

**Consultation
Response
Form**

Your name: Jonathon Holmes

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Service Regulations			
Regulations about an Application for Registration as a Service Provider			
1. Do you agree that the requirements for information and documentation as set out in the draft regulations are relevant and proportionate? If not, why not?			
Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain The information and documentation requested are proportionate and relevant.			
Regulations about an Application for Registration as a Service Provider			
2. Are there any additional requirements which should be considered? If so, what are they and why?			
Please explain There are no additional requirements to be considered at this time.			

Regulations about Provider Annual Returns

3. Do you agree that the requirements for the content of the provider annual returns as set out in the draft regulations are sufficient to provide the public with the information required to determine the best services for their needs and to enable them to make comparisons between services providers? If not, what are the additional requirements?

Agree

Tend to agree

Tend to disagree

Disagree

Please explain

There is a great paucity of data around social care provision in Wales, particularly in relation to the workforce in the independent and voluntary domiciliary care sector. It is encouraging to see that the Provider Annual Returns will include key workforce data that could be used as national benchmarks for Wales in due course.

UKHCA recommends that the following additional categories are included in the Provider Annual Return:

- Staff numbers as headcount and full time equivalent by job role and sector;
- Qualifications held by careworkers, such as QCFs;
- Considered looking at domiciliary care specific issues, namely travel time as a proportion of working time;
- Average working hours per week by job role and sector; and
- Average hourly pay by job role and sector (ensuring that travel time is accounted for domiciliary care workers).

Regulations about Provider Annual Returns

4. Do you agree with the proposed timing for making an annual return (28 days after the end of the financial year)?

Agree

Tend to agree

Tend to disagree

Disagree

Please explain

This should be adequate time. We hope that the regulator can produce and publish national data and benchmarks in a timeframe proportional to that which will be imposed upon providers.

Regulations about Provider Annual Returns			
5. Are any of the requirements unnecessary? If so, which are they and why?			
Please explain			
UKHCA believes that the requirements are proportional and fair.			
Regulations about an Application for Variation of Registration as a Service Provider			
6. Do you agree that the requirements for information and documentation as set out in the draft regulations are relevant and proportionate? If not, why not?			
Agree <input type="checkbox"/>	Tend to agree <input checked="" type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain			
The requirements are clear, relevant and proportional.			
However, we would consider that regulation 7(d) which requires “ <i>other documentation</i> ” is too vague for the purposes of re-registration or variation of registration. We would suggest that the requirements are made more prescriptive. This will help the variation of registration process be applied consistently across Wales.			
Regulations about an Application for Variation of Registration as a Service Provider			
7. Are there any additional requirements which should be considered? If so, what are they and why?			
Please explain			
There are no additional requirements to be considered at this time.			

Regulations about the Application for Variation of Registration as a Service Provider			
8. Do you agree with our proposals for the time limit within which an application to vary must be made where there is no responsible individual?			
Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain Yes, 28 days is a reasonable timeframe.			
Regulations on notifying local authorities			
9. Do you agree that the list of notifiable incidents contained in the Act is comprehensive? If not, what additional incidents would you like to see included?			
Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain The threshold for notification is proportional and fair.			
Regulations on notifying local authorities			
10. Do you agree that the draft regulations set out a system of notification which will provide local authorities with the information they require? If not, what information would you like to see excluded from the report or what further information do you think would be useful to include?			
Agree <input type="checkbox"/>	Tend to agree <input checked="" type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain The contents of the report should, in accordance with primary legislation and regulations, provide adequate information to local authorities. However there must be thresholds in place to ensure reports are made in a timely fashion to allow Welsh authorities to ensure continuity of care where service disruption has occurred.			

Workforce Regulations			
Regulations on the meaning of “Social Care Worker”			
11. Do you agree with the proposed definition of social care worker?			
Agree <input type="checkbox"/>	Tend to agree <input checked="" type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain The definition provided in the primary legislation offers a workable definition of social care worker. However, we suggest that the definition is extended to cover care co-ordinators in the domiciliary care sector, and to cover people employed as Personal Assistants by people in receipt of direct payments.			
Regulations on the meaning of “Social Care Worker”			
12. Do you support all those persons listed in the consultation document being considered as social care workers? If not, why not?			
Agree <input type="checkbox"/>	Tend to agree <input checked="" type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain This definition is not materially different from that given in the primary legislation.			
Regulations on the meaning of “Social Care Worker”			
13. Do you think that we should exempt certain descriptions of persons? If so, who and why?			
Agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input checked="" type="checkbox"/>
Please explain No – UKHCA has long supported and campaigned for recognition and registration of careworkers. The definition in the primary legislation is a positive step towards this.			

Regulations on the meaning of “Social Care Worker”			
<p>14. Are there any risks in continuing to have a wide and inclusive approach – for example; are there any groups whom it may be disproportionate to expect to meet the requirements of the Code of Practice? Is there a risk that being too broad will dilute the work of Social Care Wales so that it is insufficiently concentrated upon those at the heart of the sector?</p>			
Please explain			
UKHCA do not believe that this poses any significant risk. A broad definition of ‘Social Care Worker’ will support a holistic approach to quality, and should be supported by a Code of Practice that is value driven.			
Regulations on the register			
<p>15. Do you consider that the current method for registration of social workers is working well? Are there any issues that have arisen?</p>			
Agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain			
As a professional association for providers of domiciliary care we are not best placed to answer this question.			
Regulations on the register			
<p>16. Is there anything unhelpful or problematic about the proposed regulations on the register?</p>			
Please explain			
The regulations are clear and concise.			

Regulations on the content of the register			
17. Do you agree that the regulations applying to qualifications require the right range of information to be included on the register?			
Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain The regulations are relevant and proportional.			
Regulations on the content of the register			
18. Should the regulations replicate the existing position in relation to the inclusion of fitness to practice decisions? Are there any disadvantages to this approach?			
Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain This provides consistency and a shared understanding of "fitness to practice".			
Regulations on the list of persons removed from the register			
19. Do the regulations require the right range of information to be included on the list?			
Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain The regulation is clear and proportional.			

Regulations on the list of persons removed from the register			
20. Do the regulations put in place the right approach to publishing the list?			
Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain An up to date list, that contains relevant accessible information would be useful to employers.			
Regulations on the duty to establish panels etc.			
21. Do you agree with the approach to excluding people from membership of the various panels? If not, please explain why.			
Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain The people <i>proscribed</i> from panel membership are appropriate.			
Regulations on proceedings before panels.			
22. Do you agree with the content of the regulations relating to the way that panels will operate? If not, please explain why.			
Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain The imposition of a statutory duty of fairness is very positive, our concerns are around judging what the threshold of fairness/unfairness is and the accountability of the panels.			

Regulations on proceedings before panels.			
23. Do you agree that the regulations are focusing on issues that should be set out in regulations?			
Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain If the panels operate as described in the regulations and primary legislation they should lead to greater levels of confidence in the social care workforce.			
Regulations on Local Authority Social Services Annual Reports			
24. Do you consider that the proposed approach will adequately support our objectives for Local Authority Social Services Annual Reports?			
Agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input checked="" type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain It is positive that Welsh Government will provide instruction and guidance to local authorities in producing annual reports. However, we have concerns that this may be too prescriptive, particularly given that Welsh authorities will be moving towards outcomes based commissioning models. It is also the case that 81% of domiciliary care services in Wales are outsourced to the independent/voluntary sector. The variability in market conditions between authorities in Wales will be considerable. It is vital that local market conditions are accounted for in local authority annual reports and the stability of the independent/voluntary market is accounted for.			
Regulation of Advocacy Services			
25. Do you agree that the regulation of advocacy services should focus upon Independent Professional Advocacy as defined in the Code of Practice on the exercise of social services functions in relation to advocacy under Part 10 and related Parts of the Social Services and Well-being (Wales) Act 2014?			
Agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
Please explain As the professional association for providers of domiciliary care we are not best			

placed to respond to this question.

26. Do you consider that the requirements of the 2016 Act should apply to an individual practitioner operating as a stand-alone business? If not, please provide brief evidence.

Agree

Tend to agree

Tend to disagree

Disagree

Please explain

As the professional association for providers of domiciliary care we are not best placed to respond to this question.

27. Do you consider that implementation of the requirements of the 2016 Act for advocacy services should be phased by sector e.g. advocacy services for looked after and other specified children followed by independent professional advocacy? If so, please provide brief evidence.

Agree

Tend to agree

Tend to disagree

Disagree

Please explain

As the professional association for providers of domiciliary care we are not best placed to respond to this question.

28. What is the anticipated impact for advocacy providers as a registered service under the Act?

Please explain

As the professional association for providers of domiciliary care we are not best placed to respond to this question.

29. Do you agree that only those who manage advocacy services, as a regulated service, should be required to register with Social Care Wales? If not, please provide brief evidence.

Agree

Tend to agree

Tend to disagree

Disagree

Please explain

As the professional association for providers of domiciliary care we are not best placed to respond to this question.

Other
<p>The Welsh Government is interested in understanding whether the proposals in this consultation document will have an impact on groups with protected characteristics. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.</p> <p>30. Do you think that the proposals in this consultation will have any positive impacts on groups with protected characteristics? If so, which and why/why not?</p> <p>We hope that the regulations will promote the rights and wellbeing of people with protected characteristics who use services, by offering safeguards and professionalising the social care workforce.</p> <p>31. Do you think that the proposals in this consultation will have any negative impacts on groups with protected characteristics? If so, which and why/why not?</p> <p>We have not seen any negative equality implications within the proposals.</p>
<p>32. We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to tell us about them.</p>

<p>Responses to consultations may be made public – on the internet or in a report. If you would prefer your response to be kept confidential, please enter YES in the box.</p>	<p>YES</p>
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