

# **Age Alliance Wales response to Health and Social Care Committee consultation on the Regulation and Inspection (Wales) Bill**

April 2015

## **Age Alliance Wales**

Age Alliance Wales (AAW) is an alliance of 19 national voluntary organisations committed to working together to develop the legislative, policy and resource frameworks that will improve the lives of older people. Collectively AAW member organisations possess service development and service delivery knowledge **and provide extensive direct support to older people across Wales**. The majority of organisations also act at a strategic as well as an operational level and many are membership based.

The following 19 organisations represent Age Alliance Wales: Action on Hearing Loss Cymru; Age Connects; Age Cymru; Alzheimer's Society Wales; Arthritis Care in Wales; The British Red Cross in Wales; Care & Repair Cymru; Carers Wales; Contact the Elderly; Carers Trust; Cruse Cymru; CSV-RSVP Wales; Deafblind Cymru; Disability Wales; NIACE Cymru; PRIME Cymru; RNIB Cymru; Royal Voluntary Service; The Stroke Association Wales.

## **4. Consultation questions**

### **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?**

Age Alliance Wales (AAW) supports the aims of the Bill and the general principles behind it, however in order to achieve these aims we believe the Bill lacks sufficient reference to the needs of the individual.

We are also concerned that the Bill does not consider the impact of current changes in the way that social care is being delivered to older people in Wales. For example, as the impact of public sector cuts increases dependence on voluntary and private sectors to delivering social care services, clarity is needed on how the quality of such services will be monitored and how people receiving these services will be safeguarded.

## **2. What are the potential barriers to implementing the provisions of the Bill (if any) and does the Bill adequately take account of them?**

AAW would like to draw attention to the following barriers:

- Workers in adult care homes not required to register with Social Care Wales (see Q3).
- Lack of investment in the social care sector and the impact of public sector spending cuts.
- The lack of adequate and relevant training for inspectors and the regulatory workforce.
- The low status of social care workforce – low pay, poor working conditions and a lack of training and career progression means that many care homes and domiciliary care providers struggle to retain staff and to provide high quality service.

## **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?**

The Bill lacks any reference to the need to ensure that people with protected characteristics receive high quality care and equality of protection. Age Alliance Wales believes that ensuring that the social care workforce is competent to work with people from a range of backgrounds and with varying levels of need, is key if equality of protection for all is to be achieved. Failure to do so will prevent the Bill from achieving its ambition to secure well-being for citizens and to improve the quality of care and support in Wales.

It is also vital that staff carrying out service inspections are able to communicate with service users from a range of backgrounds and with varying levels of need. Section 31, paragraph 6, states that inspectors will be authorised to speak with any person accommodated or receiving care in private. The inability to communicate with certain groups of service users will mean that their experiences are not included in inspection reports and any resulting recommendations will fail to address their needs.

Age Alliance Wales believes that equalities training should be provided to the social care workforce that includes dignity and respect principles, attitudes and values, empathy, equality and human rights, and challenging negative stereotypes.

Age Alliance Wales is concerned that workers in adult care homes are not currently required to register with Social Care Wales. This is in direct contrast to residential child care workers who are legally obliged to register. Age Alliance Wales fails to understand why older people receiving care and support at home or in residential settings are not afforded the same level of protection as children and would request that the Bill addresses this point. Recent reports from Southern Cross, Mid Staffs and Operation Jasmine focus on the abuse and neglect of older people and demonstrate that current legislation is not succeeding in protecting all vulnerable older people.

Age Alliance Wales is seriously concerned by the lack of regard for making reasonable adjustments to meet the needs of residents' with sight loss or hearing loss. We believe that inspection of care homes must include consideration of the accessibility of the environment and also the extent to which care homes are able to deliver person centred care by catering for people from different cultures religions or sexual orientation.

**4. Do you think there are any major omissions from the Bill or are there any elements you believe should be strengthened?**

Age Alliance believes that the Bill should include a requirement for equality and diversity training for social care staff. (See above).

We also believe that Bill should require social care services to include in their annual report how they are meeting their requirements under the Equality Act.

**5. Do you think that any unintended consequences will arise from the Bill?**

There is a lack of continuity in language and the definition of terms between the Bill and the Social Services Act. Age Alliance Wales would expect definitions to correlate and is particularly concerned that the definition of care in the Bill focuses on the completion of physical tasks and does not include reference to well-being or the importance of social interaction.

**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.**

Age Alliance Wales is supportive of the provisions set out in Part 1 of the Bill, including the move to service based regulatory provision and powers to introduce inspection quality ratings.

We also welcome the move towards greater engagement with the public but want to stress the importance of ensuring that all information is made available in a range of accessible formats and languages. Information should be made available on how services will cater for people with sensory loss, dementia, different cultures and religions and sexual orientation.

Age Alliance Wales is concerned that the Bill makes no note of the importance of engaging with the family and carers of service users. Views should be gathered from all parties involved with the care and well-being of service users. Effective equality and diversity training will be key in ensuring staff are equipped to achieve this.

**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.**

Age Alliance Wales supports the provisions in Part 1 of the Bill on the regulation of local authority social services.

We support the duty to report on local markets for social care services as this should ensure that services are better suited for people from a diverse range of backgrounds and varying levels of need.

Working with service users to identify how to achieve personal outcomes is vital if the Bill is to achieve its aim of securing well-being for citizens and improving the quality of care and support in Wales. Once again we believe the Bill could be strengthened by making note of the range of agencies likely to be involved in supporting people to achieve their outcomes.

**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.**

Age Alliance Wales supports the provisions and the move towards better monitoring of financial and corporate sustainability.

A national market stability report would ensure that the future needs of all older people requiring care and support are planned

for. It could also be used to ensure that different groups of older people are made aware of services.

**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?**

Age Alliance Wales agrees that it is sensible to extend the remit of Social Care Wales in order to increase its ability to improve the quality of training and standard of social care in Wales. However, we do not believe it is sensible to allow this body to have joint responsibility for enforcing training standards and providing training. AAW request further information on how this arrangement would work in the absence of an independent body to monitor the quality of training.

**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.**

Members of Age Alliance Wales have expressed different opinions on whether registration should be extended to include domiciliary care staff and consequently we are unable to provide a united view. We would value the opportunity to be part of a wider discussion on this point.

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

Age Alliance Wales was led to believe that the Bill would include reference to the current trend for allowing domiciliary workers to carry out 15 minute visits to service users. We are therefore disappointed that this issue has not been addressed.

**Further information**

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