

Consultation on the Regulation and Inspection of Social Care (Wales) Bill: Stage 1



1. Leonard Cheshire Disability is very grateful to have the opportunity to respond to the Health and Social Care Committee's consultation on the general principles of the Regulation and Inspection of Social Care (Wales) Bill.

About Leonard Cheshire Disability

2. At Leonard Cheshire Disability we work for a society in which everyone is equally valued. We believe that disabled people should have the freedom to live their lives the way they choose - with the opportunity and support to live independently, to contribute economically and to participate fully in society.
3. We are one of the UK's largest voluntary sector providers of services for disabled people with over 250 services across the UK including care homes, care homes with nursing and homecare services. We aim to maximise personal choice and independence for people with disabilities and all of our services are designed to meet the needs and priorities of the people who use them.
4. As an active member of both Alliances we have contributed to the Social Care and Wellbeing Alliance Wales (SCWAW) and Welsh Reablement Alliance (WRA) joint response to the Committee's consultation.
 - SCWAW seeks to identify and address issues affecting social care and wellbeing and their impact on people in Wales.
 - WRA campaigns to promote the benefits of consistent, effective, integrated services which enable people to maximise their ability to live as independently as possible.
5. This response focuses on specific areas in which Leonard Cheshire Disability has expertise and knowledge, both as the UK's largest voluntary sector provider of social care services to disabled people and as a leading disability campaigning charity, and is intended to supplement the joint response.
6. We wish to highlight two important issues which are not adequately addressed in the existing Bill 'flying' 15 minute care visits and local authority commissioning arrangements. As always, our starting point in response to any consultation on adult social care is to ensure that the proposals will improve the safety and quality of care and support services for disabled people.

15 minute care

7. Leonard Cheshire Disability has previously highlighted the scandal of 15 minute care in our report [‘Ending 15 minute care’](#).
8. The report revealed the shocking number of disabled and older people who were left being forced to choose between having a cup of tea and going to the loo as a result of ‘flying’ 15-minute care visits.
9. As part of the report, we asked 2025 adults in Great Britain how long it took them to make a cup of tea, prepare a meal, go to the toilet, get dressed, wash themselves and make the bed - all activities that some disabled people and care workers are asked to squeeze into 15 minutes - on an average day. Not only were none of the adults able to complete all of the activities in 15-minutes, but also the average time taken to complete all of them was at least 40 minutes.¹ Quite simply, 15 minute care creates impossible choices, for disabled people and carer workers alike.
10. Further, despite guidance in the Care Act in England ruling out 15-minute visits for personal care, there has been no decrease in their use across the UK. In October 2014, 71% of local authority across England, Wales and Northern Ireland were still commissioning 15-minute visits.²
11. We are therefore grateful to the Assembly for previously amending the Social Services and Well-being (Wales) Act 2014, such that it states that a “local authority must satisfy itself that any visits to the person’s home for that purpose are of sufficient length to provide the person with the care and support required to meet the needs in question.”³
12. We are also grateful to the Committee for raising the issue of 15 minute care with the Minister, in its scrutiny to date of the general principles of the Regulation and Inspection of Social Care (Wales) Bill. We note the Minister’s response that:

“one of the standards that we will require through section 26(4) is ... [to]... require local authorities, through a standard, to achieve what the 2014 Act requires of them, and the inspector will then inspect against their success in that. One of the things I will think about during the passage of the Bill is whether a similar obligation ought to be put on private providers of domiciliary support services, because I think that might tighten the relationship between what we ask providers to do and how they will be inspected and held to account for it through this Bill.”⁴
13. While we welcome the Minister’s comments, the only way to ensure that no disabled people are forced to endure the scandal of 15-minute ‘flying’ care is to rule them out in law. The Regulation and Inspection of Social Care (Wales)

¹ Leonard Cheshire Disability, Ending 15 Minute Care, Page 7

² Based on responses from 125 local authorities to FOI research from Leonard Cheshire Disability

³ Section 34(3) of the Social Services and Well-being (Wales) Act 2014.

⁴ Record of Proceedings, National Assembly for Wales, Health and Social Care Committee, 25 March 2015, Paragraph 112

Bill is the perfect place to enshrine minimum standards of care for disabled people, and to ensure that the positive vision of social care set out in the Social Services and Well-being (Wales) Act 2014 is delivered on the ground.

Local Authority Commissioning

14. We note that there is currently no specific reference in the Bill to commissioning standards. Over recent years, the proportion of social care services provided ‘in house’ by local authorities has significantly declined, meaning that commissioning is now a vital part of social care provision all across Wales. As such, it is vital that commissioning is undertaken with the needs of disabled and older people in mind, and that regulation makes clear the necessity of getting commissioning right.
15. We would like to see this Bill include provision to ensure that:
- Local authorities do not seek to pass on budget cuts or unrealistic savings to social care providers, such that they are not able to pay their staff at a reasonable rate (it is our view that all care workers should be paid at least the Living Wage);
 - Outcome focused commissioning is promoted, to ensure that disabled and older people have the support they need to achieve the outcomes they want; and
 - Appropriate data is collected and shared, as required, such that if councils are commissioning inappropriate services (such as 15-minute visits for personal care) then this is immediately evident from the collected information.
16. Commissioning is a central part of the current social care landscape, and as such, it is absolutely vital that this Bill provides local authorities with the support they need to get it right.

Conclusion

17. We are grateful to the Committee for raising the unacceptability of 15-minute ‘flying’ care visits with the Minister already. Nevertheless, we would welcome amendments to the Bill to explicitly end the use of 15 minute care visits as routine practice, and to set minimum standards for commissioning on a nationwide basis.

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