

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 TGP Cymru, | Evidence from TGP Cymru,

General principles of the Bill

1. What are your views on the general principles of the Health and Social Care (Wales) Bill?

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

It is often better to enshrine objectives of this nature in legislation to ensure they are achieved. If not enshrined in legislation, the policy intention may be misinterpreted or overlooked, and with the best will in the world, intentions and agreements, can waiver or become forgotten over time, especially when changes to leadership/ personnel occur.

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 fully support the intention to eliminate profit from care., However, we have some concerns around the practicalities and the tight timescale of this. In particular we would like to raise the need for a comprehensive and consistent message to those children and young people who will be affected by the change and feel this needs to take place soon.

We recognise a role for advocacy in both the communications plan and the need for support once the information has been shared and would encourage Welsh

Government to include the offer of advocacy in their communication plan, along with details regarding the two advocacy providers.

We feel that advocacy should be actively offered to all affected children and young people as soon as possible once they have been informed. Currently, a very small percentage of young people placed in private accommodation access independent professional advocacy, despite meeting the eligibility criteria, and this is of concern to us.

We feel there should be some funding for third sector organisations to support the provision of not-for-profit care. Currently a sum of money has been made available for local authorities, but there are several third sector organisations who provide foster and residential services who may be able to assist with a potential decrease in provision, and additional funding would assist this.

We welcome the flexibility afforded by the Bill which enables local authorities the option of placing a child in a 'for profit' placement if it is considered to be in the child's best interests. However, we seek clarity around 'ministerial approval for this to take place. During the recent scrutiny of the Minister in relation to the Bill, we heard that in practice this decision could be taken by Welsh Government officials on behalf of the minister. However, we are concerned that this pathway to decision making may not be time efficient.

In these situations, decisions are needed quickly, and we are concerned that WG officials will not have the capacity to be as responsive as necessary. We suggest consideration be given to allow senior managers within Children' Services to make such decisions. Aware of the scope of the Bill, and associated responsibilities on them, we feel local authorities will make appropriate decisions.

In the long term, we are concerned about the impact on children and young people, should insufficient not for profit accommodation become available within the anticipated timeframe. We would welcome information about contingency planning to ensure minimum upheaval for children and young people.

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

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

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

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?

Time, funding, lack of providers willing to convert/ set up as not for profit providers, lack of human resource in local authorities to be able to meet in house demands are all potential barriers to the eliminate agenda.

8. Are any unintended consequences likely to arise from the Bill?

In terms of eliminate, there is a risk that the number of care providers/ facilities will leave the market, and therefore provision will decrease. This in turn will increase the already significant challenges in identifying suitable placements for some children and young people.

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?)

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?

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

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

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?
