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Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref MA - P/MD/1248/16

David Rees AM
Chair
Health and Social Care Committee
National Assembly for Wales
Ty Hywel
Cardiff
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17 March 2016

Dear David

Thank you for your letter of 18 February requesting additional information following the Health and Social Care Committee meeting on 20 January. Please find attached an update to respond to the issues raised in relation to residential care.

I hope you find this information helpful.

Best wishes,

Mark

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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.

Response to issues raised by the Health and Social Care Committee in relation to residential care

Issue 1

The Committee recommends the Welsh Government, the Commissioner and others ensure future assessments of progress and statements of assurance are evidenced in a more transparent manner. This will enable the Committee's successor and the public alike to identify more clearly the basis upon which assurances are being given.

Response

The Care Homes Steering Group has responsibility for oversight and ensuring delivery in relation to the recommendations in the report by the Older People's Commissioner (OPC). It has been agreed that quarterly updates on progress will be prepared. There is a representative from the Commissioner's office on the Steering Group and the Commissioner will be provided with regular updates. Updates provided to date have been published on the OPC's website.

The Commissioner's recommendations have also been incorporated in a number of projects being taken forward by Care and Social Services Inspectorate Wales (CSSIW). This includes the introduction of new inspection frameworks and on line data collection from services. Data captured and collated will enable CSSIW to report on key recommendations made by the Commissioner.

The national social services outcomes framework will also provide us with information on whether care and support services are meeting people's needs and improving well-being.

Issue 2

The Committee reiterates the importance of access to independent advocacy services. It recommends the Welsh Government, local authorities, and health boards work together to secure appropriate and sustainable funding for independent advocacy services across Wales. It requests a view from the Minister on the Commissioner's concerns about the Code of Practice relating to advocacy emanating from the Social Services and Well-being (Wales) Act 2014.

Response

Our approach is to embed people's rights and entitlements to advocacy, including independent professional advocacy, as an inherent consideration when exercising duties and functions under the Social Services and Well-being (Wales) Act. It is built around the distinct duties to ascertain people's views, wishes and feelings and provide support to enable people to participate in decisions that affect them; to have voice and control as a genuinely equal partner in their interactions with professionals. Our codes specify the process must ensure people are empowered to express their needs and are able to participate fully as equal partners. This must include enabling an individual to indicate they want to have someone sitting alongside them when weighing up options and making decisions about their well-being outcomes

Advocacy is a principle specified in each of the accompanying codes of practice. The codes specify clearly it is open to any individual to exercise choice and to invite any advocate to support them in expressing their views, wishes and feelings. Work is continuing to develop and build effective advocacy services in a measured and sustainable way to ensure the support people receive is of an appropriate quality and utilises feedback to inform improvement. The codes reinforce local authorities and health boards must:

- assess, as part of their population needs assessment, the range of advocacy services in their area and secure and promote their availability as part of their portfolio of preventative services;
- consider how joint commissioning arrangements can contribute to the delivery of value for money for commissioners and sustainability for providers; and
- ensure individuals who may require, or benefit from, advocacy services are aware of, and able to, access it including in accessible appropriate formats capable of reaching the hardest to reach.

The Commissioner has been an integral partner on the technical working group which co-produced the code of practice on advocacy. The Commissioner's continued participation in the further development of advocacy services including through the Regulation and Inspection of Social Care (Wales) Act 2016 is welcomed.

Issue 3

The Committee recommends the Welsh Government ensure the voices of residents in care home settings are heard. It believes all mechanisms available – including the use of lay assessors – should be utilised to ensure those running, regulating and inspecting residential care services have a clear understanding of daily life in a care home. The Committee requests further clarification from the Welsh Government on the means by which it envisages the voice of residents being heard in the regulation, inspection and running of residential care services.

Response

Empowering people and ensuring they have voice and control over their care and support is at the heart of the Social Services and Well-being (Wales) Act. The Regulation and Inspection of Social Care (Wales) Act also places clear requirements on the Care and Social Services Inspectorate Wales (CSSIW) and Social Care Wales (SCW) to work closely with the public in the execution of their respective responsibilities. For CSSIW, it includes publishing a statement of policy which addresses the involvement of the public in inspections and the involvement of carers in the exercise of its regulatory functions and to report on how it has achieved it in its annual report. For SCW, it includes publishing a statement of its policy with respect to involving the public and social care workers in the exercise of its functions. The published statements of policy will be laid before the National Assembly for Wales.

I have published a written statement about the approach to implementing the Regulation and Inspection of Social Care (Wales) Act and the development of subordinate legislation. Regulations made under Section 27 of the Act will place requirements on service providers as to the standard of care and support they provide and the importance of the well-being of the individual receiving those services. This will include the arrangements for engaging with, and listening to, those people receiving services.

The use of 'lay assessors' was discussed during the scrutiny of what was then the Bill. I continue to hold the view that creating a new professional class of lay assessors will be unnecessarily restrictive and will not achieve the democratisation of the inspection process which we all desire.

The good practice workstream of the Care Homes Steering Group will be developing a welcome pack for all residents. This will set out what their expectation should be in terms of what services and support is offered, how they can best access this and what their rights as a resident are.

Issue 4

The Committee notes the potential benefits a future piece of legislation of this kind could provide in terms of empowering older people. The Committee agrees with the Commissioner ensuring legislation is meaningful to those it affects, both older people and the duty bearers, is important. It further agrees wide consultation with relevant groups should be undertaken when progressing this piece of work of care homes.

Response

Empowering people is at the heart of the Social Services and Well-being (Wales) Act. One of the intentions of the Regulation and Inspection of Social Care (Wales) Act is to ensure services are delivered in a way which focus on the well-being of individuals receiving care and support.

We know the number of older people in Wales is growing. The Welsh Government's Strategy for Older People (Phase 3 Living Longer Ageing Well) recognises the discrimination and disadvantage older people can face. Wales was the first country to adopt a Declaration of Rights of Older People, which sets out the rights of older people living in Wales. The Declaration was designed to enable older people to understand their rights and how they relate and give access for redress to current equality and human rights laws for older people living in Wales. It will help those responsible for the development and delivery of public services, by making clear how they can support and engage effectively with older people across Wales.

The future legislative programme will need to be agreed by the next government.

Issue 5

The Committee welcomes work will be undertaken to map the existing training provision and consideration of existing research to address variations. The Committee notes this will be an evolving process and time will be needed to identify the most appropriate form of training to meet all needs. Nevertheless, it believes this work needs to be undertaken with pace. To ensure the training addresses the identified issues, continual evaluation from the perspective of those providing - and those in receipt of - care will be required. The Committee recommends the Welsh Government ensure mandatory dementia training is included within the wider package of training.

Response

Despite constrained budgets, we have maintained our substantial commitment to funding social care training across the sector. This amounts to a grant of £8.4 million, to which local authorities add 30%. This money helps to fund training set out in regional learning and development plans developed by the sector, for the sector. A mandatory induction training package exists for social care workers and this can now lead to an identified induction qualification.

The Care Council for Wales has undertaken an in-depth survey to find out more about the characteristics, motivation and views of a workforce that makes up the largest proportion of care workers in Wales. It has also commissioned a learning framework and resource for social care workers working with those affected by dementia. The Care Council for Wales will change into Social Care Wales from April 2017. Social Care Wales will have an expanded remit and resources to drive service and workforce development. Consideration will be given to any changes in relation to mandatory and other training for the workforce. It will also have expanded powers to regulate the training of social care workers where it has concerns about the quality of training.

The Welsh Government has provided £5.59 million funding to the Alzheimer's Society's Dementia Friends campaign for the past year, and further funding has been confirmed through the sustainable social services third sector grant.

Our new dementia care link nurses will also be able to provide advice to care homes on how people with dementia can be supported including advice on specific adaptations and adjustments that would make a difference to the day to day lives of people with dementia.

Issue 6

The Committee recommends the Welsh Government drives with vigour and pace the changes needed to ensure the fundamentals of care agenda is embedded in care home settings. The Committee requests further information about how the Welsh Government will work with the Commissioner to achieve her requirement for action in relation reporting on fundamentals of care in nursing care homes.

Response

Between 2009 and 2014, the Welsh Government called on each health board to publish an annual Fundamentals of Care audit which consisted of an operational audit, patient experience survey and a staff survey. In 2013 and 2014, the audits were extended into community settings with the intention of including care homes in future audits.

This requirement changed in 2015 as a consequence of the development of the new Health and Care Standards which were published in April 2015. This followed the Ministerial review of the 26 standards for health services in Wales (Doing Well Doing Better) and the 12 fundamentals of care standards. The new 22 Health and Care Standards place the person at the centre and emphasise the importance of strong leadership, governance and accountability. The new 22 Health & Care Standards also focus on outcomes of care and therefore from 2016, the Welsh Government will no longer be requesting an annual Fundamentals of Care audit from health boards and trusts which has been a report about care processes rather than care outcomes.

The monitoring system for the new standards is currently being developed and a delivery framework which outlines the measurements will be published at the end of March 2016. The Welsh Government has begun work on the implementation of recommendation two of the Flynn report 'In Search of accountability'. This recommendation requires the development of a system where care homes report pressure ulcers into a 'registry' and the information is communicated to the that authorities commission care as well as to the care inspectorate. This work is an important step in the development of a mechanism to monitor the performance of care homes in a key aspect of individual care.

The Care Homes Steering Group has responsibility for oversight and ensuring delivery in relation to the recommendations in the report by the Older People's Commissioner and the Flynn review. There is a representative from the Commissioner's office on the Steering Group and therefore the Commissioner's office will be engaged and involved.

Issue 7

The Committee recommends strategic commissioning take place at a scale and pace which will take the sector to the next level of service provision. The Committee requests further information on how the Welsh Government intends to drive progress in this area and the time it anticipates will be needed to deliver this change.

Response

The Social Services and Well-being (Wales) Act places a duty on local authorities and health boards to work together to prepare and publish a population assessment of care and support needs, and support needs for carers. This assessment will ensure there is a clear and specific evidence base to inform a range of planning and operational decisions. The Act also provides a legal framework to promote integration and partnership working more widely. This includes requirements for partnership arrangements, the establishment of regional partnership boards and the use of pooled funds.

New regional partnership boards, established at the health board level, are responsible for ensuring the partner bodies respond to the population assessment. These boards will drive the integration of health and social services, along with other partners, to plan and ensure the delivery of integrated, innovative care and support services to best meet the needs of people. The intention is to improve outcomes and well-being through improved partnership working and to improve effectiveness and efficiency of service delivery.

Over this month, a series of master-classes on strategic commissioning have taken place across Wales. These master-classes were designed to support practitioners to take account of the new duties in the Social Services and Well-being (Wales) Act. These requirements also include the duties to involve people in the design of care and support services as well as promoting alternative delivery models.

The National Commissioning Board will also be working with commissioners to develop an integrated approach to commissioning services from care homes in preparation for the development of formal partnerships and pooled budgets from April 2018 to meet the requirements of the Social Services and Wellbeing (Wales) Act 2014. The Commissioning Board will be working with commissioners and providers to develop an outcome focused approach to commissioning. This will involve a change to specifications and contracts.

I am setting up a National Partnership Board to complement and engage with the regional boards. I expect the boards to drive the integration agenda as well as being a forum in which good practice can be shared. As a first step, I will be particularly interested to see how the boards share information (and escalate up to the National Board) on how the shift to preventative services is being managed across Wales.

Issue 8

The Committee recommends the Welsh Government consider carefully, as part of its work to scope future legislation, the case for ensuring parity for the Older People's Commissioner's appointment and term of office with other Commissioners in Wales.

Response

Cabinet carefully considered bringing forward legislation to standardise the length of tenure of Commissioners, following the review of the role and functions of the Children's Commissioner for Wales. As the Committee is aware, Cabinet was not persuaded of the need to amend existing legislation. Any new legislation will be for the new government following the forthcoming elections.

There has been a formal public consultation in relation to amending the Commissioner for Older People's regulations. This would provide the First Minister with a discretionary power to extend the Older People's Commissioner's term for a maximum of two years. Following this two year extension, the current, and any future Commissioners, would not be able to reapply for a second term.

The consultation process was undertaken from 26 October to 31 December 2015. Of the 31 responses, 27 supported the amendment.

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