

HSCWB38

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 Wrecsam Cyngor Bwrdeistref Sirol | **Evidence from** Wrexham County Borough Council

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

Evidence from: Wrexham CBC (Direct Payments 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?

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

Overall the general principles are welcomed.

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

☐ Yes

☐ No

☐ Don't know

☐ Don't have a view

Please outline your reasons for your answer to question 1

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

Regional response pending

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)

Regional response pending

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

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

There would need to be a clear "exit-plan" in place for a Direct Payment transferring to CHC DP or Local Authority when required so that we don't end up duplicating payments. Seamless transition required.

There are other kinds of considerations around Health commissioning arrangements. Including governance and structure to support the Direct Payment recipients and their staff. How would they support the Direct Payment recipient in their employer role? i.e recruitment, DBS, Payroll, training, and DP contracts.

Do the current insurance providers cover health related tasks?

How would a Direct Payment be used for health related tasks that require a skilled worker/professional to deliver.

How it would impact upon existing payment systems and how LHB intend to pay, as they could not continue to use our Prepaid Cards once the WCBC service

ended, so there would need to be clear new payment methods, financial transfers, payroll updates, final bank statement.

Would there be an opportunity for Health to commission the Local Authority to manage the direct payment (and what would be the associated fee as this would need to be equitable across Wales). Would Local Authorities have the option to refuse?

Would health support all current commissioning of direct payments support including Personal Assistants, Independent Provider and Micro Enterprises?

Could Direct payments still be used for 'one off' purchases i.e equipment/short breaks/placements etc...

How would health be creative in assessing and determining assessed eligible outcomes to use a direct payment flexibly.

How would health manage and monitor safeguarding concerns in relation to inappropriate use of direct payment funds or safeguarding concerns in relation to an employee or employer.

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)

Duty to submit and publish annual return

- Currently, providers are required to submit annual returns to CIW which are then published on CIW website. Proposing change for providers to have to do this on their own website, and provide copies on request. This means that CIW are no longer liable for the published information (GDPR consequences etc)
 - Consideration – do all providers have sufficient website capacity?
Smaller, independent providers – possibly not

Application for cancellation of service provider's registration: information to be provided

- Requirement for providers to submit application in a prescribed form (assume currently any form of written request will suffice). Application must contain certain key information in a format, and clearly state how the service will be provided until cessation.
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Cancellation of service provider's registration without application: notice procedures

- Allows CIW to immediately service notice on a provider in certain conditions, rather than allow for an 'improvement notice period'. Such sanctions likely to be used in extreme circumstances e.g. as below:
 - i. The service provider has been convicted of, or has been given a caution in respect of, a relevant offence.
 - ii. The Welsh Ministers are no longer satisfied that the service provider is a fit and proper person to be a service provider.
 - iii. The service provider no longer provides any regulated service.

Social care workers: registration and fitness to practise

- The Bill makes some amendments to the 2016 Act in relation to the functions of SCW
- Including: allowing SCW to extend suspensions without having to apply to tribunal each time.

References to Senedd Cymru

- Changes references to National Assembly Wales to Senedd Cymru.

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)

Refer to Direct Payments section 5.

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)

Direct Payments – varying rates of pay across health and social care. Would the rates be aligned to Local Authority rates, bearing in mind that each Local Authority provide different rates of pay for a Direct Payment.

Contingency arrangements when staff leave etc.. Health would need to work with individuals around how the support will be provided in the event of staff shortages.

Consistent application of eligible needs.

S117 aftercare arrangements and discharges of duty would require clear policy to ensure a joint approach/responsibility continues in line with the Mental Health Act. Not all Local Authority and Health Boards have local S117 agreements.

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)

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)

Coordination of centralised Welsh Government Hub would this be sufficient resource to cover all of Wales.

Is data a realistic interpretation of the number of people who would want to receive their CHC support via a Direct Payment.

Inequitable funding being proposed to support health Direct Payments to what is offered to Local Authorities.

Funding implication for LAs already facing significant budget deficits

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)

Regional response pending

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)

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)