



2 March 2015

Dear Colleague,

Consultation on the Regulation and Inspection of Social Care (Wales) Bill

The Health and Social Care Committee is calling for evidence on the general principles of the Regulation and Inspection of Social Care (Wales) Bill. To assist its consideration, the Committee would welcome your views.

The Bill and the accompanying Explanatory Memorandum can be found on the Assembly's website:

<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?lId=12110>

What is a Bill?

A Bill is a proposed law. Once a Bill has been considered and passed by the Assembly and given Royal Assent by the Queen, it becomes an Act of the Assembly.

There is a four stage process for the consideration of a Bill. Stage 1 involves consideration of the general principles of the Bill by a committee (which includes the taking of written and oral evidence from interested parties and stakeholders), and the agreement of those general principles by the Assembly.

Bae Caerdydd
Cardiff Bay
CF99 1NA

Ffôn / Tel: 0300 200 6354

E-bost / Email: Seneddlechyd@Cynulliad.Cymru/
SeneddHealth@Assembly.Wales

Trydar / Twitter: [@seneddlechyd](https://twitter.com/seneddlechyd) / [@seneddhealth](https://twitter.com/seneddhealth)

Croesewir gohebiaeth yn y Gymraeg a'r Saesneg / We welcome correspondence in both English and Welsh

What is the Committee's role?

The role of the Committee is to consider and report on the general principles of the Bill and the need for legislation. The Committee intends to consider:

- the general principles of the Regulation and Inspection of Social Care (Wales) Bill, and the need for legislation to make provision for:
 - reform of the regulatory regime for care and support services;
 - provision of a regulatory framework that requires an approach to the regulation of care and support services focused on outcomes for service users;
 - reform of the inspection regime for local authority social services functions;
 - the reconstitution and renaming of the Care Council for Wales as Social Care Wales and the broadening of its remit; and
 - the reform of the regulation of the social care workforce;
- whether the provisions of the Bill are the best way of achieving these purposes;
- whether any additional provisions would be required to enable the Bill to achieve these purposes;
- potential barriers to the implementation of these provisions and whether the Bill takes account of them;
- whether there may be any unintended consequences arising from the Bill;
- the financial implications of the Bill as set out in the Regulatory Impact Assessment within the Explanatory Memorandum; and

- the appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation and to issue guidance, and for Social Care Wales to make rules.

Invitation to contribute to the inquiry

The Committee would like to invite you to submit written evidence to assist in its scrutiny of the Bill. In particular, **your views on the questions listed in Annex A to this letter would be welcomed.**

The Committee welcomes evidence from both individuals and organisations. If you are responding on behalf of an organisation, please provide a brief description of the role of your organisation.

The Assembly is committed to providing accessible information to the widest audience possible. Guidance for witnesses providing written evidence for committees is attached at Annex B. Generally, we ask for submissions to be made in writing, because it is normal practice for the National Assembly to publish evidence provided to a Committee on our internet site so that it becomes part of the public record. However, we are also able to accept evidence in audio or video format. The Committee welcomes contributions in English or Welsh, and we ask organisations with Welsh Language policies/schemes to provide bilingual responses, where applicable, in line with their public information policies.

If you wish to submit evidence, please send an electronic copy of your submission to SeneddHealth@Assembly.Wales. Alternatively, you can write to: Committee Clerk, Health and Social Care Committee, National Assembly for Wales, Cardiff Bay, CF99 1NA.

Submissions should arrive by 16:00 on Friday 24 April 2015. It may not be possible to take into account responses received after this date. Please note that the Committee's first oral evidence session with the Minister for Health and Social Services is yet to be confirmed. If you would like your submission to inform this session, it will need to be received by Friday 13 March 2015.

When the dates are confirmed the information will be published on the Bill webpage (link provided above).

Please feel free to share this consultation with any of your stakeholders, networks or service users as appropriate, and to include their views in your response. The Committee would be grateful if you could forward a copy of this letter to any individuals or organisations who might like to contribute.

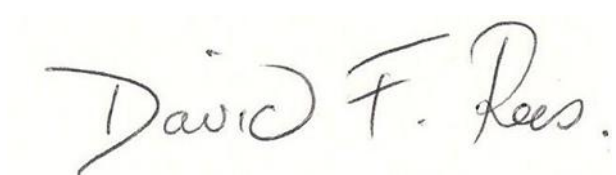
For information, a list of those to whom this consultation has been sent is attached at Annex C. A copy of this letter will also be published on the National Assembly's website with an open invitation to submit views:

<http://www.senedd.assembly.wales/mgConsultationDisplay.aspx?ID=169>

Disclosure of information

You can find further details about how we will use your information at www.assembly.wales/help/privacy/help-inquiry-privacy.htm. Please ensure that you have considered these details carefully before submitting information to the Committee. A hard copy of this policy can be requested by contacting the Clerk.

Yours faithfully,

A handwritten signature in black ink that reads "David F. Rees." The signature is written in a cursive style with a large 'D' and 'R'.

David Rees AM

Chair, Health and Social Care Committee

Annex A

To help the Health and Social Care Committee in its consideration of the Regulation and Inspection of Social Care (Wales) Bill, the Committee would welcome your views on any of the following questions on which you feel able to comment.

General

1. Do you think the Bill as drafted will deliver the stated **aims** (to secure well-being for citizens and to improve the quality of care and support in Wales) **and objectives** set out in Section 3 (paragraph 3.15) of the Explanatory Memorandum? Is there a need for legislation to achieve these aims?
2. What are the potential **barriers** to implementing the provisions of the Bill (if any) and does the Bill adequately take account of them?
3. Do you think there are any issues relating to **equality** in protection for different groups of service users with the current provisions in the Bill?
4. Do you think there are any major **omissions** from the Bill or are there any elements you believe should be strengthened?
5. Do you think that any unintended consequences will arise from the Bill?

Provisions in the Bill

The Committee is interested in your views on the provisions within the Bill, and whether they will deliver their stated purposes. For example:

6. What are your views on the provisions in Part 1 of the Bill for the **regulation of social care services**?
For example moving to a service based model of regulation, engaging with the public, and powers to introduce inspection quality ratings and to charge fees.
7. What are your views on the provisions in Part 1 of the Bill for the **regulation of local authority social services**?
For example, the consideration of outcomes for service users in reviews of social services performance, increased public involvement, and a new duty to report on local markets for social care services.
8. What are your views on the provisions in Part 1 of the Bill for the development of **market oversight of the social care sector**?

For example, assessment of the financial and corporate sustainability of service providers and provision of a national market stability report.

9. What are your views on the provisions in Part 3 of the Bill to rename and reconstitute the **Care Council for Wales** as Social Care Wales and extend its remit?

10. What are your views on the provisions in Parts 4 – 8 of the Bill for **workforce regulation**?

For example, the proposals not to extend registration to new categories of staff, the removal of voluntary registration, and the introduction of prohibition orders.

11. What are your views on the provisions in Part 9 of the Bill for **co-operation and joint working by regulatory bodies**?

Delegated powers

The Bill contains powers for Welsh Ministers to make Regulations and issue guidance, and for Social Care Wales to make Rules.

12. In your view does the Bill contain a reasonable balance between what is included on the **face of the Bill** and what is left to **subordinate legislation and guidance**?

Financial implications

13. What are your views on the **financial implications** of the Bill as set out in parts 6 and 7 of the Explanatory Memorandum?

Other comments

14. Are there any other comments you wish to make about specific sections of the Bill?

Annex B – Guidance for witnesses providing written evidence for committees

The Assembly is committed to providing accessible information to the widest audience possible. This short guide is to assist witnesses who produce written information for committees. This will enable the Assembly to provide information submitted by third parties in an accessible manner.

- Use plain English and plain Welsh – avoid unnecessary jargon
- Use a minimum of font size 12.
- A clear sans serif typeface, such as Lucida Sans
- Do not have writing over graphics, pictures or watermarks
- Colours and contrast – writing should have maximum contrast to the background: dark on light, light on dark
- Do not use block capitals, and minimise use of bold, underlining and italics

Where possible, information should be provided in Microsoft Word to ensure accessibility. Where a scan or pdf is provided, particularly in the case of signed letters or tables of information, the original Word document should be provided along with it.

Annex C – Consultees for public consultation

This consultation has been sent to the following individuals and organisations. If you are aware of other individuals or organisations who may be interested in responding to this consultation, please do draw this letter to their attention.

Member in charge of the Bill

The Minister for Health and Social Services

Health boards and NHS Trusts

Abertawe Bro Morgannwg University
Health Board

Aneurin Bevan University Health
Board

Betsi Cadwaladr University Health
Board

Cardiff and Vale University Health
Board

Cwm Taf University Health Board

Hywel Dda Local Health Board

Powys Teaching Health Board

Public Health Wales

Velindre NHS Trust

Welsh Ambulance Services NHS
Trust

Board of Community Health
Councils in Wales

Brecknock and Radnor Community
Health Council

Cardiff & the Vale Community
Health Council

Cwm Taf Community Health Council
Hywel Dda Community Health
Council

Montgomery Community Health
Council

Local Government

Blaenau Gwent County Borough
Council

Bridgend County Borough Council

Caerphilly County Borough Council

Cardiff County Council

City and County of Cardiff

Carmarthenshire County Council

Ceredigion County Council

City and County of Swansea

Conwy Borough Council

Community Health Councils

Abertawe Bro Morgannwg
Community Health Council

Aneurin Bevan Community Health
Councils

Betsi Cadwaladr Community Health
Council

Denbighshire County Council
Flintshire County Council
Gwynedd Council
Isle of Anglesey County Council
Merthyr Tydfil County Borough
Council
Monmouthshire County Council
Neath Port Talbot County Borough
Council
Newport City Council
Pembrokeshire County Council
Powys County Council
Rhondda Cynon Taff County
Borough Council
Torfaen County Council
Vale of Glamorgan Council
Wrexham County Borough Council

Regional social care partnerships

Mid Wales
North Wales
South East Wales
South West Wales

Official agencies

CAFCASS Cymru
Care and Social Services
Inspectorate Wales
Care Council for Wales
Care Quality Commission
Children's Commissioner for Wales
Equality and Human Rights
Commission

Estyn
Health and Safety Executive
Healthcare Inspectorate Wales
Health Protection Agency
Health and Wellbeing Best Practice
and Innovation Board
Information Commissioners Office
Institute of Rural Health
NHS Wales Informatics Service
National Institute for Health and
Care Excellence
National Innovation Centre
National Leadership and Innovation
Agency for Healthcare
NHS Shared Services Partnership
NHS Wales Informatics Service
Older People's Commissioner for
Wales
Professional Standards Authority
Public Services Ombudsman for
Wales
Regulation and Quality
Improvement Authority (RQIA)
Social Care Institute for Excellence
Social Services Improvement Agency
Wales Audit Office
Wales Heads of Environmental
Health Group, Health & Safety
Technical Panel
Welsh Language Commissioner
Welsh Health Advisory Committees
Welsh Health Specialised Services
Committee
Welsh Optometric Committee

Welsh Scientific Advisory Committee
Welsh Therapies Advisory
Committee

*Professional bodies and
associations*

Academy of Medical Royal Colleges
Wales
Association of Directors of Social
Services Cymru
British Association of Social Workers
Cymru
British Medical Association Wales
Chartered Society of Physiotherapy
in Wales
College of Occupational Therapists
Community Pharmacy Wales
Consortium of Voluntary Adoption
Agencies
Domiciliary Care Association Wales
GMB
Health and Care Professions Council
National Association of Probation
Officers
National Day Nurseries Association
(NDNA)
Nationwide Association of Fostering
Providers
Registered Nursing Home
Association
Royal College of General
Practitioners Wales
Royal College of Nursing Wales
Royal College of Physicians

Royal College of Paediatrics and
Child Health
Royal College of Psychiatrists in
Wales
Royal College of Speech & Language
Therapists
Royal Pharmaceutical Society
UNISON
Unite
United Kingdom Homecare
Association
Wales TUC
Welsh NHS Confederation
Welsh Physiotherapy Leaders
Advisory Group
Welsh Local Government
Association (WLGA)

Third sector

Action on Hearing Loss Cymru
Action for Children
Adoption Register UK
Adoption UK
Advocacy Matters
After adoption
Age Alliance Wales
Age Connects Wales
AGE Cymru
Age Cymru – My Home Life Project
Aids Trust Cymru
All Care
All Wales Children's NGO policy
group

All Wales Forum of Parents and Carers
All Wales People First
Alzheimer's Society
Anheddau Cyf
Arthritis Care in Wales
Association for Real Change Wales
Association for Spina Bifida and Hydrocephalus in Wales
Ategi Ltd
Barnardo's Cymru
Bevan Foundation
Black Association of Women Step Out (BAWSO)
Black Voluntary Sector Network Wales
Bobath Children's therapy Centre Wales
British Association for Adoption and Fostering
British Deaf Association Wales
British Geriatric Society Wales
British Heart Foundation Cymru
British Institute of Learning Disabilities
British Lung Foundation
British Red Cross
Carers Trust Wales
Cancer Research UK
Care and Repair Cymru
Care Co-ordination Network Cymru
Care for the Family
Care Forum Wales
Carers Trust

Carers Wales
Cartrefi Cymru
Centre for Independent Living
Children in Wales
Chwarae Teg
Citizens Advice Cymru
Civil service Pensioners Alliance
CLIC Sargent
Community Housing Cymru Group
Community Lives Consortium
Community Practitioners and Health Visitors Association
Contact a Family
Contact the Elderly
Crossroads Caring for Carers
Cruse Bereavement Care Cymru
Cymorth Cymru
Cystic Fibrosis Trust
Daybreak (Wales) Ltd.
Dementia UK
Depression Alliance
Diabetes Cymru
Dignified Revolution
Disability Rights UK
Disability Wales
Disabled Children Matter
Diverse Cymru
Downs Syndrome Association
Epilepsy Action Cymru
Epilepsy Wales
FNF Both Parents Matter Cymru
Fostering Network Wales
Genetic Alliance UK
Gingerbread

GISDA
Gofal
Grandparents Association
Hafal
Hafod Care Association
Haven Trust
Independent Age
Joseph Rowntree Foundation
Justice for Jasmine Campaign Group
Learning Disability Wales
Leonard Cheshire Disability
Lles Cymru/Wellbeing Wales
Macmillan Cancer Support
Marie Curie Cancer Care
Mencap Cymru
Merched y Wawr
Mind Cymru
Minority Ethnic Women's Network
Wales
Mothers Union in Wales
Motor Neurone Disease Association
MDF the Bipolar Organisation
Cymru
Mudiad Ysgolion Meithrin
Multiple Sclerosis Society
Muscular Dystrophy Campaign
NACRO Cymru
National Autistic Society Cymru
National Deaf Children's Society
Wales
National Federation of Royal Mail
and BT Pensioners
National Federation of Women's
Institutes

National OAP Association of Wales
National Pensioners' Convention
National Youth Advocacy Service
(NYAS)
New Family Social
NIACE Dysgu Cymru
National Society for the Protection
against Cruelty to Children (NSPCC)
Cymru
Older People's Advocacy Alliance
One Voice Wales
PACT
Parents Federation
Parkinson's UK Cymru *
Patients Association
Pensioners Forum Wales
Real Life Options
RNIB Cymru
RNID Cymru
Royal British Legion
Royal Voluntary Service (WRVS)
Save the Children
Scope Cymru
Sense Cymru
Shared Lives Plus Cymru
Shelter Cymru
SNAP Cymru
Social Care and Wellbeing Alliance
Wales
Stonewall Cymru
Stroke Association
TACT Cymru
Tai Pawb
Tenovus

The Disability Can Do Organisation
Tros Gynnal Plant
Vale 50+ Strategy Forum
Vision 21 (Cyfle Cymru)
Voices from Care
Wales Alliance for Mental Health
Wales Cancer Alliance
Wales Carers Alliance
Wales Carers Workers Network
Wales Cooperative Centre
Wales Council for Voluntary Action
Wales Mobility and Driving
Assessment Service
Wales Neurological Alliance
Wales Senate of Older People
Wales Carers Workers Network
Wales Council for the Blind
Wales Council for the Deaf
Wales Special Interest Nursing
group on Ageing and the Older
Person
Welsh Reablement Alliance
Welsh Refugee Council
Work Foundation
Wellcome Trust

Service providers

Abacare Care Agency Ltd
Abbeyfield Homes
All Care (S.Wales) Ltd
Association of Retirement Housing
Managers
Brynawel Rehab

BUPA
Care in Hand
Centre for Housing and Support
Cerecare Nursing and Domiciliary
Services
Chartered Institute of Housing
Cymru
Dimensions
Drive Network
EroSH (Essential Role of Sheltered
Housing)
Family Housing Association (Wales)
Grwp Gwalia
Gwyddfor Residential Ltd
Hafod Care
Inclusive Lifestyles
Inspiration Lifestyle Services Ltd
KL Care Ltd
Linc Care
Melin Homes
National Care Association
New Bridges Specialist Care Ltd
North Wales Care Association
Park House Court Nursing Home
Pen Y Bryn (Pendine Park)
Pennaf Housing Group
Penpergwm House Care Home
Perthyn Registered Nursing Home
Association
Post Adoption Centre
Seren Group
St Davids Children Society
Steddy Ltd
Tunstall Healthcare

United Welsh Housing Association
Valleys to Coast Housing
West Wales Adult Placement Scheme
Academia
Aberystwyth Law School
Bangor Law School
Bangor University School of Social
Sciences
Cardiff Law School
Cardiff Metropolitan University,
School for Health Sciences
Cardiff School of Social Sciences
Cardiff University
Centre for Social Carework Research
Professor Dame June Clark
Dr Margaret Flynn
Glamorgan Law School
Institute of Medical and Social Care
Research
National Institute for Social Care
and Health Research (NISCHR)
Older People & Ageing Research
and Development Network (OPAN
Cymru)
Social Services Research Group
Swansea Law School
Swansea University Centre for
Innovative Ageing
Welsh Institute for Health and Social
Care (WIHSC)

Professor John Williams

Judicial and legal

Administrative Justice and Tribunals
Council
Association of High Court Masters
Council of Her Majesty's Circuit
Judges
Judicial College
Law Commission
Law Society
Magistrates' Association

Chief Constables of Police Forces

Dyfed Powys
Gwent
North Wales
South Wales

*Chief Fire Officers of Fire and
Rescue Services in Wales*

Mid & West Wales
North Wales
South Wales