

## HSCWB35

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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** Ymarferydd Iechyd a Gofal Cymhleth Parhaus (Gogledd), Cyngor Sir Powys  
| **Evidence from** Continuing Health & Complex Care Practitioner ( North) - Powys  
County Council

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**Please use this template to draft your responses to submit via the online consultation form.**

**Evidence from: Powys Continuing Care Continuing Healthcare Team**

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You do not need to answer every question, only those on which you wish to share information or have a view.

## General principles of the Bill

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

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

### 2. Is there a need for legislation to deliver the Welsh Government's stated policy intention?

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☒ Yes

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- ☐ No
- ☐ Don't know
- ☐ Don't have a view

**Please outline your reasons for your answer to question 2**

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

See Below comments re Healthcare and Direct Payments

**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)

Is this discriminatory to adults, whom have been commodified by profit and the particular issues of private hospitals in mental health and learning disability population ? NB three Welsh people were subjected to the profit driven abuse in Winterbourne view...

Are there any plans to remove profit from health and social care?

**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)

**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**

This amendment is long overdue. The choice of language for the Section 26 amendment is poor, weak and does not reflect the many concerns that the Senedd has already been given in relation the limits of the SSWB (W)Act 2014.

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This opportunity should not be lost in remedying a longstanding paucity of legislation as the population of Wales becomes more complex and is ageing.

To use the words 'may only' in place of the relatively straight forward 'may not' is not helpful ...can I suggest re- wording to any/ all of the following:

A local authority may not meet needs under sections 18 to 20 by providing or arranging for the provision of a service or facility that is required to be provided under the National Health Service Act 2006 unless—

(a)doing so would be merely incidental or ancillary to doing something else to meet needs under those sections, and

(b)the service or facility in question would be of a nature that the local authority could be expected to provide.

or

a local authority cannot meet care and support needs by providing services of a type which is required to be provided under the NHS (Wales) 2006 Act.

A local authority may not provide healthcare services which are the responsibility of the NHS. The boundary between the responsibilities of local authorities for the provision of care and support, and those of the NHS for the provision of health care must be clear.

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**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**

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

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## 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?**

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

The information being shared and new duties being adequately and widely shared to support the major cultural shift that will be needed in NHS – whom have in many respects ‘hidden behind’ the delay in this legislation, lack of leadership and in many cases maladministration in this area. This has been to the detriment on the population of Wales.

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

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

The potential exponential rise in costs for the NHS as the hitherto ‘shunting’ of care cost is re-distributed ..

### **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?)**

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

### **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?**

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

As Above

### **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**

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

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## **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**

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

## **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?**

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