



Eich cyf/Your ref P-06-1404
Ein cyf/Our ref DB/10009/24
Chair - Petitions committee

13 August 2024

Dear Chair,

Thank you for your letter about petition P-06-1404 asking for greater clarity and rights for people on direct payments or the Welsh Independent Living Grant (WILG) to live independently. I welcome the opportunity to update you about progress in this area.

One of the questions you have raised is about the development of guidance about how direct payments are monitored or controlled. Guidance is available from several sources, including the Social Services and Well-being (Wales) Act 2014 – Part 4 Code of Practice (Meeting Needs). In addition, most local authorities also have their own financial reviewing and monitoring rules when dealing with public money.

There will be a requirement to develop further guidance if direct payments for continuing NHS healthcare are introduced under the Health and Social Care Bill, which is currently progressing through the Senedd. If the Bill is passed by the Senedd, this will allow us, where appropriate, to make further refinements to the social care direct payments guidance. Further detail about the Health and Social Care (Wales) Bill is available on the Health and Social Care Committee's website at [Health and Social Care \(Wales\) Bill \(senedd.wales\)](https://www.senedd.wales/HealthandSocialCare(Wales)Bill).

You also raise the issue of third-party intermediaries or advocates within the direct payments system. The Code of Practice on Advocacy under the Social Services and Well-being (Wales) Act 2014 makes provision, so far as reasonably practicable, for local authorities to ascertain and have regard to people's views, wishes and feelings. Local authorities are required to arrange an Independent Professional Advocate (IPA) to facilitate the involvement of individuals in certain circumstances.

As we prepare for the potential introduction of direct payments for continuing healthcare, the spirit of the 2014 Act and the principle of voice and control will underpin direct payments in both social care and continuing healthcare. We will build into the continuing healthcare direct payments model the best tried and tested forms of local support provided by local authorities and third sector organisations. These organisations know their local populations

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

and therefore offer a day-to-day form of advocacy in helping users with their concerns and queries. We are also currently considering with stakeholders whether there is a role for the IPA in continuing healthcare direct payments.

Welsh Government, with the support of the Learning Disability Ministerial Advisory Group, has commissioned the Association of Directors of Social Services Cymru to carry out a study to find out more about advocacy and self-advocacy in Wales. A draft report entitled *My Voice, My Rights, My Life – Advocacy and Self-Advocacy* has been prepared in collaboration with people with lived experience.

The Disability Rights Taskforce Independent Living Social Care working group has recently shared its recommendations, among which is a call for a National Centre for Independent Living to be established in Wales. The aim is that the centre's remit would include strengthening knowledge and understanding about direct payments and supporting those in receipt of them. The Equality, Race and Disability Evidence Unit's co-production research group is exploring this recommendation with a subgroup of taskforce working group members, and is gathering options to see how it might work in practice.

My officials are working across a range of sectors and with many different stakeholder groups on these pieces of work, which are designed to improve clarity for those in receipt of direct payments and further uphold the rights of disabled people.

Yours sincerely,

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

Dawn Bowden AS/MS
Y Gweinidog Gofal Cymdeithasol
Minister for Social Care