

BRIDGEND COUNTY BOROUGH COUNCIL

REPORT TO CABINET

27 MARCH 2018

REPORT OF THE CORPORATE DIRECTOR, SOCIAL SERVICES AND WELLBEING

REGULATION AND INSPECTION OF SOCIAL CARE (WALES) ACT 2016

1.0 Purpose of Report

1.1 The purpose of this report is:

- To provide Cabinet with information on the Regulation and Inspection of Social Care (Wales) Act 2016 (RISCA);
- To note the work ongoing to implement the requirements of the Act and statutory guidance into working practice; and
- To seek approval for the Head of Adult Social Care and the Head of Children Social Care to be designated as the Responsible Individuals for Bridgend Social Care regulated services.

2.0 Connection to Corporate Improvement Objectives/Other Corporate Priorities

2.1 This report links to all the priorities in the Corporate Plan:

- Helping people to be more self-reliant
- Supporting a successful economy
- Smarter use of resources

3.0 Background

3.1 The Social Services and Well-being (Wales) Act 2014 changed the foundation of the social care sector. Its aim was to:

- Transform the way in which social services are delivered, primarily through promoting people's independence and giving them a stronger voice and control;
- Promote partnership working in social care;
- Enhance the preventative role of social care and health, setting out overarching wellbeing duties to reduce or delay the need for care and support.

3.2 The Regulation and Inspection of Social Care (Wales) Act 2016 provides the statutory framework for the regulation and inspection of social care in Wales and is the next step in making social services in Wales sustainable.

3.3 The Act received Royal Assent on 18 January 2016. The intent behind the introduction of the RISCA is to secure the well-being of people in Wales and to improve the quality of care and support.

- 3.4 In 2014, a large national care home provider gave an intention to close two homes in the County Borough due to financial difficulties. They were able to find a buyer for one of the homes but one was closed that year. In March 2016 the report 'In Search of Accountability' a review of the neglect of older people living in care homes in South East Wales was published. Both of these significant events had an influence on the content of the new Act.
- 3.5 The RISCA establishes a regulatory system that is in line with the Social Services and Well-being (Wales) Act 2014 and is centred around people who need care and support, and the social care workforce.
- 3.6 The key provisions of the Act are:
- It establishes a new regulatory system for Social Care;
 - Introduces changes to Workforce Regulation in Social Care;
 - Introduces Market Stability Reports for Social Care Provision;
 - Renames the Care Council for Wales as Social Care Wales and broadens its remit.

Service regulation

- 3.7 Changes in service regulation include a move away from compliance with National Minimum Standards to a system that focuses on the impact that care and support services have on individual's lives, well-being and personal outcomes.
- 3.8 The Care Inspectorate Wales (CIW) (formerly the Social Services Inspectorate Wales (CSSIW), will be introducing a new system of service regulation and inspection which will come into force in April 2018 and which is intended to be fully implemented and operational by April 2019.
- 3.9 Regulated services for Adults and Children will transition from the Care Standards Act 2000 (CSA) to the Registration and Inspection of Social Care (Wales) Act 2016 in two tranches. From April 2018 new regulations and statutory guidance will apply to adults and children's residential care services, domiciliary care, residential family centers and secure accommodation and to fostering, adoption, adult placement and advocacy services from April 2019.
- 3.10 All service providers who are currently registered under the CSA 2000 are required to re-register under the RISCA. The CSA 2000 established a system whereby "establishments and agencies" were registered. In effect this required a separate registration for each location where a service was provided. Under the RISCA a provider must register to provide any service which is regulated by the Act and a single registration will contain all the details of the types of service and the details of the locations where the service(s) is provided.
- 3.11 Requirements on Service Providers under the RISCA include:
- Ensuring that individuals are provided with information about the service on commencement of the provision of care and support;
 - Ensure that individuals are provided with care and support which enables them to achieve the best possible outcomes;

- Ensure that there are mechanisms to safeguard vulnerable individuals;
- Ensure that individuals are supported by appropriate numbers of staff who have the knowledge, competency, skills and qualifications to provide the levels of care and support required to achieve the individual's personal outcomes.

- 3.12 Registration for residential care homes and domiciliary provider services under the RISCA opened in February 2018. Bridgend County Borough Council (CBC) intends to make one application which will include all its services (adults and children). This must be submitted by 30th June 2018. Under the RISCA, Bridgend CBC will have a single registration with CIW and that single registration will contain all the details of the locations where the services are provided.
- 3.13 Regulations accompanying the CSA 2000 require regulated services to have a written statement of purpose as to the facilities and services which are to be provided for those who use the service. The requirement for services to produce a Statement of Purpose transfers to the RISCA. Bridgend CBC will need to submit a Statement of Purpose for all services as part of the application for registration of services.
- 3.14 Bridgend CBC is also a commissioner of services for individuals who have care and support needs and, as a commissioner, will need to ensure that any services that Bridgend contracts with will comply with requirements contained within the RISCA.

Inspection of Local Authority Social Service functions

- 3.15 CIW will be introducing a new framework to inspect local authorities. This will include CIW referencing to the well-being outcomes of the Social Services and Well-being (Wales) Act 2014, and will include the views and voices of people needing care and support.
- 3.16 CIW will consider how well the services provided and commissioned by local authorities are meeting the well-being outcomes of the people who use them.

Responsible Individuals

- 3.17 The RISCA recognise that culpability for abuse or neglect is not solely held by those in the frontline.
- 3.18 The Local Authority is required to designate a senior representative as a Responsible Individual (RI) for services contained within the registration with CIW. Statutory Guidance as contained within the Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017, sets out the requirements on service providers and responsible individuals. CIW can take enforcement action against any registered provider and responsible individual that does not adhere to these legal requirements.
- 3.19 A service can have more than one RI. Requirements on the RIs include:
- Ensuring effective management of the service
 - Ensuring effective oversight of the service
 - Ensuring compliance of the service
 - Monitoring, reviewing and improving the quality of the regulated service.

3.20 The RI is required to visit each service in person at least every three months. The purpose of the visit is to monitor the performance of the service and to inform their review of service quality. The RI is required to provide quarterly reports to the service provider (BCBC).

Registered Managers

3.21 The RI must appoint a person to manage a service. Under the outgoing legislation (CSA 2000) a manager of a regulated service for example an adults/children's residential home has been required to register with both CIW and Social Care Wales. Under the RISCA a manager of a service will no longer be required to register with CIW.

3.22 The RI is not responsible for the day to day management of the service. Under the RISCA this will continue to be the responsibility of the Registered Manager.

Workforce Regulation

3.23 Section 80 of the Regulation and Inspection of Social Care (Wales) Act 2016 requires Social Care Wales to keep a register of:

- qualified social workers
- student social workers
- residential child care managers and workers
- adult care home managers
- domiciliary care managers
- domiciliary care workers register opens from April 2018 (mandatory from April 2020)
- residential adult care home workers register opens from April 2020 (mandatory from April 2022)

3.24 Including domiciliary and residential adult care home workers will mean that by 2022 the majority of the social care workforce will be registered and regulated.

3.25 If a domiciliary care worker is not registered with Social Care Wales by April 2020 they will not be able to practice as a domiciliary care worker within a regulated service. This same will apply to residential care workers from April 2022.

Training and Qualification requirements

3.26 Welsh Government views qualifications as an essential part of its efforts to professionalise the social care workforce. Section 83 of the Act requires Social Care Wales to make sure that social care workers are 'appropriately qualified'. Social Care Wales have set out training and qualification requirements for each category of social care worker.

3.27 Social care workers will be required to hold a listed qualification in order to register with Social Care Wales. New staff will be able to register upon completion of the Health and Social Care Induction Framework Wales (available from April 2018) and then complete the required qualification for their role within their first registration period.

- 3.28 A new suite of Health and Social Care Qualifications are currently being developed by Qualification Wales. These will be available for delivery from September 2019.

Fees

- 3.29 Section 74 of the Act authorises Social Care Wales to ask for fees in relation to registration. Social Care Wales will be changing the fee structure for those required to register from 2018 onwards. There will be an incremental increase in fees for all registrants from 2018 to 2022.

Market stability and financial assessment provisions under the RISCA

- 3.30 Under the RISCA the Local Authority will be required to review and report to Welsh Government on the sufficiency of care and support provision in the borough. Having regard to Local Authority reports Welsh Government will publish national market stability reports.
- 3.31 Section 61 of the RISCA allows for Welsh Government to undertake an assessment of the financial sustainability of a service provider's business. Welsh Government are required to inform the local authority if a service provider becomes unable to provide a specified regulated service.
- 3.32 Welsh Government will be consulting on the above areas in late spring to summer 2018.

4.0 Current situation / proposal

Workforce data

- 4.1 The number of Social Care Workers 2016/17 (based on national data returns submitted to Welsh Government) are as follows:
- **Bridgend CBC**
Domiciliary Care Workers – 384
Adult Residential Care Workers – 252
Children's Residential Care Workers – 33
 - **Commissioned Providers** (Based on 2016/17 Sector Workforce Data Returns)
Domiciliary Care Workers – 781
Adult Residential Care Workers – 469

Local implementation

- 4.2 It is proposed that the Head of Adult Social Care and the Head of Children Social Care are designated as the Responsible Individuals for Bridgend Social Care regulated services.
- 4.3 Statements of Purpose for service provision are being drawn up.

- 4.4 Local Authority staff who do not hold the required qualification to register with Social Care Wales have been identified and will be supported to undertake the qualification in advance of mandatory registration in 2020 / 2022.
- 4.5 The Social Care Workforce Development team is working with independent and third sector providers to help them understand the requirements for registration and supporting access to funded qualifications.
- 4.6 A programme of training on the RISCA facilitated by the Social Care Workforce Development Team will be delivered from April 2018.

5.0 Effect upon Policy Framework and Procedure Rules

- 5.1 There is no impact on the policy Framework and Procedure Rules.

6.0 Equality Impact Assessment

- 6.1 The Regulation and Inspection Act Social Care, (Wales) 2016, by its very nature, is to support the well-being of people in Wales and to improve the quality of care and support and, therefore, should also have a positive impact on those people with protected characteristics.
- 6.2 In relation to this Act, Welsh Government have undertaken various Equality Impact Assessments: on Children's Rights, Service regulations, workforce regulations and Welsh Language. They are available on the Welsh Government website.

7.0 Financial Implications

- 7.1 There will be additional costs associated with registration fees, qualification fees and qualification training costs detailed within the report. The estimated cost in 2018/19 is £43,000. This has been factored in the council budget setting process where £12,000 additional recurrent budget was allocated to the directorate together with 'one-off' funding of £31,000.
- 7.2 Using social workers as an example the planned incremental increase in fees from 2018 to 2022 will see the fee rise to £80 which equates to a 167% increase.
- 7.3 Further to this from the mandatory registration dates of 2020 (domiciliary care workers) and 2022 (adult residential care workers) there will be additional costs in registration fees. Based on 16/17 workforce data this will equate to:
- 2020 = £9,375 per annum recurrent costs
 - 2022 = £15,030 per annum recurrent costs

Funding of these costs will need to be considered as part of the budget setting process in 2019/20 and 2021/22.

- 7.4 There may also be cost implications for independent domiciliary and independent care home providers as they incur registration and qualification costs. These factors will be discussed with providers during contract negotiations in 2020 and 2022.

8.0 Recommendation

8.1 Cabinet is recommended to:

- Note the information contained in this report and the ongoing work to implement the requirements of the Act and statutory guidance into working practice;
- Approve the Head of Adult Social Care and the Head of Children Social Care to be designated as the Responsible Individual within their own service area on behalf of Bridgend CBC;
- Note that there will be an additional cost pressure associated with registration and training that will need to be considered as part of budget setting over the next few years.

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9.0 Contact Officers

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10.0 Background documents

Regulation and Inspection of Social Care (Wales) Act 2016
<http://www.legislation.gov.uk/anaw/2016/2/contents/enacted>

Statutory Guidance for service providers and responsible individuals on meeting service standard regulations.
<http://gov.wales/topics/health/socialcare/regulation/?lang=en>