail: [REDACTED]
Telephone: [REDACTED]
Your address: Riverside terrace

Q69. If you want to receive a receipt of your response, please provide an email address.

Email address

Info@buttonsandbowsdaynursery.co.uk

Q70. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

No Response

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

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?

I have to speak from experience. I have 41 years' experience in Social Care and I have been a qualified childcare social worker and manager in both local authorities and the IFA sector since 1990. In all my experience as a practitioner I have never come across such a wrong-headed approach, an approach that will ultimately undermine some of the laudable aims of the programme for government and unfortunately leave many children and the carers and support staff that work with them in a much more vulnerable place. Surely there must be a more sensible way of moving forward.

I also think this is a particularly difficult question to answer as we have not been given a working definition of what "not for profit means" or of the suggested potential structures we could consider moving across into.

I also wonder if UK wide legislation may well mean that such an approach goes beyond the remit of the Welsh Government's responsibilities. So can the Welsh Government really have the power to stop UK based companies from making profits from their activities.

Restricting the ability for Local Authorities to commission from for profit providers across another jurisdiction will have a very negative impact on the ability of Local Authorities in Wales to have the range of choice to make appropriate matches between carers with the necessary skills and support, models of care and the specific and often complex needs of the children and young people.

Welsh Local Authorities have sufficiency duties, and the impact of these changes is going to have will be a major and potentially devastating impact on the ability to find the best and most appropriate homes for children who have already experienced devastating losses. It will in the end lead to the growth of unregulated placements as Local Authorities struggle to find appropriate places for child and young people to live. Whilst no one wants unregulated placements what other options will Local Authorities have but to take these calculated risks with young people's lives. On balance I am convinced from a legal perspective if placements in an agency become "unregulated" because the agency is unable to make the change surely no body would want to consider moving these long term placed children or forcing those carers/ providers into a totally different culture where at best they may just stay for a short period of time before leaving the sector. It is the very culture of carers current IFA's that often enable them to continue to offer care beyond the average tenure of a

foster carer which is sadly quite short often because of the immense pressures of the role.

From my organisations perspective because we have not been given any idea of an acceptable model of a not-for-profit organisation despite being on the working parties that tried to discuss this, I do not see how any of us can reasonably be expected to prepare and invest in such a programme of change until we have a more detailed idea of what it entails. We have a duty to our young people and our carers and staff, they will find this uncertainty agonising, they will become very worried and potentially make uninformed and possible negative choices. I fear many carers and staff will decide to exit the sector. This will lead to the early and potentially unplanned end to a number of foster placements that is plainly unnecessary. Many joined my IFA because they had trust in the type of person and approach I take, they felt they would be supported, encouraged, some left previous agencies where they felt unsupported, many have indicated that they would not be prepared to transfer to other not for profit agencies and certainly fewer would want to go back into or join the local authority. They base this latter opinion on the difficult circumstances they find their local authority colleagues in, the regular changes and gaps in local authority social work provision. I spend much time trying to encourage Local Authority carers who approach me to go back to their local authorities and try to see if things can be improved. I have a strong faith in a mixed economy and a strong role for Local Authority provision. I want both sectors to thrive because there is just not enough range and diversity of capacity to meet current and future needs of the next generations of children and young people who will need to be looked after.

I am also concerned that current not for profit and third sector organisations whilst having tremendous values and good will often lack the finances, dynamism, the risk taking approach and incentives to develop growth in carer capacity and this certainly struck me as a key difference when I moved from the Local Authority where I ran fostering and adoption services for many years into the private sector which was much more dynamic.

Another impact of the proposed changes is that agencies even if this approach was ultimately going to become prescribed are much more likely to bypass the current Wales commissioning process and take more placements from England with the understanding that they will have more leeway, even if this is wrong headed, to continue to make profit in this way. This again leads to less choice for local authorities in Wales, and an existential risk to their ability to meet their sustainability responsibilities. This also means that Welsh children who need to be looked after locally end being placed just not out of their local area but often outside of their

country with all the negative cultural, family and rehabilitative prospects this has on them.

This uncertainty is leading to decisions in my case to reconsider if I want to continue to invest in further growth in carers, capacity and the development of my agency. I find this heart-breaking because it is this very developmental and innovative approach that led me to sell my house and invest my pension and future into this company. I have provided good high-quality employment for staff, carers and apprenticeships excellent outcomes for children and invested almost exclusively £1 500,000 per annum into the local community. This may be lost going forward. I would like to pass my agency on as a going concern when I retire in the next few years, I would have also like to have some return on my investment for my retirement but this feels increasingly unlikely. This for me will be a sad end to my social work career.

Why not consider a different approach?

Alternatively the most appropriate way to support the aims of the programme for government is to look to a mechanism that can ensure a system of additional investment is put into a service that is directed and run by care experienced children. I think such a system that builds on the TOMS outcomes and enables proper investment into our local communities and local young people makes more sense. Such an organisation can have a meaningful impact on the decisions, investments and approaches of a whole range of providers and include representatives of such an organisation on the boards and management teams of a range of providers. Rather than the wholesale restructuring of a crucial sector of care provision with devastating impacts, why not consider charging a levy/ windfall tax on the profits/ surpluses of providers made within Wales and use this money for those aims. The approach is much more likely to in your own words *“deliver better experiences and outcomes for children and young people”*.

This combined with a longer-term investment in preventive flexible community support services could achieve both positive outcomes for children with less children in care and ultimately lead to less reliance on the fostering sector be it private or not for profit. I would certainly think it would be more sensible to ensure these preventive services are developed first and foremost before any wide scale change is made to the nature and organisation of the overall foster care system.

Question 1.2: What in your view are the likely impacts of the proposal?

I am very concerned about the impact of these proposals on the capacity of fostering services to be able to meet an increasing number of referrals for foster placements. I agree that an overall strategy to reduce the number of children coming into care is the best way forward, but this will take time and, in my experience, has so far proved unsuccessful. We are living through a period of increased austerity and economic hardship, I think it's likely with the cost-of-living crisis and a lack of community resources will make such an approach hard to succeed, with the likelihood of more children coming into care and lack of statutory and voluntary resources to try and prevent this. The alternative may be that a less risk adverse approach is taken but of course this then runs the risks of further serious case reviews and sadly more child deaths.

As already indicated, I am concerned that during the transition to the not-for-profit model there is a real risk that many providers will not be able to make that transition as none of the proposals put forward appear feasible for them or myself. The wholesale transfer of carers to other agencies will certainly lead to a significant minority deciding to stop fostering all together. Carers and staff like children need certainty and what they are now facing is real uncertainty. They try to make longer term plans with their children based on the certainty and relationships with their current agency. Change will be difficult, and I am certain there will be a net loss of capacity. I say this because I have personally witnessed on numerous occasions over the years when we have faced structural change there is always a degree of attrition and loss. Fostering is such a strongly relationship-based activity and these changes will have major negative impacts on the willingness of carers to carry on. It's hard enough as it is to recruit foster carers, to set us further back and lose many more will be in my opinion be disastrous and so unnecessary. They and the staff represent many years of real lived experience and this is not easily replaced. .

I am very concerned that children with protected characteristics will find themselves much more vulnerable. My service has developed carers with unique skills that has meant a number of children who experience severe disabilities, chronic and acute and often life limiting health challenges have been enabled to live within their own communities and lived satisfying lives as long as possible. If we lose this specialist capacity to deliver such placements because of the impact of these changes these are services, skills that will probably be lost to the sector for ever and this will have a devastating impact on a number of very vulnerable children and also their families who rely on our service.

I can also say from a practical experience of having to pick up a group of foster carers when a fostering agency ceased to function and gave 28 days' notice on all their carers and placements that this involved an incredible amount of skilled and professional assessment capacity and sensitive transition work. CIW will need to be fully on board with any such process and form of assessor, panel and administrative

capacity along with timely statutory checks we not be easy to achieve whilst maintaining regulatory compliance. Even after completing this process its sad to say that of the 6 carer households that transitioned across only one household ended up continuing in our agency on a long term basis. There is no implied fault here it's just cultural change in such a relationship valued business can not be underestimated.

I would also want to understand as it has not been made clear who will fit the administrative cost of the transitioning to new models of service. There will be large scale disruption with the need to re-register with CIW and the new legal entities and structures will require specialist and very expensive advice and inputs. None of this can even start because we have been given absolutely no clarity or even a draft of a definition of what a "not for profit" structure is. And if I can not transition and need to transfer my business has the Welsh Government considered a compensatory package against the absolute losses of value in my business that these proposed changes have already begun to make.

I also think that those considering this change should more carefully and thoroughly read the recent Competition and Markets Authority report. Read it in its full and understand what it actually says. The report concludes that changing the organisational models of supply eg limiting the types or structures of organisations, or limiting the amount of profit that can be made is not the answer to the crisis in foster care. The answer is that more effective national commissioning is likely to be a much more successful way of limiting excessive profits and also a very effective way of holding organisations to account regarding their surpluses and how they effectively invest them in both children and the development of the service and the skills the carers and staff to ensure much better outcomes children in terms of placement stability and the connected positive generational outcomes. These can be monitored both by effective contract monitoring and also by a strong regulatory inspection regime run by CIW with specialist financial auditory support.

I think costs will go up in both in the interim and also post any change. The cost of foster care is a significant factor and at a time of growing austerity it will become more so. I also think that cost comparatives between LA, Not for Profit and For-Profit organisations will not be significantly different and many studies indicate when we compare like with like its almost insignificant. I have heard many proponents of this change state that it is not about the cost rather the principle of an organisation or a corporation making a profit. As a local and national tax payer (Council Tax, Business Rates, Income tax, Dividend Tax & Corporation Tax) who wants value for money I am certain that as a result of these changes costs will go up. Firstly costs will go up

because of the lack of sufficiency that will be created during this change. More local authorities chasing less placements always leads to increases in costs. I have as a LA senior manager resented “paying through the nose” for placements of questionable quality simply because we had no choice. I am absolutely certain that if we follow these proposals this will happen on much greater scale. Welsh children will be placed further away from home with all the negative consequences, there will be further instability further placement breakdown and again much more cost both personally for young people and financially for local authorities.

At what is now happening now is even more worrying. Many IFA's have totally lost faith in their partnership with local authorities as manifest through their relationship with the “All Wales 4C s Consortium” and the connected CCSR system of referral management. Many IFA's are considering their immediate future with the contract. This is partly to do with the financial uncertainty that has taken over the marketplace with owners such as myself feeling I have no long future in holding onto my business and little if no prospect of seeing a return on my investment in the long run. This puts immense pressure on us owners at least trying to recoup as much return as possible on our investment over the remaining four and half years before this change takes place. This will mean people leaving the contract, more spot purchase arrangements, more placements off contract from England and within Wales at greater cost and ironically encouraging owners to try and increase their surplus as a safety net in readiness for the devastation in their businesses in the near future. This is already happening.

The 4 c's All Wales contract did have the real prospect of being a successful example of the way forward with efficient commissioning in a mixed market of provision. It is sad that we are moving away from this and these proposals will be the end to any prospect of developing an efficient partnership based outcomes lead commissioning process on a national Welsh basis that secures good value for money and the best outcomes for the children and young people who have relied on it to be provided with safe places to live.

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?

The key issue here is that there has been no clarity as to a definition of “not for profit” and of any acceptable model that flows from this. The various examples attempted to be outlined in various workshops set up by the eliminate profit working party were simply unacceptable to either smaller SME privately owned businesses or the larger private equity backed companies.

Rather than define our legal/organisational structures why not let us continue to make a reasonable profit and then effectively monitor, scrutinise and actively encourage how we reinvest our surpluses. Was this not the aim of the TOMS outcomes on the current contractual model we have. Is this not what is the actual aim of this programme. I have already suggested ways for contract monitoring, CIW regulatory financial inspection/audit and also a “windfall tax” as a much more effective way to realise this policy and direct investment without devastating the sector.

Such an approach leaves the sector intact and enables the dynamism and the innovative investment that the private sector brings to work alongside and fill the gaps in order to leave charities and local authorities to then have the capacity and community links to further develop their general and specialist services in their own closely linked communities.

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?

No, it is both totally undemocratic, where is the scrutiny and accountability if ministers are given those powers and it would make it impossible for any future or current company/ organisation to have the confidence and the stability within the sector to plan and develop their businesses as there would be constant uncertainty as to what the what direction the current incumbents in government might decide upon.

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

In my opinion a five-year time span is far too short and reflects a political cycle and not a realistic a carefully planned transition. This is meant to be a generational and transformational/fundamental change in the way the sector is organised. Much more

time and clarity as to what is going to be proposed and how it is going to be put in practice is needed.

These are also very uncertain financial times and probably time of exacerbated need and reduced capacity to meet those needs, my experience tells me this is not the best time to make wholesale and fundamental change to a key sector that looks after our countries most vulnerable people. I would want to see if some of the other innovative changes the Welsh Government are proposing are beginning to have their effect in trying to keep children safe and within their own families and communities and hence changing the trend in increasing numbers of Welsh children coming into the care system.

One model of transition is to run a number of pilot schemes with organisations who may wish to consider making the change, then to analyse how successful they have been in achieving the end before deciding to move forward to whole sector transition.

A key learning point would be to help current owners understand how the transition worked and how it affected individual owners and organisations and would give them further confidence in embracing the change on a whole sector basis going forward. Outlining any financial compensation would also help in such circumstances.

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?

I think many of our carers and staff will not wish to make the transition to other providers and organisations as I have indicated above. The risk is a net loss of expertise and capacity both in terms of carers but also staff and specialist services. Organisations may gradually become unviable.

And what happens to the children placed with these carers and agencies who will not wish to transition, will they be closed down? What happens to those current long term placement contracts that have been entered into with Welsh Local Authorities? surely these should be honoured.

If some foster carers have to transition into LA's or other organisations how will the different terms and conditions that will need to be respected be made to operate without totally undermining the credibility and trust of the carers in the host agency who may feel they are being treated differently or less favourably. I have managed these changes both within Local Authorities (Payment for skills schemes) and IFA's and I am telling you it is very difficult and again often with the result of angry and frustrated foster carers deciding to resign and move into other types of care work or cease altogether. Remember the average life of a foster care is around 7 years, these changes will make this shorter.

On the other hand, if there could be greater clarity and more time regarding the proposed nature and structure of future acceptable organisational structures then the prospect of explaining and owning the change within organisations as a whole then becomes much easier and perhaps could start to mitigate the erosional risk of this change. Unfortunately, I have seen little credible evidence of such an approach or proposal being put forward.

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

Meaningful guidance must be published, and the guidance needs to differentiate, respect and reflect some of the cultural and size differences that current organisations have. In a sense guidance needs to be practical, simple and start from where organisations are at in terms of the way they work to current legislation and the guidance needs to outline how transitions can be affected to meet the new legislation. The example of the bringing in of the Care Standards Act in 2000 may give helpful examples here.

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*?

This would be a very bad idea. These are living social work decisions, not commissioning decisions, we are talking about children in need and children in need of protection, social workers must also adhere to a code of practice and values as outlined by our social care regulator in Wales Social Care Wales and must ultimately make these decisions and rightfully so with regard to the best interests of children. Whilst I appreciate the need for effective commissioning there always has to be some exceptions. As I have already indicated above there is a real risk that the outcome of the proposals to eliminate for profit providers from the sector will have a large scale impact on the availability of placements within Wales. We should also remember our duties for sufficiency under the Social Services and Well-being Act (Wales) 2014. As a result, many Welsh authorities will need to look further afield to identify appropriate placement matches for children. If commissioners are to be outlawed from being able to make the best match for a child just because of the structure of a potential agency, for example a for profit agency in England, a country whose legislation they cannot influence then I would expect there to be a widespread and justified complaints that children were being treated less favourably within Wales and subsequently they were being put at risk because the correct placement match was not being sought. I think that it is wrong that these proposals

will effectively restrict the prospects of the best matches for children going forward both in Wales and across the border into England.

As an experienced manager/social worker I have also learnt that you must always have the possible option of a contingency plan in a circumstance where there is a good match to best meet the needs of a child, where it meets the child needs in all legal and safeguarding contexts and that this duty overrides a more political type decision regarding a policy objective. We always had the contingency to make off contract placements as managers in current circumstances and this should remain the case in these matters.

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?

I find it difficult to answer this question because you have not been able to define what “not for profit” is and subsequently what sort of organisational structures would be acceptable. Therefore to ask what sort of approaches might be taken to those interpreting and responding to such structures with a view to undermine policy intention going forward is impossible.

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 favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

I feel that the net result of this proposal will lead to a reduction in the number of organisations providing foster care and also the number of people continuing to wish to foster. This will have a negative impact on the Welsh language. It may also mean that more children are placed in England where their access to their own language will be compromised, and risks being treated less favourably.

The key to encouraging people to come forward is a speedy response to an enquiry offering that response to prospective carers in their own language. For profit organisation appear to have a proven track record in making quick responses to

fostering enquiries whereas I understand Local Authorities with many other responsibilities have found this very hard. Good systems need to be in place both to generate interest in fostering in the areas and communities where we need carers and, in their language, and to respond quickly. Often good work is done to generate interest only for this to be undermined further along the chain when we respond too slowly or are insensitive to the cultural needs of applicants. Sometimes the lack of the assessment resources and administrative systems to move a fostering enquiry into a completed foster carer assessment that is ready for the fostering panel sadly undermines all the hard work of attracting people towards fostering. So, in order to recruit more Welsh speaking foster carers this will mean that system changes in the host agencies will need to be embedded to make sure they respond positively and quickly to enquiries and to completing the assessment process. This will require careful and targeted investment.

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.

Please see my above response. I would also expect the role of the regulator CIW and commissioners will prove most relevant in the matter.

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.

My overall impression is that these are poorly thought through proposals. I perfectly understand the intention is to eliminate profit from the childcare sector. I also understand that the perceived marketisation of the sector and the procuring and commissioning of placements must make young people feel like commodities.

I am also confused as to why other Welsh Government procured services that meet the needs of for example vulnerable adults, there are many others, can continue to be provided by regulated organisations that can make a profit. This is in essence contradictory and in practice unfair and discriminatory and very open to legal challenge.

It saddened me when we first moved towards a formalised commissioning type of approach because I felt that the relationships between local authorities and providers of services became extremely contractual, system driven, not person centred and human contact between social workers who sought foster placements and social workers who provided them became strained. It also felt like children were being put out to tender much like any other local government contract or service and this is what lead to a feeling that children were being treated like commodities. I subsequently agreed with the need to improve commissioning frameworks especially with a growing private sector where councils needed help to commission placements more efficiently and with the proviso of better value for the public purse and better-quality outcomes for children. When I started there where no private sector placements or at best just a small handful. The situation is now very different with significant minority of placements and carers and staff now working within the for-profit sector. That percentage seems to be continuing to grow. Many have never known anything different, and many will not want to change from the structures they have become familiar with and the people, processes and systems that work for them. This approach to eliminating profit from the children's looked after system by wholesale structural change feels like "closing the barn door after the horse has bolted" Just look at the trends and growing numbers of children being placed in the independent sector.

In the last 20 years working in the for-profit IFA sector, I have met many young people in a whole range of sometimes difficult circumstances and I have to say not one of them has ever said to me that they don't like being fostered with our agency because it has a profit making structure. They just want to be well looked after, see their families in the main, do well in school, have great friends and enjoy their communities and participate in the things that interest them. They don't want to be treated differently and they want carers who understand them, appreciate them and give them the warmth, care and love as any child would want and should expect. Our small fostering agency has always tried to do this and will continue to do by supporting carers, staff and colleagues with the sole aim of making this happen.

I am also concerned that this policy is coming in at the wrong time, a time of greater need not less, with the significant risk that its outcome will undermine the very aims it proposes to achieve. That is because this proposal will lead to a net loss of foster carers, staff and specialist services and at a rate that is much faster than any related policy implementation will be able to take effect to prevent children coming into care in the first place.

Recruiting foster carers is rightly a complex, it takes time and is purposefully challenging to those wishing to care. Children have the right to be safe, adults do not have the right to be foster carers or to remain as foster carers if they don't put the well being of children at the heart of what they do. If we lose lots of experienced foster carers from the sector, as I predict we will because of these proposals, I

believe fostering provision in Wales will be set back a generation. They will not be easily replaced, and many carers and staff will leave the sector for good. At a time when it is very difficult to recruit care staff, we must be very careful what we do when we propose wholesale organisational change in a sector.

These proposals seem to be not well defined in terms of how they can actually work in practice and I repeat we have no working definition of “not for profit” or of the proposed actual organisational structures that are acceptable. The proposals have had the effect of stopping private sector investment into the sector at a time when we need more investment and when there is an urgent need to encourage individuals and groups, much as I did, to take a risk and invest in the future. For me it was my house sale and my pension, and from this we have developed a really good value-based SME employing local staff and carers on the best conditions, using local services and spending their Welsh pound in Wales whilst giving the young people a fantastic life.

I would not do this again if I was aware that these proposals were coming into force as I could never make a return on what I invested. Our organisation is financially sound, no money has been borrowed and I personally took on all the risk. I did it because I care deeply about what we do and I want to continue to be able to provide foster care into the future.

I don't want to go over again the risks to sufficiency, the perverse impact of cross border placements and agencies restructuring, the loss of expertise and the very real impact on children who now and in the future need kind compassionate and resourceful foster carers and staff in their own communities so that they can have a safe home. Neither do I want to talk about the loopholes, the issue of compensation, the legal challenges, or some of the wrong-headed thoughts and comments that have come alongside these proposals.

I do want to say that for all its faults, its draw backs and its clunky operation we do have a structure in Wales that could make the aims of this policy come to fruition without the wholesale devastation to the sector and those terrible impacts on young people. Its time to start working together again !

The “All Wales framework” that many of us have committed to and continue work with, along with the system of the CCSR could be strengthened and become the cornerstone of ethical and best value fostering commissioning in Wales and could also share its best practice across the UK. Remember, whilst it not about cost as such, the framework does try to achieve best value for money and best outcomes from the children and through the TOMS audit also facilitate investment in our local Welsh communities. Effective market shaping alongside partnership working will help us to develop the mixed economy of fostering provision and this is the best way forward here in Wales. The CMA report said that too. Strengthened monitoring and inspection, that is meaningful and not just procedural, joint audit with CIW to analyse

the financial investments into services using annual returns, combined with the possibility of a percentage windfall tax above for profits above certain levels. This could fund the priorities that young people identify as being key to ensuring care services meet their needs and also encourages their participation and co-production into the development of the best possible fostering services for the generations to come. That would be real transformational and generational change.

Mick Sams

Responsible Individual & Owner of Foster Care Values

Proposed changes to legislation on social care and continuing health care

Q1. 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

Q2. 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.

Build Trust and confidence within the service users, as per the Looked after children's own feedback may increase their feelings of being valued.
Accountability and openness so more public confidence
If finances / profits are being returned to the service – we would expect standards to rise if money has to be returned to the business rather than owners/ stake holders - for example spends on training staff, buildings and décor, days out, experiences and holidays for the children and staff.
Disbenefits – 4 out of 5 homes are currently privately ran within Wales, would these National companies go over the Boarder to remain profit based private companies. This may result is in lack of provisions in Wales.
Staff retention can non for profit care homes, compete with private care home with wages financial benefits.

Q3. 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 it will need to be considered, due to boarders and current practises of high volume of utilising out of are placements, and also acceptance of out of area children within Wales.

Q4. 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?

Yes to offer clarity and detail

Q5. Question 1.5: What are your views on the proposed timings for the primary legislation to come into effect?

Appears well in advance April 26 (new) , and April 27 (for current registered)

Q6. 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?

I would like consideration on the over 16s, whom are often in " Supportive lodgings" and not under registration by CIW should be highlighted. This maybe an area that could flourish within privately owned and profit based homes. I am not aware of the breakdown of ages of Looked after Children, but would expect high numbers to be post 16.

Q7. Question 1.7: What are your views on the issuing of guidance to support the implementation of the primary legislation?

Will be required - Needs to be clear and concise, promoted well in advance of legislative changes.

Q8. 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?

Answered above

- Yes
-

If finances / profits are being returned to the service – we would expect standards to rise if money has to be returned to the business rather than owners/ stake holders - for example spends on training staff, buildings and décor, days out, experiences and holidays for the children and staff.

Disbenefits – 4 out of 5 homes are currently privately ran within Wales, would these National companies go over the Boarder to remain profit based private companies. This may result is in lack of provisions in Wales.

Staff retention can non for profit care homes, compete with private care home with wages financial benefits. If companies close, how will the LA recruit.

- As planned

Q9. 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?

As above concerned companies, may focus on homes in other areas – cross border. Placement in non for profit Wales care homes may face demands from out of area LA are the placements are likely to be significantly reduced costings, more likely to flourish if money being input – so longer term placements for children from other areas – then lead to reduction in placements for local children – how will placements be managed to ensure the commitments are achieved keeping children in local placements

Q10. 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?

I would expect a positive effect, as money more readily available for training so could be utilised for language courses. If employed within LA, level of language use required.

Q11. 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.

As above

Q12. 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.

No Response

Q13. 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.

Agree, appears to be person centred provision that will improve services between health and social care.

Q14. 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.

Benefits to adults received direct payments, to engage and support in managing complex health needs with continued health care through health personal budgets as well as Social Care .
Practically the report states this will reduce demand on domiciliary care, and we would expect could lead to quicker departures form hospitals – payments could be direct from NHS agencies or their own PA – this may again have reliance on private agencies so unclear where staffing would come from.
Governance?

Q15. Question 2.3: What lessons can we learn from other countries' practice in this area?

Documents in force in England since 2014 – health and SC response required.

Q16. 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.

Unknown

Q17. 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 on finances, spends and monitoring would have to be robust to reduce opportunity for financial abuse.

Q18. 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?

This would depend on what country the workers are coming from, if outside the UK maybe less favourable use of the language – if locally, or within family / PA improvement case specific

Q19. 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

Q20. 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.

No Response

Q21. 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?

In principle any duty to report on child or adult abuse is seen as a positive in safeguarding.

Q22. 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?

Good just more focussed on individuals rather than agencies as a whole – highlights the "everyone's business" in reporting and dealing with abuse of vulnerable

Q23. 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.

As there is already mandatory reporting from relevant bodies, and in thinking of police duty to report and act – and applies to all officers / staff – we do not believe a significant change. Individualising the approach may lead to increase in reports as risk adverse responses.

Q24. Question 3.4: What lessons can we learn from the duties to report in other countries?

Unknown

Q25. 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?

Sit alongside the existing duties

Q26. 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)?

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

We would like to see the "relevant partners" list widened as in thinking of child sexual abuse, it is likely to be disclosed, reported, suspected to known persons initially - rather than the statutory agencies in the first instance – and those settings for example religious or sports all have safeguarding responsibilities, training and leads so to forge change and in response mandatory reporting should apply to those.

A – all children

B – yes vulnerable and Adults at Risk -

Q27. 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)?

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

As above regulated professions including volunteers, sports religious – DBS posts – please also consider – dance inconsideration of sports – which is relatively unregulated.

Q28. Question 3.8: What sanctions do you think would be proportionate or appropriate for failure to comply with an individual reporting duty?

Statutory agencies, will already have mechanisms for failure to act report
Additional bodies – may need consideration for training, rather than discipline through a cultural change

Q29. 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?

We do not believe this will alter from the current processes either way, reporting mechanisms are bi lingual

Q30. 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.

As above

Q31. 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.

No Response

Q32. 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?

Absolutely

Q33. 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?

yes

Q34. 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?

yes

Q35. 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?

yes

Q36. 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?

yes

Q37. 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?

Yes , however guidance would be required and support for implementing this administration back to the providers

Q38. 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?

yes

Q39. 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?

Yes , reducing the administration burden on CIW to focus on inspections and full reports.

Q40. 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?

Yes

Q41. 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?

Yes

Q42. 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?

Yes

Q43. 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?

yes

Q44. 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?

Yes, when deemed proportionate

Q45. 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?

yes

Q46. 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?

yes

Q47. 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?

Yes, absolutely in case of vacancies and to avoid any lack of timely communication

Q48. 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?

Yes as short period, and service provider in place

Q49. 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?

Yes more detail and highlights requirements

Q50. 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.

Appears positive for the demands and administrations burdens some of which appear unnecessary or disproportion for CIW, and benefits on inspections and reports.

Q51. 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?

Requirement for service providers published returns – would have to be bilingual to ensure inclusive for all to complete in language of choice

Q52. 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 clear impact in line with legislation

Q53. 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.

No Response

Q54. 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.

Yes appears fine, however more suitable response to be sought from social care

Q55. 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.

Yes appears to allow flexibility for both

Q56. 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.

Yes fair and timescales

Q57. 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.

Yes as above

Q58. Question 5.5: What, in your view, would make it necessary and appropriate for a 'fitness to practise' panel to revoke an interim order?

As above

Q59. 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.

More appropriate for Social Care to respond on this

Q60. 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?

Positive

Q61. 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.

positive

Q62. 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.

for social care

Q63. 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.

Appropriate for Social Care, appears beneficial as would standardise services enable access to training and safeguarding more accountable. Necessary to allow registration, training support especially to child care settings.

Q64. 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, but play workers practically may have dual roles, short or Zero contracts, voluntary and would not want that to be additional administration burden which could prevent engagement with registration

Q65. 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?

Positive as involved with Social Care Wales

Q66. 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

No Response

Q67. Question 6.5: 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:

No Response

Submit your response

Q68. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Name: Vicki Keegans

Organisation (if applicable): North Wales Police

E:mail: vicki.keegans@northwales.police.uk

Telephone: [REDACTED]

Your address: Llay Police Station Davy Way Llay Wrexham

Q69. If you want to receive a receipt of your response, please provide an email address.

Email address

vicki.keegans@northwales.police.uk

Q70. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

No Response

Proposed changes to legislation on social care and continuing health care

Q1. 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?

As stated in the consultation, 80% of providers in children's residential services are already private sector. The registration with CIW is presumably for new registrations rather than existing. I, therefore, do not think this approach is achievable.

A more pertinent point is that where is the evidence that only allowing not-for-profit organisations to operate is better for children in care. I would suggest there is no evidence to suggest this and if there is the consultation does not refer to it.

Q2. 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.

I believe that, if this proposal was to be successful in only having not-for-profit care for children's services, it would be disastrous for children in Wales. There is already a shortage of services and any measures which attempted to limit the number of providers in the sector would only make this worse.

Children with the most complex and profound needs would no doubt be the worst effected as they often require a range of highly specialist support. Welsh government should only focus on improving quality rather than political ideals.

I suggest that costs would be prohibitive factor as, again, limiting providers in the market would Push up costs (supply and demand).

There would be nothing to stop providers currently in Wales using their resources of property and staff to provide services for English local authorities and health boards. This would be a worse outcome for looked after children as they would be cared for further away from their families and communities. There is a great deal of evidence available regarding the negative effects this already has on children.

Q3. 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?

I believe any restrictions regarding on organisations profit and/or surplus would be worse for looked after children whether or not they or not-for-profit or private sector for the reasons previously stated. Again, I believe measurable quality is what matters rather than the financial structure of the provider.

Q4. 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?

No for the reasons previously stated

Q5. Question 1.5: What are your views on the proposed timings for the primary legislation to come into effect?

I disagree with the proposals in their entirety. I do not believe that any time frame would be of benefit to looked after children.

Q6. 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?

Service providers are investors and employers in local communities. Any restrictions to providers of looked after children would have dire consequences for providers, staff and local communities without any proven benefit to children.

Q7. Question 1.7: What are your views on the issuing of guidance to support the implementation of the primary legislation?

no comment

Q8. 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?

As previously stated, any restrictions would be disastrous for children in need. Local authorities do not have enough services that can meet a wide range of needs currently. Any restrictions would make the situation much worse.

Q9. 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?

By virtue of the fact that this is already a public consultation this would have already affected the decisions of private companies in investing further in the provision of services in Wales.

Q10. 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?

no comment

Q11. 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.

no comment

Q12. 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.

Any proposed changes to children's services should be evidence-based approaches that focus on the improvement of quality services. There is no evidence that eliminating profit from the sector does this. I believe that any restriction to providers in the sector can only be detrimental to looked after children in Wales.

We need to ensure we have a large pool of providers that can meet the ever changing diverse and complex needs of children. Restrictions, that are not focussed on quality, will only have a negative effect.

For clarity, we are not in the sector of residential children's care so this will not affect us. However, if we were in that sector our investment would be diverted elsewhere such as providing services in England.

Q13. 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.

No Response

Q14. 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.

No Response

Q15. Question 2.3: What lessons can we learn from other countries' practice in this area?

No Response

Q16. 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.

No Response

Q17. 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?

No Response

Q18. 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?

No Response

Q19. 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.

No Response

Q20. 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.

No Response

Q21. 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?

No Response

Q22. 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?

No Response

Q23. 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.

No Response

Q24. Question 3.4: What lessons can we learn from the duties to report in other countries?

No Response

Q25. 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?

No Response

Q26. 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)?

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

No Response

Q27. 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)?

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

No Response

Q28. Question 3.8: What sanctions do you think would be proportionate or appropriate for failure to comply with an individual reporting duty?

No Response

Q29. 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?

No Response

Q30. 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.

No Response

Q31. 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.

No Response

Q32. 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 Response

Q33. 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?

No Response

Q34. 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 Response

Q35. 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 Response

Q36. 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 Response

Q37. 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 Response

Q38. 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 Response

Q39. 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 Response

Q40. 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 Response

Q41. 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 Response

Q42. 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 Response

Q43. 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 Response

Q44. 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 Response

Q45. 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 Response

Q46. 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 Response

Q47. 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 Response

Q48. 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 Response

Q49. 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 Response

Q50. 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.

No Response

Q51. 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 Response

Q52. 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 Response

Q53. 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.

No Response

Q54. 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.

No Response

Q55. 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.

No Response

Q56. 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.

No Response

Q57. 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.

No Response

Q58. Question 5.5: What, in your view, would make it necessary and appropriate for a 'fitness to practise' panel to revoke an interim order?

No Response

Q59. 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.

No Response

Q60. 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?

No Response

Q61. 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.

No Response

Q62. 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.

No Response

Q63. 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.

No Response

Q64. 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.

No Response

Q65. 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?

No Response

Q66. 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

No Response

Q67. Question 6.5: 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:

No Response

Submit your response

Q68. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Name:

[REDACTED]

Organisation (if applicable):

[REDACTED]

E:mail:

[REDACTED]

Telephone:

[REDACTED]

Your address:

[REDACTED]

Q69. If you want to receive a receipt of your response, please provide an email address.

Email address

[REDACTED]

Q70. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

Proposed changes to legislation on social care and continuing health care

Q1. 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?

Excessive profits from providing care should be eliminated, but companies providing high quality care with a reasonable operating profit margin can allow for investment in the sector which is much needed.

Q2. 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.

Risk of instability in the market, during transitional phases, and lack of local placements across Wales.

Potential phasing could help with only new registrations being allowed from not for profit and existing ones maintained for a reasonable timescale?

We need to also consider the implications for transitional arrangements from child to adult.

Q3. 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?

Defining what is felt to be a reasonable return on investment may be prudent so that we are all aware what is meant by the term "surplus".

Q4. 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?

yes

Q5. Question 1.5: What are your views on the proposed timings for the primary legislation to come into effect?

Needs to be phased carefully not to destabilise the market and to allow for growth of not for profit provision

Q6. 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?

We need to be able to use a "when i'm ready" approach and to avoid hard service boundaries for children as they become adults, flexibility or approach based on individual needs is essential rather than age based ie reaching 18th birthday.

Q7. Question 1.7: What are your views on the issuing of guidance to support the implementation of the primary legislation?

Guidance should be in place for a considerable period before the enactment date of the legislation.

Q8. 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?

Risk of instability in the market during transitional phases, and lack of local placements across Wales.

Potential phasing could help, with only new registrations being allowed from not for profit and existing ones maintained for a reasonable timescale whilst new providers are developed, suggest 3-5 years

Q9. 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 Response

Q10. 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?

If capacity reduces we may see a disproportionately high percentage of Welsh language provision lost from the sector, if children are placed across the border due to lack of capacity it becomes less likely they will have support in Welsh.

Q11. 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.

If companies can prove that operating surplus is supporting local communities and Welsh Language this should be excluding from "not for profit" considerations.

Q12. 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.

No Response

Q13. 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.

Yes as Heads of Service across Wales we fully endorse the proposal for people who are eligible for CHC to have the same levels of voice and control they would via a social care package and direct payments. Our public have told us for many years that this is a barrier for them and leads to unnecessary changes in their care arrangements at what can already be challenging times in their lives. This more seamless approach fits well with the principles of the social services and wellbeing (Wales) act, and we look forward to implementing the change with our NHS colleagues.

Q14. 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.

Benefits, and disbenefits;

Benefits to the person and their family are hugely significant, we have a plethora of information that supports the direct payment agenda making a real difference to people's lives. People being able to maintain their PA as they transition between health and social care services allows for greater flexible and offers continuity of provision.

Benefits to Health & social care: Care provision in Wales is very difficult to source at present, enabling people to maintain their personal assistants through any transitions is not only better for the person but avoids the need to source such care from any agency or direct provision, making best use of the overall capacity across the system

Costs: direct payments are some £5-£10 per hour cheaper than an equivalent package of care via commissioned or in house service provision, therefore by allowing direct payments for CHC there will be a cost saving to Health Boards.

The change may increase uptake of CHC amongst DP recipients, this should not be seen as a disadvantage though, as is about people having the right level of support to meet their needs in the best way.

Better partnership working. The change will avoid some of the challenges faced by MDT's when DP's are not available and person has clear health needs that are above and beyond S47 duties for social care but the person does not want to "lose" their PA's

Costs (direct and indirect), and savings;

Impacts upon individuals and groups with protected characteristics;

The change should benefit all groups and is more equitable than the current frameworks such as independent user trusts as it will support a wider range of neurodiversity, voice, choice and control. It also removes the inequity in relation to direct payments for people who receive social care support to those who receive health support.

Other practical matters such as cross-border issues or transition to the new arrangements.

The change removes the inconsistency across the England-Wales border which is welcomed.

Transitionally, Local Authorities would wish to offer support to our health colleagues in relation to the direct payments agenda, its systems processes and administration. This is an area where we feel there is potential to work in partnership to meet the needs of our population.

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

Local Authorities have a long history of direct payments and we would wish to offer support to our health colleagues in relation to this agenda, its systems processes and administration. This is an area where we feel there is potential to work in partnership to meet the needs of our population

Q15. Question 2.3: What lessons can we learn from other countries' practice in this area?

We feel there are lessons from across the border in England about allowing DP's for CHC which are welcomed, there are local lessons too in Wales about the effective use of direct payments for people in receipt of social care that can support NHS colleagues.

Q16. 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.

HB & LA's could consider use of a shared resource to administer direct payment and/or a pooled fund arrangement. Independent user trusts are also an option but fall considerably short of the flexibility and governance surrounding direct payments so would not achieve the same outcome

Q17. 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?

There is a wide range of direct payment information already in place across Wales from Social Care that can be built on for people receiving health care, wherever possible we would suggest building on this rather than creation of new stand-alone materials. People have asked us for continuity of care and work in integrated ways, we would want to remain true to this and work in partnership to deliver this.

Q18. 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?

Direct payments allows recipients to actively recruit personal assistants who are fluent in their language of choice, and are from their local community, there is therefore real potential for a positive impact on use of Welsh language within people's care provision which is to be encouraged and welcomed. Early implementation of the change is needed.

Q19. 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.

Direct payments allows recipients to actively recruit personal assistants who are fluent in their language of choice, and are from their local community, there is therefore real potential for a positive impact on use of Welsh language within people's care provision which is to be encouraged and welcomed. Early implementation of the change is needed.

Q20. 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.

The change of legislation to specifically allow direct payments for CHC is welcomed, it will not however be a panacea for all the challenges surrounding CHC and transfers from social care to health care. We need this change to be a catalyst for improved working relationships, better MDT decision making and fair and transparent implementation of the CHC framework, which at present is not always the case. CHC eligibility is extremely closely scrutinised by health boards and thresholds applied by panels are consistently above those set out in legislation and case law. We need to work collaboratively on this agenda as people who currently have social care direct payments trigger eligibility for CHC, and to keep the person their family and codes of practice at the heart of such decision making, if we do not the change in legislation will simply leave even more people disenfranchised. In summary the change is welcomed but needs to be accompanied by a corresponding change in practice.

Q21. 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?

No Response

Q22. 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?

Most codes of professional practice and registration with Social Care Wales are already explicit about these duties and expectations. There is risk that a new additional duty will disproportionately increase reporting without addressing underlying risks. Local Authority resource challenges mean we would be unlikely to be able to manage a significant increase in demand to deal with screening reports that are triggered based on a duty rather than on the code of practice and risk stratifications therein.

Q23. 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.

There is risk that a new additional duty will disproportionately increase reporting without addressing underlying risks. Local Authority resource challenges mean we would be unlikely to be able to manage a significant increase in demand to deal with screening reports that are triggered based on a duty rather than on the code of practice and risk stratifications therein.

Q24. Question 3.4: What lessons can we learn from the duties to report in other countries?

No Response

Q25. 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?

Are we sure the duties under the 2014 act are not delivering ?

Q26. 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)?

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

Should be a general duty for any organised groups

Q27. 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)?

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

No Response

Q28. Question 3.8: What sanctions do you think would be proportionate or appropriate for failure to comply with an individual reporting duty?

vetting & barring considerations and/or removal of public body funding

Q29. 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?

No Response

Q30. 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.

No Response

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No Response

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Yes

Q33. 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?

Yes

Q34. 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?

yes

Q35. 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?

Yes

Q36. 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?

Yes

Q37. 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?

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Q40. 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?

Yes, unless it is clear they intend to provide one in future

Q41. 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?

Yes

Q42. 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?

Yes, unless they intend to provide one in future

Q43. 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?

Yes

Q44. 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?

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Q45. 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 Response

Q46. 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?

yes

Q47. 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?

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Q48. 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?

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Q49. 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 Response

Q50. 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.

No Response

Q51. 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 Response

Q52. 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 Response

Q53. 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.

No Response

Q54. 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.

Yes

Q55. 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.

Yes

Q56. 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.

yes

Q57. 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.

Yes

Q58. Question 5.5: What, in your view, would make it necessary and appropriate for a 'fitness to practise' panel to revoke an interim order?

Clear rationale for the decision

Q59. 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.

No Response

Q60. 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?

No Response

Q61. 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.

No Response

Q62. 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.

No Response

Q63. 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.

No Response

Q64. 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.

No Response

Q65. 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?

No Response

Q66. 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

No Response

Q67. Question 6.5: 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:

No Response

Submit your response

Q68. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Name: Jason Bennett
Organisation (if applicable): on Behalf of All Wales Adult Service Heads (AWASH)
E:mail: jason.bennett@pembrokeshire.gov.uk
Telephone: -
Your address: -

Q69. If you want to receive a receipt of your response, please provide an email address.

Email address

jason.bennett@pembrokeshire.gov.uk

Q70. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

No Response

Proposed changes to legislation on social care and continuing health care

Q1. 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, this will support delivery over time.

Q2. 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.

No Response

Q3. 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?

No Response

Q4. 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?

No Response

Q5. Question 1.5: What are your views on the proposed timings for the primary legislation to come into effect?

This will have to be carefully monitored. Local authorities are currently struggling to find suitable placements for children looked after. This means that sibling groups are sometimes separated or children, especially those with more complex needs, are in placements at a greater distance or in less suitable placements that may place younger children at risk in their placement. Without suitable placements local authorities may be forced to commission urgent placements outside of Wales. There is a lack of suitable specialist placements in Wales, especially secure placements. This will need to be addressed.

Q6. 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?

Would this impact on children in longterm placements ? careful arrangements would need to be made for individual children to ensure that placement moves are only in the Childs best interests. We do need to see greater access to services for 16+ as very often the adult services are not suitable. Also a concern around greater gatekeeping in some adult services so risk of falling in between services.

Q7. Question 1.7: What are your views on the issuing of guidance to support the implementation of the primary legislation?

It would be helpful so commissioners are clear on expectations and interpretation. Would help with equity of services across Wales potentially.

Q8. 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 would only work if there was a sufficient range of services available for LA's to commission. When you have court directed instructions, or where you are struggling to place, restrictions become barriers.

Q9. 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 Response

Q10. 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?

This can only be positively done if there is specific recruiting of services in the Welsh Language that could cater for children looked after.

Q11. 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.

There could be consideration to proactive encouragement of employing Welsh speaking staff in areas where the Welsh language is more regularly spoken, making Welsh "essential" for some posts. I am not suggesting quotas etc

Q12. 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.

No Response

Q13. 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.

Yes this will support some adults receiving continuing healthcare and give them greater control in the management of their care needs. It will also benefit young people going through Transition where families have had Direct Payments to support their needs during childhood. Cessation of DP's at age 18 for CHC eligible young people has caused significant issues in some families.

Q14. 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.

There are clear benefits for introducing direct payments for some individuals and their families as potentially this provides them with choice and control over how their care is provided. It will also support local authorities in widening and expanding the pool of resources available for providing care for those who need it as this will allow individuals to source help from a wider range of agencies and to employ carers who are self employed or those closer to home amongst their circle of friends and family.

While this may be advantageous for some, it may be problematic for others. Some will have difficulties in managing what will be quite a complex process and without support to assist may struggle. It isn't clear what safeguards will be put in place to protect vulnerable adults in negotiating their care needs or indeed who may be at risk of poor or abusive care and exploitation.

Q15. Question 2.3: What lessons can we learn from other countries' practice in this area?

It would be helpful to look at the data from other countries and the extent to which this has been introduced successfully and in particular client/carers experience.

Q16. 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.

No Response

Q17. 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?

How to effectively manage Transition from Childhood to Adulthood

Q18. 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?

More choice and control for people to choose who they wish to support them and in which language. This could offer continuity for the going through Transition.

Q19. 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.

Down to choice and control again. Greater flexibility for individuals to employ friends and family if it helps meet their linguistic needs.

Q20. 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.

No Response

Q21. 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?

Fully agree. It is essential to the safeguarding process that the concerns about the safety of a child/adult at risk is reported to those who can take appropriate action.

Q22. 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

Q23. 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.

Imposing this duty strengthens and supports the principle that safeguarding is 'everybody's responsibility'. Legislation can be a powerful tool to change culture. As example the abolition of the defence of reasonable chastisement, was not drafted to criminalise parents but to convey the public message that it is not acceptable to physically assault children. This similarly will help people to understand that it is their personal duty and responsibility to speak up and report matters of safeguarding concern.

This will also help people who are worried about 'getting it wrong' and 'getting people into trouble'. Guidance will need to be carefully crafted but the focus needs to be on the responsibility to keep children/adults at risk through reporting concerns. This removes the easier option to stay silent.

Large scandals (Jimmy Saville / Religious organisations for example) has shown that people are fearful when there is a power differential or prevailing culture that makes reporting difficult. Or in a working environment where they must report only to their managers who will decide on any future action and may disagree with the need to report. Although Whistleblowing policies offer some protection in some circumstances, currently there is no protection under statute for those reporting safeguarding concerns. This leaves reporters vulnerable in situations which are challenging, fear of being singled out, fear of losing their job etc.

Imposing this duty on individuals will support changes within working cultures.

Q24. Question 3.4: What lessons can we learn from the duties to report in other countries?

8 countries including the Republic of Ireland have mandatory reporting. Although the safeguarding systems and processes are slightly different in each, no significant adverse consequences have been reported.

Further analysis of countries with the most similar systems would seem helpful and particularly the sources of any initial rise in reporting.

Language will be important to help the reporter e.g. 'suspect' , 'have reason to believe' etc.

Q25. 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?

No these should sit alongside. The existing duties on organisations would be strengthened in their responsibilities to support individuals with concerns and ensure this is reflected in organisational culture and practice.

Q26. 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)?

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

(a) This should be extended more widely to any individual working in settings attended by children- lessons from national scandals across a number of fields demonstrate the importance of this.

(b) This should also be extended to individuals in settings where there are adults more vulnerable to being at risk- e.g. the elderly, learning and other disabilities etc. Reviews including the review of Winterbourne View and those concerning other care providers across the public and private sector are clear examples of this need.

Q27. 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)?

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

See above. It may be considered, that any position, volunteer or employed, that requires a DBS check should also be subject to the duty to report.

In their final report IICSA (October 2022) make recommendations in respect of mandatory reporting which we would endorse.

Q28. Question 3.8: What sanctions do you think would be proportionate or appropriate for failure to comply with an individual reporting duty?

The law, used in this way , is not to criminalise, however sanctions would be dependent on individual cases. In the most serious of cases where it has been found that abuse and neglect was not only left unreported by those in positions of responsibility but also 'covered up' offenders might be treated in not dissimilar ways as to those who are considered to have been charged and found guilty of 'wilfull neglect' .

Q29. 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?

It would be helpful for those reporting to have the option to do this in Welsh.

Q30. 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.

No Response

Q31. 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.

Clear guidance and training would be key

Q32. 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?

Yes

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Yes

Q35. 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?

Yes

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Q37. 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?

Yes

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Yes

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Yes

Q43. 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?

Yes

Q44. 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?

Yes..with explanation/ rationale for reasons

Q45. 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?

Yes

Q46. 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?

Yes

Q47. 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?

Yes

Q48. 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?

Yes

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Yes

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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.

Allows for a more responsive service and regulations being more agile to meet the differing needs of services.

Q51. 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 Response

Q52. 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.

Feel the regulations and requirements will be the same whether for English or Welsh speaking services

Q53. 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.

No Response

Q54. 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.

No Response

Q55. 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.

No Response

Q56. 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.

No Response

Q57. 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.

No Response

Q58. Question 5.5: What, in your view, would make it necessary and appropriate for a 'fitness to practise' panel to revoke an interim order?

No Response

Q59. 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.

No Response

Q60. 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?

No Response

Q61. 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.

No Response

Q62. 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.

No Response

Q63. 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.

Yes, it would ensure that all childcare and play workers are employed and working to the same standards as other social care workers.

Q64. 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.

No Response

Q65. 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?

No Response

Q66. 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

No Response

Q67. Question 6.5: 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:

No Response

Submit your response

Q68. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Name: Lin Slater
Organisation (if applicable): NISB
E:mail: Lin.Slater@safeguardingboard.wales
Telephone: [REDACTED]
Your address: -

Q69. If you want to receive a receipt of your response, please provide an email address.

Email address

Lin.Slater@safeguardingboard.wales

Q70. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

No Response

Proposed changes to legislation on social care and continuing health care

Q1. 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?

There are more serious issues with this proposal, the idea to eliminate profit is a flawed one.

Q2. 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.

If this comes to pass then this will leave countless vulnerable young people without a home and will put strain on the English services that are already stretched. There is nothing to say that the current provisions in Wales will transfer over to not for profit services.

Q3. 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?

No Response

Q4. 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?

No Response

Q5. Question 1.5: What are your views on the proposed timings for the primary legislation to come into effect?

Poor any many business have already planned ahead and this will cause uncertainty

Q6. 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?

If this proposal takes place, then it is likely young people will need to move from current placements to different ones despite them not requesting this. This is not fair on the young people

Q7. Question 1.7: What are your views on the issuing of guidance to support the implementation of the primary legislation?

No Response

Q8. 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?

No Response

Q9. 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 Response

Q10. 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?

No Response

Q11. 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.

No Response

Q12. 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.

No Response

Q13. 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.

No Response

Q14. 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.

No Response

Q15. Question 2.3: What lessons can we learn from other countries' practice in this area?

No Response

Q16. 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.

No Response

Q17. 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?

No Response

Q18. 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?

No Response

Q19. 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.

No Response

Q20. 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.

No Response

Q21. 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?

No Response

Q22. 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?

No Response

Q23. 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.

No Response

Q24. Question 3.4: What lessons can we learn from the duties to report in other countries?

No Response

Q25. 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?

No Response

Q26. 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)?

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

No Response

Q27. 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)?

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

No Response

Q28. Question 3.8: What sanctions do you think would be proportionate or appropriate for failure to comply with an individual reporting duty?

No Response

Q29. 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?

No Response

Q30. 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.

No Response

Q31. 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.

No Response

Q32. 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 Response

Q33. 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?

No Response

Q34. 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 Response

Q35. 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 Response

Q36. 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 Response

Q37. 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 Response

Q38. 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 Response

Q39. 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 Response

Q40. 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 Response

Q41. 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 Response

Q42. 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 Response

Q43. 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 Response

Q44. 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 Response

Q45. 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 Response

Q46. 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 Response

Q47. 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 Response

Q48. 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 Response

Q49. 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 Response

Q50. 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.

No Response

Q51. 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 Response

Q52. 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 Response

Q53. 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.

No Response

Q54. 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.

No Response

Q55. 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.

No Response

Q56. 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.

No Response

Q57. 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.

No Response

Q58. Question 5.5: What, in your view, would make it necessary and appropriate for a 'fitness to practise' panel to revoke an interim order?

No Response

Q59. 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.

No Response

Q60. 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?

No Response

Q61. 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.

No Response

Q62. 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.

No Response

Q63. 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.

No Response

Q64. 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.

No Response

Q65. 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?

No Response

Q66. 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

No Response

Q67. Question 6.5: 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:

No Response

Submit your response

Q68. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

No Response

Q69. If you want to receive a receipt of your response, please provide an email address.

Email address

No Response

Q70. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

Keep my response anonymous

Consultation Response Form

Your name: [REDACTED]

Organisation (if applicable): Cardiff and Vale University Health Board

Email / Telephone number: [REDACTED]

Your address: [REDACTED]
[REDACTED]

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:

x

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?

Sent on behalf of the organisation although influenced by experience in safeguarding

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?

If there are sufficient 'not for profit' providers available, the legislation will support the WG's commitment

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.

Benefits – reduction in costs to Local Authorities and Health Boards for the provision of care.

Disbenefits – Potential lack of providers willing to, or able to provide suitable services locally, or to be able to meet demand.

Costs – funding availability for LA, third sector and other not-for-profit providers to invest in properties to be in a position to provide care facilities.
Long term savings for LA and Health should be realised

How will WG ensure that places (especially around the Welsh border) are not commissioned by other countries, being 'not-for-profit' and therefore more competitive than private provisions?

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, for fostering however, it is likely that a trading surplus may be required for 'care homes' to fund repairs to any environmental damage, provide specialist equipment/adaptations etc. required depending on the cohort of children and young people they support.

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?

Yes

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

Timescales are reasonable. However, when considering care home/residential provision, the acquisition of 'stock' and/or extension (planning and permissions) of existing properties to support the demand and CIW registration may all impact on the timeline.

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?

The notification process of a child becoming looked after - the lack of information or no notification being received and not adhering to the time frame within 5 days.

Lack of resources to support children in care.

High turnover of social workers for looked after children.

Lack of foster placements.

Lack of residential placements.

Lack of therapeutic trained carers.

High number of children with complex and high levels of need.

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

Needs to be provided timely and clearly and across all sectors/organisations

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?

Yes. It would limit the availability of placements due to the restriction; this can be viewed negatively and positively due to an organisations model of care and future intentions.

- What would be the benefits, disbenefits and other implications of such an approach?

If there is a lack of appropriate 'not-for-profit' services available there is a potential for the use of non-regulated placements/agencies.

It may restrict the availability

All providers will be following the same legislation

Organisations will be monitored.

- What would be an appropriate timescale for implementing such an approach, if it were to be adopted in Wales?

2-3 years

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?

Transparency

Full comprehensive monitoring

Contracts being implemented

Joint up working with other organisations, for instance HMRC.

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?

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.

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.

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.

Agree. This will potentially allow for the continuation of care provided through direct payments in Children's Services to transition seamlessly into adulthood whilst giving additional choice and control around healthcare provision.

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.

Benefits – adults eligible for CHC to be able to make choices around their care provision. Potential for easier transition of care from Children to Adult health services. More choice and control for parents of YP moving into Adult Services

Disbenefits - Unable to meet expectations of service users. Increased costs of service provision

Where will the governance of the healthcare being delivered through DP sit?

Additional workforce/resource/training requirement to ensure governance

Availability of work force / regulated agencies to provide care

Who would provide the training required?

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

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.

Pooled budgets – Health & Social Care

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?

All Wales training for Health and Local Authority professionals.

Communication / easy read literature for service users/families

Support for service users/families to manage Direct Payment budgets and service providers

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?

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.

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.

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?

There is an expectation that all employees raise concerns and comply with the Act.

Will imposing a duty on an individual escalate to possible prosecution given the recommendation of the newly published IICSA report?

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?

There is an expectation that all employees raise concerns and comply with the Act.

Will imposing a duty on an individual escalate to possible prosecution given the recommendation of the newly published IICSA report?

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

Please explain your reasoning.

Likely benefits would be raising awareness amongst the workforce of the priority of reporting concerns, learning from cases. Increased referrals to the Health Board and Local Authorities.

Disbenefits would be the cost of additional training to ensure staff are fully informed of the duty and consequences of non-reporting, risk of missed opportunities to report.

There is also a likely hood that the increased reporting will impact on staff resources which is problematic within the workforce at present. This could result in reporting opportunities being missed. This could also impact directly on staff causing anxiety and guilt of not reporting in a timely manner.

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

Unaware

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?

Sit alongside. The Wales Safeguarding Procedures (2019) need to be taken in to consideration also.

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)?
All

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

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)?
All staff working directly with children and families

(b) What are your views on this in respect of adults? All staff working directly with adults

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

This should be considered within the UHB through a HR process (Peoples Services) as is done with WSP, Safeguarding and line management. The organisation should be notified of any non-referral that comes to light and appropriate proportionate measures taken depending on the harm to the child or adult at risk from not reporting immediately.

Is there a consideration that the sanctions could be progressed to individual prosecution?

Consideration should be given to the Professional Allegation/ Concern process Part 5, WSP has on employees involved in cases. We often experience staff being absent from work long term due to the stress from the onset of the process.

The adult safeguarding process often identifies an employee as the alleged perpetrator of neglect or abuse towards a patient. The process needs to be consistently managed across the UHB with collaborative working with HR (People's Services) and the area management team. This will likely increase the number of referrals made by colleagues against a work colleague. Professional abuse cases within safeguarding has increased overwhelmingly since the pandemic.

The wider impact on clinical areas cannot be underestimated as any long term sickness has direct consequences for the clinical team. Reduction of staff in the clinical areas may affect services directly by extending waiting times, cancellations of appointments, staff morale and well-being.

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 favorably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

All opportunities to raise awareness should be made by WG and the organisations to promote the Welsh language

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 favorably 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 favorably than the English language.

As above

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.

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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.

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?

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.

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.

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.

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.

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.

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

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.

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?

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.

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.

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.

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?

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.

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.

Consultation Response Form

Your name: [REDACTED]

Organisation (if applicable):

Email / Telephone number: [REDACTED]

Your address: [REDACTED]

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?

Firstly, a definition of what ‘not for profit’ exactly means is needed in order for anyone to make informed responses in this Consultation Response Form which is, in essence a means of researching individual’s views which are presumably going to be given due consideration as part of a decision-making process. Failing this and having perused the information that is to hand I feel the Government are sadly ill-informed and decisions that could be made will have devastating consequences for some of the most disadvantaged members of our society. I see this as a wilful abuse of power and so no, I do not think provision in legislation will support delivery of ‘the Programme’. It is a dark day when it is believed that shutting 80% of Welsh care homes is a good thing. I have worked directly in this sector for 28 years and have seen a total transformation in the quality of care delivered over this time in the privately run organisation I work for. It takes many years to establish these standards; fine-tuning, reflecting, developing, listening and learning every step of the way. Standards of care and sufficient provision are what the Government should be bothered about in times where the number of looked after children continue to rise. There are already insufficient placements so this plan is sheer reckless madness. I am concerned too about the number of unregulated placements which are on the increase. The closing of care homes can only risk a worsening of unregulated placements which are dangerous and damaging for vulnerable children. It beggars belief I am having to even think about this let alone respond via a formal Consultation Response Form.

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.

The impacts I see, as mentioned and I already know of homes that have closed as providers understandably have become very anxious about the situation. There already is insufficient provision so it is likely children end up having to be placed outside Wales. There is a staffing crisis in health and social care so uncertainty could well exacerbate this as employees choose to leave for more secure jobs. I feel Government are out of touch and do not realise the

exemplary practice that is happening in care homes. We are still seen as the poor relation in the world of health and social care. What they are wanting to do does nothing to foster productive, positive relationships. Those who have expertise could and should be held in high regard and used to help the existing crisis of insufficient placements rather than creating a new crisis. The welfare and wellbeing of our most needy and damaged children will undoubtedly lead to unnecessary suffering which should never happen. I can remember visiting children in local authority run children's homes and being shocked at the provision and quality of care. I haven't forgotten but it seems Government today may need reminding just how woefully appalling they were. Many homes offer education which is another aspect of specialist care that we provide. Our Registered Independent Schools gained an 'Excellent' standard from the last Estyn Inspection. My grandchildren's local rural primary school doesn't achieve this! Outstanding education facilities are crucial to looked after children who have missed out on education as part of ensuring positive outcomes. I fear this would be lost or significantly diluted if these changes occur. It takes years to establish a facility of this standard. Moreover, local authorities find it hard enough now to place children. They are acutely aware of their duty to meet the needs of children in their care and I can't imagine they would appreciate any further difficulties in the face of worsening lack of provision.

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?

I would be concerned that the typical small to medium Welsh owned and run care homes would be taken over by the heavy weights of UK based companies. Surely this would not be good for Wales from a business point of view and how we are regarded by our neighbours.

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?

I can't imagine giving powers to Welsh Ministers through subordinate legislation is a good thing. Surely Government needs to be thinking of ways to restore trust not ways of eroding it.

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

- The time-scales are totally unrealistic. I think there is a lack of understanding in what it takes to open a children's home, especially where there is education provision attached. Part of my job is Training Manager delivering in-house training and as a qualified assessor and IQA I have direct knowledge of how long it takes to get RCW's trained and qualified. It is widely accepted the new qualifications are not popular. They are taking much longer to achieve to the extent that there has been a drop in the up-take of learners who want to enrol on the L4 having been put off doing the L3. L4 is a pre requisite to the L5

which can only be completed once in post. Being optimistic, to complete required qualifications as they stand it would take six years and that's if everything goes to plan. None of this is helpful to staff morale or retention, let alone the proposed timings, RCW's are finding the L3 onerous and bad news travels fast. They have, in addition, the AWIF to complete and mandatory training during their six months' probation. Therefore, I'm not confident the local authorities will relish the prospect of having to open numerous children's homes at all let alone within proposed timings given the required investment.

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?

- Yes, there are many 'issues' for children who are looked after should they be forced to leave their homes. I struggle to believe it is a question that is being asked. This shows a staggering lack of understanding of the lives of the children we look after. A therapeutic service is instilled with many interventions which cannot just be picked up and replicated. It takes years of training and service development to become an established, effective service that can show their effectiveness through measurable outcomes. Issues for LA are previously mentioned as are issues for providers. Also, providers may just sell up or those that are near the border just move into England to escape the hostility of the Welsh Government. This would place crippling pressure on an already insufficient number of placements and increase the use of unregulated placements.

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

- It may be prudent to wait and see if there are any providers left before spending time writing guidance.

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?
- I do not agree in using legislation to force LA to restrict commissioning of placements, as stated. They have enough of a job as it

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?

- I am sure the local authorities will have plenty to say about 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?

- The obvious effect on the Welsh language would be that more children get placed out of Wales where they are unlikely to be supported to use Welsh language or have carers and other professionals who can speak Welsh. We have one young person who attends a Welsh medium school and several staff who speak Welsh.

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.

- Surely by supporting existing Welsh providers and not closing them down would help. Developing a positive identity which one can be proud of forms an important part of supporting children's development. Our Managers are qualified to carry out Therapeutic Life Story Work and recently one young person has carried this out in Welsh which was her wish and we were very pleased to have been able to facilitate this. I think legislative changes would make this kind of thing very hard to achieve.

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.

- I think Government are looking at the wrong thing, 'if it ain't broke don't fix it' applies. It's no use one or two people getting cross about something and using their will and power as a force against outstanding care providers in Wales. Instead focus on what children who are looked after really need which is

sufficiency of high-quality provision that has a blossoming future and which could be an exemplar to the rest of the country. Success in the sector should be highlighted, recognised and supported. Relationships between Government and the sector will need repairing so showing some respect towards those who have worked hard to transform the landscape of residential care by seeing them as a valuable commodity from which others can learn and grow. Local authorities have a tough time doing the best for children in their care and I'm sure they would welcome having more choice of provision, not less. What is best for meeting the needs of children, who have so far had a bad deal out of their short lives, must be held central to any decisions and not those of one or two people who will be happily retired in the wake of this misplaced ideological trajectory.

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.

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.

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

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.

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?

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?

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.

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.

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?

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?

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.

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

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?

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

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

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

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?

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.

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.

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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?

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.

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?

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.

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.

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.

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.

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.

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

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.

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?

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.

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.

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.

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?

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.

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.

Consultation Response Form

Your name: [Martin King-Sheard](#)

Organisation (if applicable): [Play Wales](#)

Email / Telephone number: [REDACTED]

Your address: [Play Wales, Park House, Greyfriars Road, Cardiff, CF10 3AF](#)

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?

[This response is sent on behalf of Play Wales, the national charity for children's play. In this capacity, having consulted with our networks in the playwork sector to inform our response, we have responded to Chapter 4 and 6 in some depth. We have also responded to questions relevant to our sector in Chapter 3](#)

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

martin@playwales.org.uk

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?

It is our view that imposing this duty will contribute to strengthening safeguarding arrangements within playwork settings. In particular, those playwork settings not currently regulated by Care Inspectorate Wales either by virtue of not being covered by the regulations or those that are described by the Exceptions Order (2010)

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?

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.

The principle benefit is to extend safeguarding arrangements for children

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

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?

Yes

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:

Yes

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

If the question is referring to the duty applying to adults working with children up to the age of 18. Yes

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

The duties should apply more widely.

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)?

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

In relation to work with children this should include playworkers and those workers who currently may be working in unregistered provision either by virtue of not being covered by the regulations or those that are described by the Exceptions Order (2010)

This would include youth work, religious arts and sports settings. Any new types of provision for children that are developed as part of national programmes should also be considered.

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

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?

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.

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.

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?

Yes

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?

Yes

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?

Yes. The Exceptions Order (2010), creates a great deal of ambiguity within childcare and playwork provision. We are concerned that some providers are using this ambiguity to operate unregistered provision that should, in actual fact, be registered. The power for CIW inspectors to enter and obtain information about such settings would help towards ensuring the exceptions order is only used in valid ways, whilst also ensuring safeguarding arrangements are in place. Further to this consultation, we believe that the Exceptions Order is problematic. It contributes to confusion for parents and doesn't ensure issues around quality and safeguarding are addressed as they might be. This has been explored as part of the Ministerial Review of Play and is discussed in the yet to be published, Review report, currently under consideration by Welsh Government.

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?

Yes

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?

Yes

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?

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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?

Yes

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?

Yes

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?

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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?

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Yes

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?

Yes

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.

The most salient issue is one of proportionality. The regulatory process MUST be proportionate to the nature of provision, the length time it operates and the degree of risk that is presented. Currently for many seasonal open access play settings the regulatory regime is disproportionate and since its introduction has resulted in more

than 90% of previously registered settings deregistering. It is uncertain as to how many of those settings closed or continued to operate as unregistered settings. One must conclude that this was an unintended consequence of andouavour it increase safeguarding measure for children, but resulted in the opposite outcome.

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?

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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 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.

Play Wales has worked closely with Social Care Wales over the last two decades. Since 2017, SkillsActive, the sector skills council for playwork, has dramatically decreased its representation for the sector. Social Care Wales has been a key partner for Play Wales and the playwork sector and continues to do what it can within the current regulations to support playwork.

We feel that extending the role of Social Care Wales would largely have a positive impact. However, there are a range of concerns voiced by the playwork sector and covered in 6.2 and 6.4. We feel that it is possible to mitigate these concerns and have identified some courses of action below.

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.

There is concern within the sector that bringing playwork under the umbrella of Social Care Wales may dilute or marginalise, or alienate the playwork sector. There have been situations in the past (as with the introduction of the Daycare and Childminding Regulations and National Minimum Standards) where this has happened.

- We would want to ensure that the role of the Playwork Education and Training Council for Wales (PETC Wales) remains clear and defined and continues to inform work that Social Care Wales does on behalf the sector

- We would want to ensure that PETC Wales retains its Executive Function, approving required qualifications for the sector. Even if the SCW and PETC Wales qualification frameworks are brought together into one.
- We would want to ensure that arrangement is made to ensure that the playwork sector have meaningful engagement with Social Care Wales around any decisions that may effect the sectors working conditions including; rates of pay, working hours, occupational standards and qualification requirements.
- We would want to ensure that Play Wales continues to take a lead role on collaboration across the UK in respect of playwork qualifications and National Occupational Standards.

We feel that there are also considerable benefits and these build on work already in place with Social Care Wales. We believe there is merit in formalising this relationship with the playwork sector. It is likely to impact on;

- Identifying a national lead body to advise on funding for qualifications, standards and frameworks for playwork
- Strengthening sector engagement with the Welsh Government
- Quality assurance of playwork qualifications
- Opening up opportunities for training and CPD to the playwork sector
- Strengthening collaboration across the childcare and playwork workforces
- Opening up the potential for professional registration of the playwork workforce. There are similar concerns from the sector on this and we understand that this is part of a separate consultation exercise

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?

The Welsh Play Workforce Study (Play Wales, 2021) reported a lack of Welsh speaking playworkers. There are adequate qualifications and resources for Welsh speakers; however, we need to build the infrastructure of occupationally competent bilingual playwork trainers. This may be supported by the increased remit of Social Care Wales.

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.

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.

Proposed changes to legislation on social care and continuing health care

Q1. 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?

I do not think it will support the delivery of the commitment to eliminate profit from the care of children looked after as I believe that valuable resources are going to be shut down and other private specialist organisations may need to open to continue to support the specialist individual needs of some of the most vulnerable children in Wales.

Q2. 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.

The benefits would be that this legislative change may prevent large companies with multiple stakeholders (outside of Wales and the UK) that are purely profit driven (such as companies floated on the stock exchange) from caring for children. The disbenefits would be that private providers (even within these large companies) have structures, skills and qualities that have been developed over years, sometimes decades, that have meant that such places provide high quality/specialist (therapeutic) care and support for the children that they are looking after, alongside training, development and support for the carers providing their support. These organisations with their well-developed skills will inevitably be a huge loss for children needing to be looked after in care homes in Wales whereby there is such a large dependency on the private sector. Within Wales there are many smaller children's homes that are providing excellent, specialist, loving care for children in their care, some of which have been open for a long time and children from Wales consider these places to be their families and homes that they return to many years into their futures. If these homes shut down due to not conforming to the not-for-profit change, this will be devastating for many young people that have moved on.

I think that the cost of rolling out this new legislation will be extortionate given that, in order to provide high quality care, similar to the standard of the specialist care a lot of private children's homes provide (including therapeutic training etc.) there will need to be a huge amount of public money used to provide care placements to children which will take a long time given that embedding therapeutic care into organisations takes a considerable amount of time and therefore funding. The cost of placing children in Local Authority placements can also be similar in cost to private providers and therefore shutting down such organisations may not be economical.

There is also the concern that children who have complex difficulties such as developmental trauma, neurodevelopmental disorders coupled with adverse childhood experiences and that already have major difficulties with finding excellent care services to meet their needs, will struggle furthermore from the proposed changes whereby options of care will be inevitably limited.

Finally, another major concern would be that if the legislation was implemented, many organisations may not change their statuses to become not-for-profit and could simply close in Wales and focus on increasing their number of homes in England. The function of the legislation could therefore have the opposite effect of what they are trying to do because children who are unable to be placed in Wales (due to lack of services-given the limited time frame being proposed for the change/the radical changes being proposed etc), could end up needing to leave their home country and being placed in England anyway.

Q3. 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?

Defining what not-for-profit means could help organisations to come to decide whether they are able to/want to change their status to be not-for-profit.

Q4. 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?

Uncertain about this as it will depend on the definition.

Q5. Question 1.5: What are your views on the proposed timings for the primary legislation to come into effect?

The timings are far too short to be able to implement safely and in the best interests of children in Wales. Such radical changes are being proposed within the looked after children sector and it is felt that this would realistically take longer than 5 years.

Q6. 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?

As aforementioned there is a concern that these legislative changes could lead to children with complex care/therapeutic/educational needs being moved out of Wales if specialist therapeutic placements are not available due to the proposed changes.

Q7. Question 1.7: What are your views on the issuing of guidance to support the implementation of the primary legislation?

I worry that they may not be realistic with regard to proposed timeframes and explaining what is expected of organisations.

Q8. 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?

I think that if the legislation places restrictions stating that local authorities can only commission placements for children in not-for-profit organisations, this could lead Social Workers/Commissioners being given no option but to place children with some of the most complex/intense needs in Wales in unsuitable placements that cannot meet their needs. I also think that this could lead to a trend that includes Welsh children with specialist/complex needs being placed outside of Wales, as England are not making the same changes politically.

Q9. 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?

I think that, until there is a clear definition of what not-for-profit means, people are going to inevitably be concerned about how such proposed changes could affect the care that children in Wales receive.

Q10. 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?

As mentioned throughout the previous responses, there is a real concern that children may need to seek services outside of Wales if the proposed changes are not given a significant period of time for them to be implemented. This will subsequently have an impact on the Welsh language, as Welsh children will not be supported with learning their native language if they are accessing services outside of Wales.

Q11. 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.

Ensuring that the services that are going to be developed within local authorities in Wales are at the standard needed to care for/therapeutically and educationally support children in Wales.

Q12. 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.

No Response

Q13. 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.

I agree that this could be positive, however there are concerns that some adult potentially with protective characteristics may find the proposed changes overwhelming and might need extra support with understanding and implementing such changes.

Q14. 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.

Benefits could be people feeling as though they have more accountability/control over their lives and the care they receive. Some people may also find this overwhelming and may appreciate that they do not have to take control of the financial elements of their care/support.

Q15. Question 2.3: What lessons can we learn from other countries' practice in this area?

I do not know enough about other countries practices in this area to comment.

Q16. 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.

Maybe giving adults the choice to opt in or out of the option of having their own payments to chose their own services.

Q17. 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?

Clear, understandable guidance including case studies form payment recipients and practitioners explaining how it works.

Q18. 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?

No effect, unless payment users have to access services from England due to proposed changes.

Q19. 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.

Guidance and examples of the proposed changes being implemented provided in Welsh and English.

Q20. 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.

No Response

Q21. 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?

I think that this will have a positive impact on the safety of children and adults. Often individuals in organisations can disclose information to their line managers for example and feel comfortable that the concern will be addressed, unfortunately this can sometimes not be the case and can lead to further risk. I think that individuals that are concerned about any issues relating to risk should be held accountable for reporting this risk to relevant bodies. I believe that this will directly reduce cultural/systemic issues relating to risk that can arise in organisations.

Q22. 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?

I agree that this principle is a positive one and adults should not be treated differently from children in this respect.

Q23. 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.

unsure

Q24. Question 3.4: What lessons can we learn from the duties to report in other countries?

unsure - do not know enough about how other countries operate.

Q25. 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?

I believe they should sit alongside existing duties on organisations.

Q26. 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)?

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

I think that they should be used more widely including sports settings/religious setting etc as these may be areas of a child and adults life where they are more likely to disclose risk as they are more likely to have developed a better relationship with professionals in such settings.

Q27. 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)?

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

All staff should be subject to the duty to report.

Q28. Question 3.8: What sanctions do you think would be proportionate or appropriate for failure to comply with an individual reporting duty?

The sanction would need to be individualised to the situation.

Q29. 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?

Unsure

Q30. 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.

Unsure

Q31. 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.

No Response

Q32. 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?

I agree with this proposal

Q33. 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?

Yes

Q34. 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?

Yes

Q35. 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?

Yes

Q36. 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?

Yes

Q37. 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?

Yes

Q38. 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?

Yes

Q39. 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?

Yes

Q40. 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?

Yes

Q41. 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?

Yes

Q42. 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?

yes

Q43. 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?

yes

Q44. 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?

yes

Q45. 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?

yes

Q46. 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?

Unsure

Q47. 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?

yes

Q48. 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?

Yes

Q49. 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?

Yes

Q50. 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.

Some of the proposed changes may improve the quality of care being provided to children and young people.

Q51. 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?

I don't envisage any effect on the Welsh language.

Q52. 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.

n/a

Q53. 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.

n/a

Q54. 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.

Yes

Q55. 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.

Yes

Q56. 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.

Yes

Q57. 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.

Yes

Q58. Question 5.5: What, in your view, would make it necessary and appropriate for a 'fitness to practise' panel to revoke an interim order?

Yes

Q59. 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.

Will offer a more streamlines approach to employment for social care workers.

Q60. 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?

n/a

Q61. 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.

n/a

Q62. 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.

n/a

Q63. 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.

I think that this is positive as it makes the role more professional and opens up training and development opportunities.

Q64. 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.

n/a

Q65. 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?

n/a

Q66. 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

n/a

Q67. Question 6.5: 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:

n/a

Submit your response

Q68. You are about to submit your response. Please ensure you are satisfied with the answers you have provided before sending.

Name: Jodie Harrison

Organisation (if applicable): Jodie Harrison

E:mail: [REDACTED]

Telephone: [REDACTED]

Your address: [REDACTED]

Q69. If you want to receive a receipt of your response, please provide an email address.

Email address

[REDACTED]

Q70. Responses to consultations may be made public. To keep your response anonymous (including email addresses) tick the box.

No Response