

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 Llamau, | Evidence from Llamau,

General principles of the Bill

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

(we would be grateful if you could keep your answer to around 500 words)

The general principles of the Health and Social Care (Wales) Bill are both promising and critical for ensuring better care and support for vulnerable groups.

We are in favour of eliminating profit from the care of looked-after children and support the overarching principles of the Bill. However, we recognise the potential impact on young people currently in for-profit providers, especially those achieving positive outcomes and demonstrating reinvestment.

We believe that all funds for young people should be reinvested into their care or used to provide their care. We also request that the principles ensure the full cost of care is covered for young people. While profit should not be made, there should be sufficient funds to provide the necessary level of care and support. We cannot fundraise or bring in additional money to cover care costs; our fundraising should enhance the experience of young people, not fill funding gaps.

The overarching principles of the Bill should support a planned and reflective approach to the search and selection of placements for young people, as well as the development of a market that is currently inadequate. Implementing these principles will be complex due to the current market conditions and the need to balance and prioritise the outcomes and experiences of young people who are currently thriving in profit-making placements. Additionally, there is concern about the current lack of sufficiency in the market and the funds needed to transition to non-profit models, necessitating a departure from traditional approaches.

Important Areas for Legislation

We agree with the following additions to the legislation:

- Providing clarity on the meaning of profit.

- Clarifying the exceptions and how they will be managed to ensure the principles of the Bill are upheld and understood.
- Specifying the actions to be taken and by whom, affecting not only providers but also those making placements.
- Bringing local authorities (LA) and health boards (HB) under a single legislative framework for commissioning placements.
- Establishing a framework for commissioning based on clear guidelines.
- Ensuring clarity across England and Wales, particularly regarding placements of young people from England in Welsh placements and vice versa.

We appreciate the thoughtful approach taken, addressing questions that have been raised multiple times. The two-pronged approach—combining the Social Services and Well-being (Wales) Act (SSWWA) with the Regulation and Inspection of Social Care (Wales) Act (RISCA)—is particularly commendable.

The biggest risk to the Bill lies in potential loopholes and exceptions, which could lead to higher costs and poorer experiences for young people. It is crucial to emphasise the need for full cost recovery and to collaborate with third sector organisations like Llamau to develop a new model. Simply transplanting the traditional model will not suffice, as we know from experience that this approach has failed. Instead, we need to create new ways of working and thinking, using this opportunity to foster innovation rather than stifle it.

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

(we would be grateful if you could keep your answer to around 500 words)

A. Ensuring Accountability and Compliance

Legislation provides a formal and enforceable framework that holds service providers and local authorities accountable. Without a legislative mandate, the Welsh Government's policy intentions would lack the necessary legal backing to ensure that all parties comply with the new requirements. This is particularly crucial in areas such as restricting profit-making in children's care services and enforcing sufficiency plans for accommodation.

B. Standardising Practices Across Wales

A legislative approach ensures uniformity and standardisation in the delivery of care services across Wales. By enshrining the policy intentions in law, the Welsh Government can ensure that all local authorities and service providers adhere to the same standards and regulations. This is important for consistency in the quality of care and support provided to vulnerable populations, including young people, care leavers, unaccompanied asylum-seeking children (UASC), and women escaping domestic violence.

C. Protecting Public Funds

The legislation is necessary to safeguard public funds by ensuring that money allocated for children's care services is used exclusively for their intended purpose, rather than generating profits for private entities. This aligns with the policy intention of reinvesting public money into improving care services and outcomes for looked after children. Without a legal framework, it would be challenging to enforce this principle and prevent profit-making.

D. Facilitating Systemic Change

The Welsh Government's vision for whole system change in social care requires a structured and comprehensive approach that legislation can provide. For instance, the requirement for local authorities to develop and submit sufficiency plans necessitates a formal process to ensure that these plans are systematically prepared, reviewed, and implemented. Legislation provides the mechanism for this systemic change, making it obligatory for local authorities to take proactive steps in planning and delivering sufficient accommodation and care services.

E. Enabling Direct Payments for NHS Continuing Healthcare (CHC)

Introducing direct payments for NHS CHC through legislation is essential to address existing policy gaps and ensure fairness and control for individuals requiring complex health care. This legislative change is crucial for providing individuals, including disabled and seriously ill people, with more autonomy over their care. It also creates a clear legal framework for how direct payments should be managed, ensuring consistency and clarity in their application. Even though it doesn't directly impact organisations like Llamau, the main benefit is achieving consistency across health and social care. Many individuals need both health and social care services but face inconsistent budget allocations and choices. In social care, they already have direct payments (DP), but in health, they don't. This discrepancy creates situations where budgets are contested, or individuals can't access the integrated care they need in the way they prefer because health services must be obtained through Health Direct. This significantly complicates their care arrangements.

F. Strengthening Regulatory Frameworks

Legislation is necessary to amend and enhance the existing regulatory frameworks under the Regulation and Inspection of Social Care (Wales) Act 2016 and the Social Services

and Well-being (Wales) Act 2014. These amendments aim to improve the functionality of regulatory bodies, such as Care Inspectorate Wales (CIW) and Social Care Wales (SCW), and address specific issues within the current system. A legislative approach is required to grant new powers, introduce new requirements, and ensure that regulatory bodies can effectively oversee and support the social care workforce and service providers.

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 would be grateful if you could keep your answer to around 500 words)

The success of these provisions will depend on effective implementation, adequate support for transitioning providers, and robust enforcement mechanisms. This aligns with the Welsh Government's commitment to prioritise children's welfare and ensure that public funds are used to improve service quality and outcomes for looked-after children. By mandating a not-for-profit approach, the Bill seeks to reinvest financial resources back into the care system rather than allowing them to be diverted as profits.

Section 1: Overview of Chapter 1

Objective: To amend existing legislation to restrict profit-making in children's social care services and enhance local authority duties concerning accommodation for looked-after children.

Implication: Sets the stage for a significant shift in how children's care services are provided and managed, emphasising welfare over profit.

Section 2: Defining "Restricted Children's Services"

Objective: To clearly define what constitutes restricted children's services.

Implication: Establishes a legal framework that identifies which services will be subject to the profit restriction, providing clarity and scope for implementation.

Section 3: Registration Requirements

Implication: Ensures that only entities with a primary focus on children's welfare and public good can register to provide these services, filtering out profit-driven organisations.

Section 4: Transitional Arrangements

Implication: Provides a pathway for current providers to adapt to the new requirements, ensuring continuity of care while transitioning to the new system.

Section 5: Registration Decisions

Implication: Strengthens the criteria for granting or refusing registration, reinforcing the policy intent to restrict profit-making.

Section 6: Fit and Proper Persons Test

Implication: Introduces financial scrutiny to ensure that providers' financial practices align with the welfare-focused objectives, preventing exploitative financial arrangements.

Section 7: Annual Return Requirements

Potential to include more joined up working, more consistency across services. As it stands this could increase the monitoring for providers from LA and CIW processes which don't always align. The processes need to be streamlined to reduce duplication of information required by LA's, 4C's, HB and CIW.

Section 8: Variation or Cancellation of Registration. This is very promising as it streamlines the resolution of poor-quality placements for young people and equips the regulator with a more robust set of options to ensure service quality. By integrating the general review and cancellation of services, particularly in the context of moving from improvement efforts, it ensures that necessary actions are taken for any service providers not meeting the required standards.

Potential Challenges

Transition Period: The transitional arrangements for existing providers need to be managed carefully to avoid disruption in services.

Administrative Burden: The new requirements may impose additional administrative burdens on service providers and local authorities. Focus on building the market within the non-profit sector and removing barriers that create a "them and us" mentality, ensuring everyone works towards the same goals. Collaborate more with the non-profit sector to move away from traditional models, recognising that the shift required is much greater than just eliminating profit. Implement full cost recovery for services and eliminate arbitrary negotiations. Remove cost from the cost/quality matrix—prioritise 100% quality, then consider cost based on full cost recovery.

Create increased opportunities for local authorities and the market to collaborate on training, recruitment, and other initiatives, fostering a unified workforce.

Implementation Consistency: Ensuring consistent application and enforcement of the new requirements across all local authorities could be challenging.

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

(we would be grateful if you could keep your answer to around 500 words)

Section 14: Annual Returns by Service Providers

Implication: Increases accountability and transparency of service providers, ensuring they take direct responsibility for their compliance and reporting obligations. This can lead to more timely and accurate data collection. There is a potential risk of inaccurate data from smaller providers with limited capacity and central functions. However, this can be a positive development if managed well, with central oversight and support for those providers not accustomed to data management. By ensuring data is sourced directly from providers and holding them responsible and accountable, we can enhance the accuracy and reliability of the information.

Section 15: Cancellation of Registration

Implication: Provides clearer guidelines and standards for the cancellation process, ensuring consistency and fairness in the decision-making process.

Section 16: Cancellation Procedure Changes

Implication: Streamlines the cancellation process, making it more efficient when it is evident that improvement is not feasible. This ensures quicker action to address non-compliant or failing services. This element is particularly positive from a service provider perspective because it offers a clear understanding of the expectations and accountability. From the viewpoint of young people and local authorities (LAs), it enhances service quality and provides a necessary option when no improvement can be made. By centralising the process, it removes the burden from individual LAs, allowing for more consistent and decisive action.

Previously, several smaller issues across multiple LAs could result in a lengthy and ambiguous process. This new approach streamlines the process, eliminating ambiguity and expediting resolution. It ensures that when services are subpar, there is a robust mechanism in place to address these issues promptly and effectively, benefiting both service providers and recipients.

Section 17: Information from Unregistered Providers

Implication: Enhances regulatory oversight by allowing authorities to gather necessary information from unregistered providers, helping to identify and address unauthorised service provision.

Previously, unregistered providers had no contractual or legal relationship with the Care Inspectorate Wales (CIW). This is an important consideration for us when entering contracts, as any involvement in perceived "care" activities could prompt CIW to request information. This new oversight introduces a layer of accountability that we must navigate carefully.

However, this oversight can also lead to positive outcomes for us, particularly when we are asked to deliver support that qualifies as care. Knowing that CIW can request information ensures that we remain vigilant and maintain high standards, ultimately benefiting the young people we serve. This regulatory attention can help ensure that our services are consistently aligned with care standards, reinforcing our commitment to quality and compliance.

From an organisational standpoint, this development serves as a point of caution. While it necessitates careful consideration of our activities, it also offers a protective measure for young people, ensuring they receive the right placements and provisions to meet their needs. Additionally, it supports providers in delivering services at the required level, fostering a more structured and accountable care environment. This dual benefit of protection and support underscores the value of CIW's involvement in maintaining service quality and safeguarding young people.

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

(we would be grateful if you could keep your answer to around 500 words)

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

(we would be grateful if you could keep your answer to around 500 words)

The provisions are well-designed to manage the complexities of transitioning to new laws while maintaining clarity and stability. However, careful attention must be given to managing the regulatory burden, communicating with stakeholders, and adhering to the implementation timeline to ensure the successful adoption of the Bill's provisions.

Section 27: General Interpretation

Implication:

Clarity and Consistency: Ensures that all terms are clearly defined, promoting a consistent understanding and application of the Bill's provisions across various contexts.

Legal Precision: Reduces ambiguity and potential legal disputes by providing precise definitions.

Section 28: Consequential and Transitional Provisions

Implication:

Smooth Transition: Facilitates a smooth transition from the existing legal framework to the new provisions, ensuring continuity and stability.

Flexibility: Provides flexibility to address unforeseen issues or necessary adjustments through regulations, allowing for adaptive management of the legislative changes.

Comprehensive Implementation: Ensures that all consequential changes are addressed, preventing gaps or inconsistencies in the legal framework.

Section 29: Commencement Provisions

Implication:

Phased Implementation: Allows for a phased implementation of the Bill's provisions, ensuring that sufficient time is provided for preparation and adjustment.

Operational Readiness: Ensures that all stakeholders, including local authorities, healthcare providers, and individuals, are ready for the changes before they come into effect.

Controlled Rollout: Provides control over the rollout of the provisions, allowing for adjustments based on feedback and initial outcomes.

Section 30: Implication:

Legal Reference: Provides a concise and clear reference name for the Bill, facilitating easier communication and citation in legal and official contexts.

Strengths of the Provisions

Regulatory Flexibility: The ability to create consequential and transitional regulations ensures that the Bill can be effectively implemented, addressing any issues that arise during the transition period.

Managed Transition: The commencement provisions allow for a controlled and phased introduction of the new laws, ensuring that all affected parties are adequately prepared.

Clear Identification: The short title provides a straightforward way to reference the Bill, facilitating easier discussion and documentation.

Potential Challenges

Regulatory Burden: The creation of consequential and transitional regulations could add to the regulatory burden, requiring careful management to avoid complexity and confusion.

Implementation Timeline: The timing of the commencement provisions needs to be carefully managed to ensure that all necessary preparations are completed and that there is no disruption to services.

Stakeholder Communication: Effective communication with all stakeholders about the definitions, transitional provisions, and implementation timelines is crucial to ensure a smooth transition and compliance with the new regulations.

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?

(we would be grateful if you could keep your answer to around 500 words)

The potential barriers to the implementation of the Health and Social Care (Wales) Bill are multifaceted, involving financial, workforce, administrative, legal, and operational challenges. While the Bill, Explanatory Memorandum, and Regulatory Impact Assessment address some of these barriers, it is crucial to ensure that all potential issues are comprehensively considered, and that sufficient resources and support mechanisms are in place. Continuous stakeholder engagement, robust planning, and adaptive management will be essential to overcome these barriers and achieve the Bill's objectives. These barriers, along with their consideration in the Bill, the Explanatory Memorandum (EM), and the Regulatory Impact Assessment (RIA), are discussed below.

1. Financial Constraints and Resource Allocation

Barrier: Implementing the Bill's provisions, especially those requiring local authorities to secure sufficient accommodation and restrict profit-making in children's services, will likely require substantial financial resources.

Consideration in the Bill/EM/RIA:

EM/RIA Coverage: The RIA should detail the estimated costs and financial implications for local authorities and other stakeholders. It should also explore potential funding sources and outline any financial support mechanisms from the Welsh Government.

Potential Gaps: If the RIA does not adequately address the full financial impact or identify sufficient funding, local authorities may struggle to meet the new requirements, particularly given existing budget constraints.

2. Capacity and Workforce Issues

Barrier: The social care sector may face challenges related to workforce capacity, including recruitment, training, and retention of skilled professionals necessary to meet the new regulatory standards and service delivery models.

Consideration in the Bill/EM/RIA:

Workforce Planning: The EM should outline strategies to address workforce shortages, including training programs, incentives for recruitment, and measures to improve working conditions.

Support Measures: Provisions for workforce development and support should be included to ensure that there are enough qualified professionals to implement the new requirements.

3. Regulatory and Administrative Burden

Barrier: The introduction of new regulations and reporting requirements could impose a significant administrative burden on service providers and local authorities.

Consideration in the Bill/EM/RIA:

Administrative Support: The Bill should include measures to streamline processes and provide support to entities required to comply with the new regulations.

Technology and Systems: Investments in technology and administrative systems could help manage the increased workload, and these should be considered in the RIA.

4. Stakeholder Engagement and Communication

Barrier: Effective implementation requires robust engagement and communication with all stakeholders, including local authorities, service providers, and the public.

Consideration in the Bill/EM/RIA:

Stakeholder Involvement: The EM should outline plans for ongoing consultation and communication with stakeholders to ensure they are informed and prepared for the changes.

Feedback Mechanisms: Establishing mechanisms for feedback and collaboration can help address concerns and improve the implementation process.

5. Legal and Operational Challenges

Barrier: The transition to new regulatory frameworks and operational models may face legal and operational challenges, such as compliance with new regulations and coordination between different entities.

Consideration in the Bill/EM/RIA:

Transitional Provisions: The Bill includes transitional provisions to facilitate the shift to new regulations, but these need to be detailed and realistic.

Legal Support: Guidance and legal support for entities affected by the changes should be available to ensure smooth compliance.

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

(we would be grateful if you could keep your answer to around 500 words)

The powers for Welsh Ministers to make subordinate legislation, as set out in Chapter 5 of Part 1 of the EM, are appropriate and necessary for the effective implementation of the Bill. They provide the flexibility needed to address the complexities of social and health care regulation while ensuring that detailed and specific regulations can be developed and adjusted as required. However, it is crucial that these powers are exercised within well-defined limits, with robust oversight and accountability mechanisms in place. This ensures that the regulations serve the best interests of stakeholders and the public, maintaining a balance between effective governance and the fair treatment of service providers and users. Explanatory Memorandum (EM), hinges on several key factors: the necessity for flexibility, the scope and limits of these powers, the oversight and accountability mechanisms in place, and the potential impact on stakeholders.

Flexibility and Necessity

Flexibility: The powers granted to Welsh Ministers to make subordinate legislation allow for flexibility in responding to evolving circumstances in the social and health care sectors. Given the dynamic nature of these fields, the ability to adjust regulations without requiring primary legislation is crucial for timely and effective governance.

Necessity: Many of the areas covered by the Bill, such as social services functions, local authority reporting, and the inspection of premises, require detailed and specific regulations that are better suited to subordinate legislation. This approach allows for a more nuanced and adaptable regulatory framework.

Scope and Limits of Powers

Scope: The powers to make subordinate legislation cover a broad range of areas, including annual reports by local authorities, reviews of social services functions, inspections, information requirements, and the regulation of functions related to looked-after and accommodated children. This comprehensive scope is necessary to ensure that all relevant aspects of social and health care services can be effectively regulated.

Limits: It is essential that these powers are not overly broad and that there are clear limits and guidelines on their use. The Bill should specify the parameters within which Welsh Ministers can exercise these powers to prevent overreach and ensure that subordinate legislation is used appropriately.

Oversight and Accountability

Oversight Mechanisms: The Bill and the EM should outline the mechanisms for oversight and accountability of the Welsh Ministers' use of these powers. This could include requirements for consultation with stakeholders, impact assessments, and regular reporting to the Welsh Assembly.

Accountability: Ensuring that there is a process for scrutinising and challenging subordinate legislation is vital. This might involve parliamentary review, public consultations, or judicial oversight to ensure that the regulations are fair, reasonable, and in the public interest.

Impact on Stakeholders

Stakeholder Involvement: The process for making subordinate legislation should involve key stakeholders, including local authorities, service providers, and service users. Their input can help shape regulations that are practical and effective.

Transparency: The subordinate legislation process should be transparent, with clear communication about proposed changes, the rationale behind them, and the expected impact. This helps build trust and ensures that those affected by the regulations are informed and prepared.

Specific Areas of Concern

Offences and Penalties: The provision for offences and penalties in connection with inspections or requirements to provide information is a significant area of subordinate legislation. These regulations must balance the need for enforcement with fairness and proportionality to avoid undue burden on service providers.

Regulation of Local Authority Functions: The powers to regulate local authority functions related to looked-after and accommodat

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?)

(we would be grateful if you could keep your answer to around 500 words)

The powers for are appropriate and necessary for the effective implementation of the Bill. However, it is crucial that these powers are exercised within well-defined limits, with robust oversight and accountability mechanisms in place. This ensures that the regulations serve the best interests of stakeholders and the public, maintaining a balance between effective governance and the fair treatment of service providers and users. Explanatory Memorandum (EM), hinges on several key factors: the necessity for flexibility, the scope and limits of these powers, the oversight and accountability mechanisms in place, and the potential impact on stakeholders.

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Oversight and Accountability

Specific Areas of Concern

Offences and Penalties: The provision for offences and penalties in connection with inspections or requirements to provide information is a significant area of subordinate legislation. These regulations must balance the need for enforcement with fairness and proportionality to avoid undue burden on service providers.

Regulation of Local Authority Functions: The powers to regulate local authority functions related to looked-after and accommodated children are crucial for ensuring quality and consistency in care. However, these powers should be exercised with careful consideration of local circumstances and existing best practices.

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?

(we would be grateful if you could keep your answer to around 500 words)

The Welsh Government's assessment of the financial and other impacts of the Bill, as detailed in Part 2 of the Explanatory Memorandum (EM), provides a comprehensive overview of the anticipated costs, benefits, and potential challenges associated with the proposed changes.

Financial Impacts

Administrative and Transitional Costs:

The assessment acknowledges significant initial administrative and transitional costs, particularly for the implementation of direct payments in health care and social care. These costs include setting up and funding staff, training, and technical infrastructure.

The transitional period for covering these costs (2025-26 to 2027-28) with financial support from the Welsh Government is a prudent approach. It allows time for local health boards to adjust and start realising savings which will help offset these initial expenses.

Ongoing Costs:

Ongoing costs for operating the new systems and maintaining the necessary infrastructure are clearly delineated. The projections are thorough and consider various scenarios to provide a range of potential financial outcomes.

The decision to use the 2022-23 financial year as the price base for all cost and benefit calculations is reasonable, providing a consistent baseline for financial comparisons.

Local Authority and Private Sector Impact:

The shift from for-profit to not-for-profit providers and the potential need for local authorities to cover start-up costs for new not-for-profit organisations is a significant aspect. This reflects a realistic understanding of the market dynamics and the financial risks involved.

The projected profit losses for the private sector, particularly as for-profit providers exit the market, and the transitional fee increases are well documented. This provides a clear picture of the financial adjustments required during the implementation phase.

Benefits and Broader Impacts

Quality of Care:

The EM emphasises the broader benefits of developing a more stable and high-quality care market. It highlights the anticipated improvements in care planning and the ability to meet the diverse needs of children and young people more effectively.

The positive outcomes observed in similar models in England, such as fewer care package breakdowns and high satisfaction among recipients of direct payments, support the potential benefits of these changes.

Stakeholder Implications:

The assessment includes a thoughtful consideration of the potential impact on stakeholders, including local authorities, service providers, and recipients of care. The involvement of stakeholders in the planning and implementation process is crucial for the success of these reforms.

The proposal for a central hub to manage key administrative functions for direct payments aims to ensure consistency and efficiency across Wales. This centralised approach could mitigate some of the administrative burdens on local health boards and provide equitable support for all recipients.

Potential Barriers and Mitigations

Market Readiness:

A potential barrier is the readiness of not-for-profit providers to enter the market and develop the necessary infrastructure. The EM's assumption that local authorities will meet the start-up costs is a realistic approach to mitigate this risk.

The financial risk transfer to local authorities for running services under capacity until established is another pragmatic measure to ensure continuity of care.

Data and Financial Information:

The reliance on aggregated financial data, with some commercially sensitive information included, poses a challenge for transparency and comprehensive financial planning. However, the use of this data to triangulate conclusions helps ensure the assessment is as accurate as possible given the available information.

The lack of adjustment for expected general price inflation in future cost estimates is a limitation, but it simplifies the financial projections and provides a clear baseline for analysis.

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

(we would be grateful if you could keep your answer to around 500 words)

The Welsh Government's integrated impact assessments, including the Children's Rights Impact Assessment (CRIA) as outlined in Part 2 of the Explanatory Memorandum, appear to be a commendable approach to policy formulation.

Comprehensive Approach: Integrating impact assessments ensures that policies are evaluated from multiple perspectives, not just economic or administrative, but also social, environmental, and importantly, from a children's rights perspective. This holistic view helps in understanding potential impacts across various sectors and stakeholders.

Focus on Children's Rights: The inclusion of a dedicated CRIA reflects a proactive stance towards fulfilling obligations under the UNCRC. By assessing how policies affect children's rights—such as their best interests, participation, and protection—the Welsh Government demonstrates a commitment to promoting and safeguarding children's well-being.

Inclusivity and Transparency: Conducting these assessments openly and transparently, as evidenced by the inclusion of stakeholders like children themselves, the Children's Commissioner for Wales, and advocacy groups, enhances the credibility and effectiveness of the assessments. It ensures that diverse perspectives and voices are considered in shaping policies that directly impact children's lives.

Accountability and Improvement: By explicitly identifying potential risks and benefits in relation to children's rights, the assessments facilitate accountability. They provide a framework for monitoring and evaluating policy outcomes, enabling adjustments if initial impacts do not align with intended outcomes. This iterative process supports continuous improvement in policy implementation.

Challenges and Opportunities: While the assessments aim to mitigate negative impacts and enhance positive outcomes for children, challenges such as maintaining placement sufficiency and stability require careful consideration. Balancing short-term challenges with long-term benefits is crucial in ensuring sustained improvements in children's welfare.

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

(we would be grateful if you could keep your answer to around 500 words)

The Welsh Government's approach to developing policy and legislative proposals, as reflected in the Bill, appears to be commendably inclusive and consultative, particularly in terms of engaging stakeholders.

Inclusivity and Stakeholder Engagement: Engaging a wide range of stakeholders, including children themselves, the Children's Commissioner for Wales, and advocacy groups like Voices from Care, demonstrates a commitment to inclusive policy-making. This approach ensures that diverse perspectives are considered, particularly those directly affected by the proposed changes.

Transparency and Accessibility: The Welsh Government's efforts to ensure transparency, such as making relevant documents and assessments publicly available, enhance accessibility and accountability. This openness allows stakeholders and the public to understand the rationale behind policy decisions and contribute meaningfully to the consultation process.

Evidence-Based Decision Making: By incorporating feedback from stakeholders and basing proposals on evidence, such as insights from children and advocacy organisations, the Welsh Government strengthens the foundation of its policy initiatives. This evidence-based approach enhances the credibility and effectiveness of the proposed legislation.

Commitment to Children's Rights: The explicit consideration of children's rights through mechanisms like the Children's Rights Impact Assessment (CRIA) underscores a proactive stance on fulfilling obligations under the UNCRC. This commitment ensures that policies not only comply with legal frameworks but also prioritise the well-being and rights of children in Wales.

Challenges and Areas for Improvement: While the approach appears robust, challenges may include ensuring that consultations are genuinely participatory and that all relevant stakeholders have a meaningful opportunity to contribute. Additionally, maintaining continuity in engagement throughout the policy development process is crucial for sustaining stakeholder trust and ensuring the efficacy of implemented policies.

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?

(we would be grateful if you could keep your answer to around 500 words)

Implementation and Monitoring: While the proposals outlined in the Bill and its accompanying documents are promising, ensuring effective implementation and robust

monitoring mechanisms will be critical. This includes allocating sufficient resources, establishing clear timelines, and defining responsibilities to achieve the intended outcomes, especially regarding children's rights and welfare.

Sustainability and Long-Term Impact: It would be beneficial to address how the proposed changes will contribute to sustainable improvements in children's lives over the long term. This involves not only immediate impacts but also ensuring resilience and adaptability in the face of future challenges or changing circumstances.

Intersectionality and Inclusive Approaches: Consideration should be given to how the Bill addresses intersectional issues, such as the specific needs of children from diverse backgrounds, including those with disabilities, from minority ethnic communities, or LGBTQ+ children. Ensuring inclusivity in policy design and implementation is essential for achieving equitable outcomes.

Public Awareness and Engagement: Enhancing public awareness and understanding of the Bill's objectives, potential impacts, and how stakeholders can engage in the process is crucial. This could involve targeted outreach efforts, public consultations, and educational campaigns to foster broader support and participation in advancing children's rights.

Evaluation and Adaptation: Building in mechanisms for periodic evaluation and adaptation of the Bill's provisions based on empirical data and stakeholder feedback will be key to its ongoing relevance and effectiveness. This iterative process allows for continuous improvement and adjustment to better meet the evolving needs of children and young people in Wales.

Cross-Sector Collaboration: Given the multi-faceted nature of children's well-being, fostering collaboration across sectors such as health, education, social services, and justice systems will be essential. This holistic approach can lead to integrated services and policies that comprehensively support children's development and rights.

