

HSCWB16 Home for Good & Safe Families,

Senedd Cymru | Welsh Parliament

Y Pwyllgor Iechyd a Gofal Cymdeithasol | Health and Social Care Committee

Bil Iechyd a Gofal Cymdeithasol (Cymru) | Health and Social Care (Wales) Bill

Ymateb gan Home for Good & Safe Families, | **Evidence from** Home for Good & Safe Families,

General principles of the Bill

1. What are your views on the general principles of the Health and Social Care (Wales) Bill?

(we would be grateful if you could keep your answer to around 500 words)

Home for Good and Safe Families work to prevent children entering the care system through family support and then, if children do enter care, ensuring there are enough safe and nurturing homes through fostering, adoption, and supported lodgings. We are particularly focused on the aspects of the Health and Social Care (Wales) Bill that aim to eliminate profit-making in the provision of children's social care.

Wales has an opportunity to play a leading role in setting a new standard of care for looked after children by becoming the first UK nation to eliminate profit from all children's social care provisions. We welcome and support the boldness of the Welsh Government in taking this step. We strongly believe that by ensuring that only not-for-profit entities or local authorities can provide residential, secure accommodation, and foster care, the Welsh Government is ensuring that all care services prioritise the wellbeing of children over financial gain.

We recognise however, that this decision places a significant burden on local authorities to find the necessary homes and provisions. However, we firmly believe that this is an important and necessary step toward creating a healthier, more sustainable care system. While there will undoubtedly be challenges in the transition, the long-term benefits of a system focused solely on the welfare of children cannot be overstated.

It is crucial to remember that children and young people in the care system deserve a system that puts their needs first, without concern of a profit-driven market. The current level of profiteering - sometimes exceeding 20% - is unacceptable. We agree that these funds should be reinvested directly into improving the quality of care and support services, rather than being syphoned off as profit.

Morally and ethically, eliminating profit from children's social care is the right thing to do. Consultation with care-experienced individuals has shown a strong preference for a non-

profit model of care. Children and young people have made it clear that they do not want their care to be treated as a marketable commodity. Their voices should guide policies, which is why this Bill is a positive step.

In summary, Home for Good and Safe Families fully supports the general principles of the Health and Social Care (Wales) Bill as the Welsh Government seeks to eliminate profit from the care of looked after children. We commend the Welsh Government for their leadership in this area. This is a first of many steps towards a healthier, more child-focused children's social care system.

2. Is there a need for legislation to deliver the Welsh Government's stated policy intention?

Yes

Please outline your reasons for your answer to question 2

(we would be grateful if you could keep your answer to around 500 words)

Yes, there is a need for legislation to deliver the Welsh Government's policy intention. Profit-making must be eliminated through legislation to ensure that children's social care is not exploited for financial gain. While some may take the view that lighter-touch approaches, such as publishing guidance, may be enough to encourage a not-for-profit care system, the demand for care services is such that we believe that softer approaches would not be sufficient in enabling and incentivising systemic reform. The extensive data on profiteering highlighted in the Bill's Explanatory Memorandum underscores the necessity for legislation to put an end to profiteering within the care system. It is important that the Bill, and any secondary legislation ensures there are no loop-holes.

3. What are your views on Part 1, Chapter 1 of the Bill (sections 1-13), which makes provision intended to restrict the extraction of profit by providers of children's care home services, secure accommodation services and fostering services

(we would be grateful if you could keep your answer to around 500 words)

Home for Good and Safe Families broadly welcome the provisions outlined in Part 1, Chapter 1 of the Health and Social Care (Wales) Bill.

This is a crucial step towards a healthier more child-focused children's social care system. It is, however, worth noting that the England Fostering Review (2018) revealed that even reputable charities charged more than the average fee for profit-making Independent Fostering Agencies. We are therefore pleased to see Section 3.35 of the Explanatory Memorandum, which outlines measures to ensure that not-for-profit entities remain true to the spirit and intention of the Bill, allowing Welsh Ministers to consider unreasonable or inappropriate payments made by not-for-profits when determining if a provider is fit and

proper. We strongly encourage thorough scrutiny of payments within not-for-profits to ensure their activities align with the ethos of the Bill.

Furthermore, we question whether the Minister is best placed to approve instances when children need to be placed in profit-making homes. Instead, we propose that the Children's Commissioner's Office should be responsible for such decisions. The Children's Commissioner's Office, with its statutory rights and extensive knowledge of the sector, is better equipped to make decisions that prioritise the welfare of children. This change would enhance the accountability and child-centred focus of the placement approval process.

Ultimately, Home for Good and Safe Families broadly support the provisions in Part 1, Chapter 1 of the Health and Social Care (Wales) Bill. By restricting profit extraction and ensuring robust oversight of not-for-profit providers, the Bill has the potential to create a healthy and effective system for looked after children in Wales.

4. What are your views on Part 1, Chapter 2 of the Bill (sections 14-22 and schedule 1), which makes a number of amendments in relation to social care services, social care workers and local authority social services, intended to ensure that the 2014 and 2016 Acts can operate fully and effectively

(we would be grateful if you could keep your answer to around 500 words)

No response.

5. What are your views on Part 2 of the Bill (sections 23-26 and schedule 2), which relates to health care, and makes amendments to the National Health Service (Wales) Act 2006 in order to enable the introduction of direct payments within NHS Continuing Healthcare

(we would be grateful if you could keep your answer to around 500 words)

No response.

6. What are your views on Part 3 of the Bill (sections 27-30) which contains a number of general provisions, including in relation to regulations, interpretation, consequential and transitional provisions, and coming into force provisions

(we would be grateful if you could keep your answer to around 500 words)

Home for Good and Safe Families welcome the Welsh Government's prior commitment of an additional £68 million over three years (2022-2025) to support local authorities. This funding is a significant step toward building the necessary capacity within local authorities to provide high-quality care for looked after children without relying on external providers. However, it is essential to recognise that the transition to a system exclusively delivered by

local authorities and not-for-profit organisations will require sustained investment beyond this initial period.

To ensure the continued success and stability of this Bill, we strongly advocate for additional support beyond 2025. Local authorities must have the resources needed to maintain and expand their capacity to provide care. We encourage the Welsh Government to announce a new financial support package that extends throughout the transitional period and beyond 2027. This extended support will be crucial for local authorities to fully adjust to the new system and to continue offering high-quality, stable care environments for children.

The transitional period must ensure a smooth change from the current model to a not-for-profit framework. Adequate time and resources should be allocated to local authorities to recruit more carers and scale up their operations. This will minimise disruptions to children's placements and ensure that children continue to receive the support they need during the transition. Ongoing support beyond 2025 is essential to achieve the Bill's long-term goals.

Furthermore, reducing the demand for placements is a key strategic measure that would reduce the burden felt by local authorities as this legislation is implemented. We welcome the Programme for Government Commitments for Children's Social Care set out by the Welsh Government and in particular, the commitment to developing advocacy services for families who are struggling, to ensure that children are not unnecessarily entering the care system. However, we recommend that alongside this, the Welsh Government should expand the provision of support services for families in crisis to reduce the number of children entering care and enable children to remain with their families, where it is safe for them to do so. This would reduce the demand for foster carers, residential provision and secure accommodation and ease the burden felt by local authorities in transitioning towards using only not-for-profit provision.

Implementation and impact of the Bill

7. Are there any potential barriers to the implementation of the Bill's provisions? If so, what are they, and are they adequately taken into account in the Bill and the accompanying Explanatory Memorandum and Regulatory Impact Assessment?

(we would be grateful if you could keep your answer to around 500 words)

No response.

8. Are any unintended consequences likely to arise from the Bill?

(we would be grateful if you could keep your answer to around 500 words)

A significant concern is the way Wales' border with England might impact placement of children in care. There needs to be careful consideration of how this legislation will be implemented for providers with children placed across the border. Currently, 7% of children in the care of Welsh local authorities are placed outside of Wales. This cross-border dynamic presents challenges that could undermine the spirit of the Bill.

For-profit providers, faced with restrictions in Wales, may seek to circumvent these regulations by collaborating with English partners and local authorities. To mitigate these risks, it will be necessary to partner with the Department for Education and issue clear guidance to Welsh and English local authorities. This will help ensure that the principles set out in the Bill are upheld consistently, regardless of the child's placement location. The Welsh Government must monitor and evaluate the type of providers used across borders.

9. What are your views on the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum?)

(we would be grateful if you could keep your answer to around 500 words)

No response.

10. What are your views on the Welsh Government's assessment of the financial and other impacts of the Bill as set out in Part 2 of the Explanatory Memorandum?

(we would be grateful if you could keep your answer to around 500 words)

No response.

11. What are your views on the Welsh Government's integrated impact assessments (set out in Part 2 of the Explanatory Memorandum), including the Children's Rights Impact Assessment

(we would be grateful if you could keep your answer to around 500 words)

No response.

Development of the policy and legislative proposals

12. What are your views on the approach taken by the Welsh Government to the development of the policy and legislative proposals reflected in the Bill.

Among any other issues, please consider in particular the approach to engaging and consulting with stakeholders

(we would be grateful if you could keep your answer to around 500 words)

No response.

Any other issues

13. Are there any other issues that you would like to raise about the Bill, the accompanying Explanatory Memorandum and Regulatory Impact Assessment, or any related matters?

(we would be grateful if you could keep your answer to around 500 words)

No response.

