

HSCWB19 Llais,

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 Llais, | Evidence from Llais,

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)

Llais agree with the principles of the Health and Social Care (Wales) Bill including the person-centred approach of putting individuals and their needs at the centre of their care. As the citizen voice body for Wales, we believe that it is vital that the views and experiences of the people of this country are used by decision-makers to plan and deliver better health and social care services.

We agree with the elimination of private profit from the care of looked after children, the introduction of NHS direct payments for Continuing Health Care and arrangements to ensure that regulation of the Social Services and Well-being (Wales) Act 2014 operates effectively.

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)

The legislation must reflect the policy intention and it must be communicated clearly so that it can be understood by those affected.

Direct payments for Continuing Health Care will give people more choice as well as control over the quality of care that they pay for. Given that direct payments are not possible under the 2006 Act – it is appropriate for legislation to be introduced to bring about the policy intention.

In a similar way, introducing a not-for-profit system of care should be set in legislation because of challenges Local Authorities face now, and are likely to continue to face, in light of the growing demand for residential care.

Capacity pressures might see Local Authorities resorting to placing children in private settings.

Legislation gives weight to the significant change in policy that is being sought.

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)

We believe that profit should not be made from providing care to children and young people through children's care home services, secure accommodation services and fostering services.

We welcome the change being proposed that will see any profits being reinvested into the care of children.

Provision of health services in Wales is on a not-for-profit basis. We note there are sometimes challenges to that approach in relation to sufficiency/capacity. For that reason some Health Boards have utilised waiting list initiatives with some treatment being provided by private hospitals.

Whilst noting that Local Authorities will be required to develop sufficiency plans and report upon them, at the same time a specific amount of money has been set aside to assist in developing local not-for-profit care arrangements.

It is important that funding is directly linked to the needs of children in a specific region, and we hope that work with Local Authorities will continue in this respect.

We agree with provisions that set out the type of not-for-profit organisations acceptable for provision of care to Children in Wales.

We further agree with provisions that guard against inappropriate payments as well as the power reserved by Ministers to consider any such inappropriate payments when considering registration.

We think it is right that children currently receiving care from a private provider should continue to do so to lessen the disruption to their lives until such time it is deemed appropriate by officials for such contracts to cease.

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)

Llais agree with the requirement for providers to submit and publish annual returns, rather than the duty being placed on Welsh Ministers.

We agree that Welsh Ministers should have the power to make regulations to prescribe the information that must be provided with an application to cancel a service provider's registration.

We agree with amendments to enable temporary restrictions to be applied upon a registered person while investigations are undertaken into fitness to practise allegations.

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)

Llais agree that Direct Payments for NHS Continuing Healthcare should be introduced.

Llais often hears of cases where the arrangements for Continuing Health Care have not worked as envisioned either because of a shortage of carers or because of the quality of care that is provided.

Direct payments give people ownership and control of their own care. People tell us that this is important to them.

We welcome plans to work with stakeholders, including those with lived experience, to further refine how the proposals would be implemented.

Llais would be happy to work with partners to support the involvement of people in developing implementation approaches to this aspect of the legislation.

The work would be in line with our 3-year Strategic Plan which includes facilitating a National Conversation about the future of Health and Social Care services in Wales.

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)

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)

Funding to expand direct residential care services by local authorities might be challenging, depending on the demand for services in each region.

Adequate capacity building to enable implementation might take time.

Sufficiency will be the greatest challenge and if Local Authorities are unable to secure adequate portfolios of not-for-profit organisations and foster carers, they might be left with little choice but to leave children in family arrangements that are potentially unsafe.

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)

See comments in relation to question 17, above.

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)

Llais is satisfied with these provisions given that subordinate legislation would be subject to consultation.

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)

See comments in relation to the impact of inadequate funding in comments made elsewhere in our submission.

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)

We are satisfied that Welsh Government's integrated impact assessments have been sufficiently developed and note that where issues to consider have been highlighted, they will be kept under review as the legislation progresses through the Senedd.

The Children's Rights Impact Assessment reflects our earlier concerns with regard to risks around placement sufficiency and stability.

We welcome the positive impacts the proposal should have on Articles 3 and 20 of the UN Convention on the Rights of the Child (UNCRC) through:

The development of a range of good-quality stable placements which meet all of a child's needs and provide a supportive environment in which children are kept safe and receive the care and support they need in order to thrive.

Placements that will enable a child to be placed close to home and maintain links with family, friends, education and other support services is important to their well-being.

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)

We are pleased that the policy and legislative proposals were developed through engagement and consultation with stakeholders including children and young people, the Children's Commissioner for Wales and Voices from Care.

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)

