

## SECTION 1. WHAT ACTION IS THE WELSH GOVERNMENT CONSIDERING AND WHY?

(Please note that this Section will be published)

### Background

This impact assessment relates to the draft *Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2022* (“the 2022 Regulations”) which amend the Regulation and Inspection of Social Care (Wales) Act 2016 (“The 2016 Act”) and make amendments to regulations affecting the social care workforce and social care services.

The 2022 Regulations amend the *Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017* to mandate the registration of social care workers in adult care homes and family residential centre services from 1 October 2022. They will place a requirement on service providers to employ and/or engage under a contract for services only those individuals who are registered with Social Care Wales (SCW).

The aim of these proposed amendments is to deliver the Welsh Government’s commitment to professionalise the social care workforce and increase public assurance that these categories of social care workers have the skills and qualifications to do their jobs in a professional, compassionate manner. It will also reassure the public that they are working to agreed Codes of Conduct and Professional Practice, as outlined by the workforce regulator, Social Care Wales (SCW). These proposals mirror provisions already in place for the employment of managers of care homes for adults, managers and workers in care homes for children, and managers and workers in domiciliary support services. The proposals also seek to raise the profile of the sector.

### Impact

Professionalisation will help to ensure that the skills of social care workers are more widely recognised. We want the public to have greater awareness that the workforce is well-trained, dedicated and qualified. The policy behind this programme has been developed in partnership with stakeholders across the social care sector. Through registration, we want to provide the workforce with greater opportunities to continue their development through greater access to the resources and training provided through the workforce regulator. Registration with SCW provides workers with access to robust training and development frameworks and helps to ensure that staff receive more consistent training and development. This will help workers evidence their skills when moving between roles. As part of registration, social care workers must sign up to a recognised Code of Practice against which they are held to account. Regulation of the workforce by SCW provides greater accountability for the workforce and an opportunity to have their voice heard when an incident occurs.

The sector is currently facing a recruitment crisis and while registration alone will not address this challenge the longer-term ambition, as part of a wider package of

support, is to raise the profile of the sector as a professional place to work in which there are opportunities for individuals to progress their careers, with a view to improving recruitment and retention.

Social Care Wales is responsible for managing the workforce register, and for ensuring that workers and employers in the sector are aware of the requirement to become registered. Care Inspectorate Wales will be responsible for ensuring that social care providers are adhering to the regulations.

## SECTION 8. CONCLUSION

(Please note that this section will be published)

### **8.1 How have people most likely to be affected by the proposal been involved in developing it?**

*Not only is it our duty to engage and consult in certain circumstances, but there is clear evidence that involving the public and stakeholders is central to successful policy and delivery. In keeping with the Well-being of Future Generations (Wales) Act 2015, we are committed to involving people. Please describe how you have involved:*

- *Children and their representatives;*
- *People with protected characteristics under the Equality Act 2010;*
- *Welsh speakers and Welsh language specialist groups; and,*
- *Other people who may be affected by the proposal.*

The Welsh Government has undertaken two consultations on the proposals, the first was undertaken between 26 July and 16 October 2019 and the second was held between 21 December 2021 and 28 February 2022. The consultation documents were published bilingually on the Welsh Government's website and contained a response form which could either be submitted via email or in hard copy.

All versions of the consultation were made available on the following web pages –

<https://gov.wales/implementation-regulation-and-inspection-social-care-wales-act-2016>

<https://llyw.cymru/rhoi-deddf-rheoleiddio-ac-arolygu-gofal-cymdeithasol-cymru-2016-ar-waith>

<https://gov.wales/implementation-regulation-and-inspection-social-care-wales-act-2016-0>

[https://llyw.cymru/gweithredu-deddf-rheoleiddio-ac-arolygu-gofal-cymdeithasol-cymru-2016?\\_ga=2.148252663.1126364584.1651055068-1208068373.1625652020](https://llyw.cymru/gweithredu-deddf-rheoleiddio-ac-arolygu-gofal-cymdeithasol-cymru-2016?_ga=2.148252663.1126364584.1651055068-1208068373.1625652020)

For the first consultation event, alongside the consultation on the draft amendment Regulations, we also held two consultation events in Cardiff and Wrexham to present the draft proposals to mandate registration for domiciliary care and to open the “voluntary” registration period for adult care home workers from April 2020 ahead of the next mandatory deadline in April 2022 to stakeholders and to hear any questions or comments directly. A total of 20 interested parties from across the public, private and voluntary sectors attended these events, which sought to encourage stakeholders to respond and to enable those attending to:

- gain an overview of the draft legislative framework and key changes it will bring into effect;
- check their understanding of the proposals and seek clarity, if needed; and
- consider the potential implications for their role and organisation.

The Welsh Government also attended several other forums such as the Care Home Steering Group and National Provider Forum to answer any initial queries on the draft regulations or the policy direction.

In terms of the amendments to the notifications in the suite of service provider regulations<sup>1</sup> which were proposed later, a short, focused consultation was undertaken. We wrote directly to all unincorporated service provider organisations using CIW’s communication channels in December, allowing them a month to respond. We also published this proposal on CIW’s website and included the information in CIW’s newsletter which was issued to all providers who are signed up to these communications. No responses to this consultation were received.

The details of the consultation were circulated to a range of key stakeholders and representative bodies including older people (i.e. Age Cymru), children’s groups (i.e. Voices from Care Cymru) disability groups (i.e. Disability Wales) and minority and ethnic groups (i.e. Race Council Wales) and the Welsh Language Commissioner. Representations were received from 30 of these organisations and have been included in our analysis of the responses.

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<sup>1</sup> These are:

- a. The Regulated Services (Service Providers and Responsible Individuals) (Wales) Regulations 2017;
- b. The Regulated Adoption Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019;
- c. The Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019;
- d. The Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019; and
- e. The Regulated Advocacy Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019.

For the second consultation exercise, held between December 2021 and February 2022, because of the ongoing pandemic restrictions, we held a joint online consultation seminar with the workforce regulator, Social Care Wales (SCW), on 15 February 2022. This allowed the Welsh government to discuss with stakeholders our latest mandatory registration proposals and draft Regulations to stakeholders and to hear any questions or comments directly. It allowed SCW to consult on other registration changes that, whilst separate from the Welsh Government's proposals, were linked to the registration process. The Welsh Government's proposals were understood by the social care sector, who recognised that this followed the approach taken for domiciliary care workers. A total of 94 interested parties from across the public, private and voluntary sectors attended the event, which sought to encourage stakeholders to respond and to enable those attending to:

- gain an understanding of whether the draft legislative framework and key changes it will bring into effect were clear and concise for the sector to understand and seek clarity, if needed; and
- consider the potential implications for their role and organisation.

An analysis of the responses has been undertaken and was posted on our website at <https://gov.wales/implementation-regulation-and-inspection-social-care-wales-act-2016-0>.

## **8.2 What are the most significant impacts, positive and negative?**

*Summarise the most significant impacts for the people, culture and Welsh language, economy and environment of Wales, expected as a result of the proposed action. Describe the themes that emerged from involving people. Refer to the seven well-being goals and the Welsh Government's well-being objectives. Contrast with the impact of current Welsh Government action if appropriate.*

### Positive impacts

While there are benefits for the workforce itself, the overall objective of registration is to provide reassurance to the public regarding the qualifications, skills and accountability of the social care workforce. The Regulations aim to further the Welsh Government's commitment to professionalise the social care workforce, ensuring that the workforce have robust training and development frameworks and that they are signed up to the relevant Code of Practice to ensure that standards are maintained.

The registration process will allow the regulator to gather more accurate information on the workforce, including the number of Welsh speakers in the sector, which will help with workforce planning and support. The data collected through registration can also help to ensure that there are opportunities for workers to utilise their skills and access training materials and courses through the medium of Welsh. This could

also increase the number of Welsh language speakers that are confident to deliver services to individuals through the medium of Welsh.

### *Negative impacts*

There will be a cost impact upon social care service providers (i.e. private sector, businesses and charities) and workers, as a registration fee is charged to help cover the cost of administering the regulation of social care. There will also be additional training costs to ensure all workers have the required L2 qualification. However, the workforce regulator, Social Care Wales (SCW), has consulted widely with the sector when setting the registration fee to ensure that this was set at a proportionate sum and was comparable with those of other regulatory bodies across the UK. SCW also implemented a phased introduction of the fee increase to help staff (and employers where this is paid as an incentive to retain staff) to meet these costs. Funding towards training and development is available for example through apprenticeships, and the sector already provides a significant contribution to training staff through Social Care Wales. The *additional* burden of the 2022 regulations does not equate to the full cost of training all workers or covering time away from the workplace. Further impacts on businesses are explored in further detail in the Regulatory Impact Assessment.

### **8.3 In light of the impacts identified, how will the proposal:**

- **maximise contribution to our well-being objectives and the seven well-being goals; and/or,**
- **avoid, reduce or mitigate any negative impacts?**

Our impact assessments suggest that the Regulations around the registration and qualification of the workforce will have a number of positive benefits for the communities they serve. From providing a professional workforce for service providers to delivering quality care and support for those adults who use these services. Staff will be expected to adhere to a Code of Professional Practice which includes ensuring that actions promote equality, diversity and inclusion. By seeking to ensure that we have workers who continue to be highly skilled and professional, with clear career pathways and greater job satisfaction, we hope to see an improvement in staff retention which will improve the sustainability of the sector through greater continuity of care and improved business resilience.

The Regulations further the Welsh Government's commitment to raise the profile of the social care workforce and the sector as a whole. With greater recognition of the comparable skills between health and social care, we can move forward the "A Healthier Wales" commitment towards greater integration of services, improved training and development and reinforce communication between healthcare and social care staff to build more resilient care and support services for the future.

The attraction, recruitment and retention campaign, WeCare.Wales, is a long-term strategy to increase the number of social workers and social care workers in the next decade and to guarantee the quality Social Services. The campaign demonstrates the variety of roles and diversity of career advancement opportunities available in the

industry, explains the skills and values needed, and emphasizes what makes professional work in this field rewarding and valuable through numerous testimonies of citizens who enjoy the benefits of Social Services. A series of national adverts has generated interest in the sector and we will be working with partners to capitalise on this and turn this into people joining social care.

Working with the Social Care Fair Work Forum, a social partnership group of local government, trades unions and service providers, the Welsh Government has followed its advice on how to best deliver this commitment without destabilising this fragile and complex sector. From April 2022, the Welsh Government has implemented its commitment to deliver the Real Living Wage (RLW) for social care workers in Wales in this Senedd term. This is a starting point for improving the terms and conditions for social care workers. This will also help to raise the profile of the sector and also aid with the retention of the workforce.

These actions would help meet a number of the seven well-being goals (A Resilient Wales, A Prosperous Wales, A more Equal Wales and A Wales of Vibrant Culture and Thriving Welsh Language) but more importantly have longer benefits for individuals and businesses.

As recognised by the Welsh Language Impact Assessment, workers will be able to complete the registration bilingually and this process will allow us to gather better data. We will continue to work with Social Care Wales to understand how this data can be used to improve recruitment and retention among this section of the workforce. Alongside the Welsh Government's Cymraeg 2050 strategy to increase the number of Welsh speakers to a million people by 2050, the gathering of more accurate information on the number of Welsh speakers within the workforce can help employers of care and support services to deliver more specific and dedicated services to their customers to help build resilience and sustainability.

In terms of the equality impacts identified, we will raise these with the workforce regulator, Social Care Wales, and work with them to promote greater diversity in the social care workforce and create a workforce that reflects society.

#### **8.4 How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes?**

The Welsh Government will work with Social Care Wales to monitor and evaluate the progress of registration and workers' experiences of the registration process, including through the quarterly accountability meetings. We also remain in regular contact with key stakeholders in the sector, including unions and provider representatives, at which issues relating to registration including its impact on providers and social care workers are discussed.

*What plans are in place for post implementation review and evaluation?*

We are working with partners to develop and implement plans to oversee the monitoring and evaluation of our proposals. This work has been delayed because of the pandemic and the focus was switched to supporting the sector. We will work with Social Care Wales to restart this work and understand the impacts of mandatory registration on the workforce, recruitment and retention.