

Easy Read



Llywodraeth Cymru
Welsh Government

Changes we want to make to law about Social Care and Continuing NHS Healthcare

We want to know what you think



This document was written by the **Welsh Government**. It is an easy read summary version of the **consultation on the proposed changes to primary legislation on social care and continuing health care**.

October 2022

-How to use this document



This is an easy read document. But you may still need support to read it. Ask someone you know to help you.



Llywodraeth Cymru
Welsh Government

Where the document says **we**, this means **Welsh Government**. For more information contact:

Website: gov.wales/proposed-changes-legislation-social-care-and-continuing-health-care

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Introduction

This document is about changes we would like to make to **Social Care** and **Continuing NHS Healthcare**.



We want to know what you think about our ideas for doing this.



Please read this document and then answer the questions in the response form.



Please send us your responses by **12 pm midnight** on **Monday 7 November 2022**.

1. Stopping businesses making money from caring for children looked after



We are working with Plaid Cymru to make sure we do the best we can for **children looked after**.



Children looked after means children in public care. They are in public care because their birth parents cannot look after them. They are placed:

- with foster carers
- in care homes
- or with other family members.



In Wales, 4 out of every 5 care homes for young people and children are owned by private companies.



We want to make sure public money spent on services for children looked after is not used to **profit** people or businesses. Profit means making money.

Welsh Ministers want money spent on these services to be used to:



- improve services



- give children and young people better outcomes and experiences



- give staff opportunities to train and develop skills.

What we want to change



We want to change the law, so it says only **not-for-profit** organisations can provide care services for **children looked after** in Wales.

A **not-for-profit** organisation does not earn a profit or make money for the owners. All money goes back into running the organisation.



We will need to allow some time for providers to get used to this change.



New providers who are registering with Care Inspectorate Wales will have to be a **not-for-profit** organisation from **1 April 2026**.



Providers who are already registered with Care Inspectorate Wales will have to become a **not-for-profit** organisation by **1 April 2027**.

2. Direct payments and Continuing NHS Healthcare



Some people who need care and support get **Direct Payments** from their local authority.



A **Direct Payment** is money that social services can give you instead of a service.



You can spend the money on getting the support and services you want. This gives people more control.



NHS healthcare is free for everyone. But some people with serious health conditions may also need long term care and support.



If you have long term care and support needs, you may be able to get your care organised and paid for by the NHS. This is called **Continuing NHS Healthcare**.



People who get **Continuing NHS Healthcare** cannot get **Direct Payments**. This is because Direct Payments cannot be used to pay for services that the NHS must provide.



Some people who get **Continuing NHS Healthcare** are worried that they won't have choice and control over their care and support.

Welsh Ministers want people to:



- have more control over their care and support
- have a say in their care and support.



Welsh Government is looking at changing the law to give people more choice and control.



This means people can decide how and when they would like to get the care and support they need.



Welsh Government is planning to improve how **Continuing NHS Healthcare** and **Direct Payments** work together.

What we want to change

We want to make changes to the NHS (Wales) Act 2006.

We want:



- Local Health Boards to be able to give **Direct Payments** to adults using **Continuing NHS Healthcare**. This will help people to plan and get services to meet their own needs.



- Welsh Ministers to make laws about what **Direct Payments** can be used to pay for. And how the system will work.



- Local health boards should be able to help people or organisations with questions about **Direct Payments**.

3. Duty to report children and adults at risk



The **Social Services and Well-being (Wales) Act 2014** says that public **organisations** must say something if they think a child or adult is at risk of harm.



This includes organisations like the NHS, police, probation, youth offending teams and other local authorities.



If a child or adult that is being cared for or supported by a local authority is at risk of harm, public **organisations** have a duty under the law to report this to the local authority providing the care.

What we want to change



There has been a lot of discussion over whether the **duty to report** should be placed on individual staff members. As well as the organisation they work for.



This places more responsibility on staff members to say something if they are worried harm may happen.



We want to know whether individual reporting duties should be introduced.



We think placing a duty to report on individual staff members may help to protect children and adults better.

4, 5 and 6. Changing how we manage and check social care services



In 2016, the **Regulation and Inspection of Social Care (Wales) Act** became law. This is the law that updated how we manage and check social care services.



The aim of the update was to:

- focus more on always improving services rather than meeting minimum standards
- focus more on people's experiences and outcomes
- increase the training and skills staff need.



We have worked with Care Inspectorate Wales and Social Care Wales to check how these updates are working.



We now want to make some changes again, to help us:

- achieve the things we wanted the updates to achieve
- and fix problems and weaknesses that have come up

What we want to change



We want to update the **Regulation and Inspection of Social Care (Wales) Act 2016**. We want to update rules about things like:



- How we deal with services that are not registered with Care Inspectorate Wales.



- Yearly reports that providers must write.



- Letting organisations know when they need to improve.



- Describing exactly what **care** means for children and young people.



- How social care workers renew their registration with Social Care Wales.



- What happens when **fitness to practice investigations** are taking place. This is when Social Care Wales checks that a social care worker can do their job properly.



We also want to update the definition of social care worker. We want all childcare and play workers to be included in the definition. This is so Social Care Wales can support them in their work.