

## Consultation Response Form

Your name: [Peter Sandiford](#)

Organisation (if applicable): [The Children's Homes Association](#)

Email / Telephone number: [peter.sandiford@the-cha.org.uk](mailto:peter.sandiford@the-cha.org.uk)

[07597 982 533](#)

Your address:

[The Children's Homes Association](#)

Postal address: PO Box 238

Penmaenmawr

LL30 9HD

Responses to consultations may be made public, on the internet or in a report. If you would prefer your response to remain anonymous, please place a tick in the box:

Please tell us who you are responding on behalf of. For example is this your own response or is it sent on behalf of an organisation?

The CHA is a membership organisation for children's homes providers in England and Wales. The CHA feedback is based on the responses from both Welsh members and non-members who have attended provider meetings – average 20 per meeting.

If you want to receive a receipt of your response, please confirm your email address, here:

[Peter.sandiford@the-cha.org.uk](mailto:Peter.sandiford@the-cha.org.uk)

## **Questions on Chapter 1: Eliminating profit from the care of children looked after**

There are 12 questions about this chapter.

**Question 1.1:** Do you think that introducing provision in legislation that only allows ‘not-for-profit’ providers to register with CIW will support delivery of the Programme for Government commitment to eliminate profit from the care of children looked after?

Yes, but it will come at significant cost: Children in care will have reduced access to local specialist provision that meet their needs; Increased risk of children being placed in unregulated settings or placed at distance; An increase in financial costs to council tax payers in Wales.

- This policy change will result in an increased use of unregulated care settings. This is already happening as can be seen from a recent FOI response that demonstrates the use of unregulated provision increasing over the last 2 years. In the whole of 2020 there were 6 placements from 6 LAs, increasing to 39 placements by 15 LAs in the first 8 months of 2022.
- With 80% of provision being eliminated at a time of acute shortage of placements, the Government would succeed in eliminating profit made by regulated good quality provision, but reduce services to children, cause job losses and damage local Welsh operated SMEs.
- The Registration of Social Care – Regulation and Inspection of Social Care Act 2016 provides for multi-service registration. Some providers of children’s residential care allow for the transition into their adult services – this will end as they will cease to provide children’s services.
- Some larger charities have pension fund deficits that recent economic shocks have increased. For this policy to be consistent policy should also legislate that surpluses must be reinvested in services.

**Question 1.2:** What in your view are the likely impacts of the proposal? You may wish to consider, for example:

- Benefits, and disbenefits;

It is of note that this extremely high cost policy is being introduced at a time of domestic and global financial crisis. As well as the upfront costs of introducing the policy, it will significantly increase the annual costs of residential care to council tax payers. This being at a time when:

*Welsh councils face ‘potentially catastrophic’ shortfalls: The Welsh Local Government Association estimates councils face unprecedented pressures totaling £1.23bn in the medium term while grants are expected to grow by just £293m and council tax increases will bring in just £121m.*

*In the short term, pressures are expected to reach £257m by the end of the current financial year with every one of Wales’s 22 councils facing a budget overspend*

1<sup>st</sup> November 2022

[www.themj.co.uk/Finance](http://www.themj.co.uk/Finance)

#### Benefits:

- Government achieves its manifesto pledge

#### Disbenefits:

- Decrease in the number of placements for children putting children at risk
- Reduced placement availability will mean children being placed at greater distance from home
- Reduced placement availability will increase the number of children placed in unregulated provision
- Loss of specialized knowledge, skills and leadership in residential childcare
- Increase in placement costs that will be paid by local authorities via council tax
- Reduction in investment in Wales due to risk of government policy eliminating core areas of public services i.e. investors will rightly think, ‘what industry will be eliminated next?’
- Small Welsh businesses will close or be taken over by large providers
- Workforce will leave the sector due to the toxic environment this policy has created
- Residential childcare further devalued as a positive choice for children and a positive career option for adults

- Costs (direct and indirect), and savings;

There will be no cost savings. There will be significant increase in costs to the taxpayer due to:

- Cost of public sector provision is consistently shown to be higher than the independent sector by between 10 - 20% as reported in the PSSRU Unit Costs Reports 2018/19/20/21. These reports are based on actual spend by all local authorities.
- The cost of opening new homes will be more than £150 million, and the WG has no budget allocation for this. Problems in social care funding has been highlighted by the ADSS in their response to the Rebalancing White Paper stating: *The recent announcement by the WG that there will not be additional resources for social care*

*through our system of taxation in the near future, coupled with the potential for delivering the real living wage for social care staff, raises questions about the financial sustainability of services and the ability to deliver new models of services for the future*

- The cost issue was also demonstrated as a critical issue by the WLGA who in their response to the Rebalancing White Paper stated These challenges are set with the context of significant financial challenge (and underfunding) for the social care sector, and across the public sector
- There will be significant Staffing, TUPE & Redundancy costs
- There will be significant increases in transport costs as more children are likely to be placed at distance
- There will be significant compensation costs that are legally prescribed. Protection of Property as set out in Article 14 and the Protocols, Article 1, Protection of property. Full market compensation is payable if the state interferes without proper reason in the providers' peaceful enjoyment with their property. The outcome of this is potentially that the Senedd or Welsh local authorities would be liable to provide full compensation on a commercial basis for all losses to any provider
- The impact on the economies of local communities directly impacting on the goals of the Well-Being of Future Generations (Wales) Act 2015 particularly on local services such as retail and leasing
  - Impacts upon individuals and groups with protected characteristics;
  - Children in care sadly do not currently have 'protected characteristics' but if they did the results of the 'eliminate' programme, removing 80% of residential services, would clearly be impacting on those characteristics.
  - Other practical matters such as cross-border issues.
- There is already a sufficiency crisis in England and Wales – this will further reduce the availability of homes for children, both Welsh and English.
- A growing number of providers have now chosen to open new provision in England rather than Wales as they originally planned. This will increase.
- Some English providers will refuse to accept referrals from Wales as they can not guarantee continuity of care

Your views on how positive effects could be increased, or negative effects could be mitigated, would also be welcome.

- The WG must urgently recognise the impending sufficiency crisis and work with the sector to find a compromise in this policy. "Rebalancing" and 'Social Value' can be achieved without eliminating for profit providers.

- The commitment to social value by the WG is to be applauded. This could be incorporated into the commissioning model for all children's services, thereby ensuring services are developed in order to meet identified need.
- We need an innovative and modern approach for effective collaborative partnerships as identified by the CMA and The Children's Homes Association. This would involve local authorities, providers and potentially others such as health and education bodies, working together in partnership. This approach offers a value for money financial model which delivers fair pricing, reinvestment in growth and quality and realistic provider profit margins.

Please explain your reasoning.

Children and their needs will be at the heart of this model. This is based on two key strengths:

- The similar values and beliefs of authorities and providers. Each strive to put the interests of the child first and provide or commission excellent care which offers the best support to enable these vulnerable children to reach their full potential; and
- In our view, this is best achieved by long term contractual relationships based commitment between local authorities and providers. Designing and developing a model based on assessment and evidence based tools to understand and predict need and putting this into practice with flexible, variable block contracts allowing supportive and trusting relationships to be delivered is key.
- The commissioning and procurement vision and documents will support these core shared beliefs and objectives. Pilots will offer a blue print for long term partnerships with individual providers which can develop and grow if successful and reduce in size and scope if not successful, rather than transactional spot purchasing based on an 'us and them' approach.
- There will be an effective modern performance model with tools enabling outputs and outcomes to be measured. These will be used to build knowledge and information about current and future needs and establish what works well and what works less well.
- The model including all of the procurement documents will be co-produced with a series of pilots to identify the more effective models to further developed and others to be discarded.
- We do not know if there is some good relationship working in Wales, which could be developed and built on that allow trust to be re-built and developed more widely.
- We are very keen that wherever possible, children's relationships with their birth families, close and distant as well as friends and other relationships within their communities should be maintained. The ability of children to make and sustain these relationships will be a key criterion for assessing the success of the care, along with other key outcomes, particularly education, mental and physical health.
- There will be fair terms and conditions including effective pricing structures.

A model of flexible and variable block contracts supported by spots where needed, will allow providers to make longer term commercial plans and business decisions. Experience has demonstrated that this should enable them to offer an efficient pricing structure for flexible or soft block contracts with a separate price for the purchase of spots to augment the blocks. This model supports provider borrowing to develop new provision.

- A model where local authorities and providers work in partnership in a collaborative and trusting manner could support effective market management by local authorities, focused development of new provision and in time achieve market sufficiency. However, it will take time to develop the required trust and roll out pilots to the whole market and there needs to be an understanding that true co-production and collaboration requires a recognition that local authorities and providers share a similar vision and values and must work together to meet the needs of the vulnerable children who come into the care system to support their development into adults who are able to meet their true potential.

**Question 1.3:** One approach could be for the legislation to define ‘not-for-profit’ in terms of the types of organisation that would qualify. Do you consider that the restriction should also be expressed in terms of the way that any trading surplus is expended? What would be the effects and implications of this?

- We do not think it is appropriate to adopt such prescriptive approaches. If the WG is to control how an organization invests and operates this will in effect be State run.
- A charity is required to be independent of state or other control and the Charity Commission & Trustees would generally not accept limits on how a charities surplus might be limited by contracts or terms.
- Charities operating across national boundaries will not be bound as to how to allocate their surplus amounts.
- It has been stated that ‘no profit’ can be made. This rules out employee-owned e.g. co-operative and Community Interest Company models where a proportion of the profit is removed by the owner.

**Question 1.4:** Do you think the primary legislation should include a power for Welsh Ministers to amend the definition of ‘not-for-profit’ through subordinate legislation?

- There is currently no definition of ‘not for profit’ that identifies which type of provision is acceptable to the WG. This is causing high levels of uncertainty amongst providers with the result that there is widespread talk of many withdrawing from the sector. If there is the provision for Welsh Ministers to amend the definition through subordinate legislation there will be no confidence in business models thereby removing incentive to invest in the sector.

**Question 1.5:** What are your views on the proposed timings for the primary legislation to come into effect?

- As the indicator is that most current provision will not transition to not for profit status children's homes will need to 'start from scratch' and to do that will need between 18 months and two years to:
  - decide re the needs of the children the home will meet and the therapeutic/care model that will be adopted
  - acquire a suitable building, achieve change of use, suitably equip, employ and train staff, register with CiW;
- Once open children can only be admitted to the home gradually as children need to be allowed to settle before another is admitted thereby potentially filling a 3 bed home takes upwards of 12 months.
- Providers are indicating that they will withdraw from providing services in Wales between now and the implementation date as they need to protect their investments in their business.

**Question 1.6:** Are there any issues in relation to transition for children looked after, local authorities and service providers you would like to draw our attention to?

- 80% of children living in children's homes will lose their 'home';
- Some providers deliver services across children and adults bringing a seamless transition for children with specific needs into long term adult provision.

**Question 1.7:** What are your views on the issuing of guidance to support the implementation of the primary legislation?

- This is a basic requirement of government

**Question 1.8:** What are your views on using legislation to place a restriction on local authorities to commission placements from 'not-for-profit' organisations only? In particular:

- Do you think it would support us to deliver the commitment to eliminate profit from the care of children looked after in Wales?
- No as it is unachievable given the number of children requiring placements and the lack of public and voluntary sector provision currently and the time it will take to grow. If placed in England there are few not for profit providers and a lack of sufficiency sector wide. This was stated by the WLGA in their response to the recent Social Care Market Study. In regard to sufficiency, that the '*deficit is increasingly apparent in residential provision and particularly in the availability of placements for children presenting with the most complex needs.*'
- What would be the benefits, disbenefits and other implications of such an approach?
- Many Welsh LA's are already failing in their sufficiency duty. The WLGA stated in their recent submission to the CMA Children's Social Care Study: '*Work continues to*

*commission the type of accommodation required to meet the complex needs of this group of children and young people from established regulated providers, and this part of the market continues to grow to meet demand, but given the timescales required to develop these types of establishments prior to being able to take referrals and admissions, it is not able to grow at a pace that means good placement capacity and choice is able to be offered.*

- The 'eliminate policy' will create the risk that all local authorities will fail in their duty to meet the sufficiency needs of children in their care. This is already evidenced by Risk Register and the Market Intelligence Summary both submitted to the Eliminate Board on a regular basis and by the recently obtained FOI in relation to the use of unregulated provision.
  - What would be an appropriate timescale for implementing such an approach, if it were to be adopted in Wales?
- An evidence based timescale based on the latest data relating to the need for residential beds. The governments commitment to early intervention is welcomed but that will take upward of 5 years to impact on the number of children requiring provision.

**Question 1.9:** What are your views on the possibility of approaches being taken in response to these legislative proposals which would undermine the intention to eliminate profit from the care of children looked after in Wales? Are there any actions which would guard against such activity?

- The legislative proposals are undermined by the inability of the WG to acknowledge the risks and mitigate for them in a realistic way. Providers are willing to engage in discussion with the WG to explore the most effective way of ensuring social value whilst providing the highest quality of service to one of the most disadvantaged groups in society.

**Question 1.10:** We would like to know your views on the effects that the legislative changes to eliminate profit from the care of children looked after will have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

- There will be an inevitable increase in placements at distance from the child's home including provision in England, some of which will be delivered by providers that until the 'eliminate' announcement only delivered services in Wales and by Welsh speakers. There will also be an increase in the use of unregulated provision. In both these scenarios the children will not be ensured the Welsh language will be promoted and facilitated.
- We are concerned that there has been no published specific and detailed Welsh Language impact assessment in relation to the eliminate strategy. We consider that

this should have been included with the consultation document in view of the Welsh Language (Wales) Measure 2011, relevant standards and guidance made under this measure. The importance of this and need for such an assessment when a decision is at a formative stage is highlighted in the very recent Neath Port Talbot case (*Rhieni Dros Addysg Gymraeg (Parents for Welsh-Medium Education), R (On the Application Of) v Neath Port Talbot County Borough Council* [2022] EWHC 2674 (Admin)).

**Question 1.11:** Please also explain how you believe the legislative changes to support delivery of eliminating profit from the care of children looked after could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favorably than the English language.

- By encouraging growth of the current provision by Welsh providers with expectation of social duty including the commitment to Welsh being the first language

**Question 1.12:** This chapter has focused on how we can achieve the commitment to eliminate profit in the care of children looked after, and 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 report them.

A detailed response was made at the start of the consultation by CHA in the form of a letter to the Deputy Minister that was replied to stating that the letter and its appendices would be included in the consultation – here is a link to it: <https://members.the-cha.org.uk/Public/Document/Download/2883?fileName=2bf07b57-3e6e-487e-ad5c-0992fdb29165.pdf>

- We have serious concerns that this policy will cause significant harm to children and young people. The current and impending socio-economic pressures on families evidence and history indicates that need for children's social care including residential care will increase. It is our opinion that this is not the time for the WG to try to eliminate decades of evolution of the mixed economy of children's social care.
- Local authorities have the legal duty to provide children's social care. The WLGA in their recent submission to the CMA Children's Social Care Market Study, regarding children's residential care stated '*a mixed economy will always be needed*'. Further, in assessing the current situation in children's residential care, the WLGA state '*There is a relatively positive mix of Welsh small and medium-sized enterprises and UK wide large organisations*'
- There is no evidence to support this policy, no appropriate impact assessments and despite the programme risk register showing current and future risks to children, the government is continuing without and mitigation of these risks of harm.
- The CHA on behalf of providers of residential child care submitted a response to the consultation. Fundamental to it was the fact that the consultation did not make

those being consulted aware of the facts presented to the Eliminate Board in relation to the impact the Eliminate programme was already having on children and was seen as likely to have in the future. These are clearly recorded in the Risk Register and the Market Intelligence Summary.

- The WG are embarking on a dangerous and expensive ideological policy change that will have serious consequences for the children and citizens of Wales. This is being done at a time of financial crisis and will increase costs that could be better invested elsewhere.
- The WG have not informed the government that it is forcing through a policy that will cost tax payers hundreds of millions of pounds that will impact on local authority budgets for many years to come. This will have a detrimental impact on local authorities ability to provide no statutory services.
- CHA, providers and we as its advisors passionately believe that the best way of putting the needs of children at the heart of residential (and other care) is effective strategic commissioning and procurement and this should prevent any excessive profit in the market-place. We recommend a strategic approach delivered at local level in a collaboration and partnership between the Senedd, local authorities, providers and all relevant statutory and other bodies. This is the only approach which will deliver high-quality outcomes, market sufficiency, improved staff terms and conditions to help address the staffing crisis and fair contract terms and conditions. We know that providers would welcome and value the opportunity of working with the Senedd and Welsh local authorities to deliver a different vision and model for residential care services in Wales.
- CHA believe it to be imperative that it is documented in this consultation that this policy is not harmonious with the rebalancing social care policy work, is contrary to the views of the WLGA, ADSS and the CMA. It will seriously damage sufficiency and be harmful to children and young people. Further, the eliminate policy has not been costed and the people of Wales not informed of the extremely high costs if implemented. This will negatively impact on local authorities ability to provide non statutory services for all.

## **Questions on Chapter 2: Introducing direct payments for Continuing NHS healthcare**

There are 8 questions about this chapter.

**Question 2.1:** We have outlined our proposals to introduce further voice and control for adults receiving Continuing Health Care (CHC) in Wales. Do you agree or disagree with these proposals? Please explain your reasoning.

**Question 2.2:** What in your view are the likely impacts of the proposal?

You may wish to consider, for example:

- Benefits, and disbenefits;
- Costs (direct and indirect), and savings;
- Impacts upon individuals and groups with protected characteristics;
- Other practical matters such as cross-border issues or transition to the new arrangements.

Your views on how positive effects could be increased, or negative effects could be mitigated, would also be welcome.

Please explain your reasoning.

**Question 2.3:** What lessons can we learn from other countries' practice in this area?

**Question 2.4:** Do you believe there are any other or complementary approaches we should be considering to achieve the same effect? If so, please outline below.

**Question 2.5:** We will work to ensure that any legislative change is supported by robust guidance to help both payment recipients and practitioners understand how the system will operate. Can you identify anything that it would be helpful to include in this guidance? What other support should be provided?

**Question 2.6:** We would like to know your views on the effects that introducing direct payments for continuing NHS healthcare would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

**Question 2.7:** Please also explain how you believe our proposals for introducing direct payments for continuing NHS healthcare could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

**Question 2.8:** We have asked a number of specific questions in this chapter. If you have any related issues which we have not specifically addressed, please use this space to report them.

## **Questions on Chapter 3: Mandatory reporting of children and adults at risk**

There are 11 questions about this chapter.

**Question 3.1:** What are your views on the principle of imposing a duty to report a child at risk (as defined in section 130(4) of the Social Services and Well-being (Wales) Act 2014 directly on individuals within relevant bodies?

**Question 3.2:** What are your views on the principle of imposing a duty to report an adult at risk (as defined in section 126(1) of the 2014 Act) directly on individuals within relevant bodies?

**Question 3.3:** What in your view would be the likely benefits, disbenefits, risks, costs, savings and equality impacts of such an approach?

Please explain your reasoning.

**Question 3.4:** What lessons can we learn from the duties to report in other countries?

**Question 3.5:** If individual reporting duties were to be introduced – for children and adults at risk – should these sit alongside, or replace, the existing duties on organisations under the 2014 Act?

**Question 3.6:** If individual reporting duties were to be introduced, should they apply to the workforce of current ‘relevant partners’ under section 162 of the 2014 Act (including youth offending teams in relation to children), or more widely, for example to those working in religious or sports settings, etc., and in particular:

- (a) What are your views on this in respect of children (under the age of 18)?
- (b) What are your views on this in respect of adults?

**Question 3.7:** If individual reporting duties were to be introduced, which occupation types or roles should be subject to any duty (e.g. members of regulated professions; employed staff, even if they are not regulated; volunteers), and in particular:

- (a) What are your views on this in respect of children (under the age of 18)?
- (b) What are your views on this in respect of adults?

**Question 3.8:** What sanctions do you think would be proportionate or appropriate for failure to comply with an individual reporting duty?

**Question 3.9:** We would like to know your views on the effects that introducing individual reporting duties would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

**Question 3.10:** Please also explain how you believe proposals for introducing individual reporting duties could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

**Question 3.11:** We have asked a number of specific questions in this chapter. If you have any related issues which we have not specifically addressed, please use this space to report them.

## **Questions on Chapter 4: Amendments to regulation of service providers and responsible individuals**

Part 2 and Schedule 1 of the Regulation and Inspection of Social Care (Wales) Act 2016 ('the 2016 Act') provides the basis on which Care Inspectorate Wales ('CIW') – on behalf of the Welsh Ministers – undertakes functions relating to the registration, regulation and inspection of 'regulated services'.

This chapter of the consultation focuses on proposed amendments to the regulatory regime for regulated services, service providers and their designated responsible individuals. These relate to a range of matters provided for within the 2016 Act, including:

- a) Identifying unregistered services
- b) Publication of annual returns
- c) Publication of inspection reports
- d) Improvement notices and cancellation of registration
- e) Responsible individuals
- f) Definition of 'Care' for children and young people

Questions on proposed amendments relating to each of these matters follow.

There are 21 questions about this chapter.

**Question 4.1:** (a) *Identifying unregistered services - power to obtain information:* Do you agree with the proposal to amend the 2016 Act to enable the Welsh Ministers (CIW) to require information from any person where there is reasonable cause to believe that they are providing a service which should be regulated?

**Question 4.2:** (a) *Identifying unregistered services - power to obtain information:* Do you agree with the proposal to extend the offence of failing to provide information when required to do so, to include these persons?

**Question 4.3:** (a) *Identifying unregistered services - power of entry:* Do you agree with the proposal to amend the 2016 Act to remove ambiguity and make it clear that the Welsh Ministers (CIW) have the power to enter and inspect any premises which they have reasonable cause to believe is (or has been) used as a place at or from

which a service is (or has been) provided, or which is (or has been) used in connection with the provision of a regulated service?

**Question 4.4:** (a) *Identifying unregistered services - power of entry*: Do you agree with the proposal to extend the offence of obstructing an inspector or failing to comply with a requirement imposed by an inspector, to include these circumstances?

**Question 4.5:** (b) *Publication of annual returns*: Do you agree with the proposal to amend the 2016 Act to require service providers to publish their annual returns?

**Question 4.6:** (b) *Publication of annual returns*: Do you agree with the proposal to create a related offence of failing to publish an annual return?

**Question 4.7:** (c) *Publication of inspection reports*: Do you agree with the proposal to amend the 2016 Act to provide additional flexibility for the Welsh Ministers (CIW) to recognise circumstances where it may not be appropriate, relevant, or proportionate to prepare and/or publish an inspection report?

**Question 4.8:** (d) *Improvement notices and cancellation of registration – variation of registration as a service provider*: Do you agree with the proposal to amend the 2016 Act to remove the requirement for the Welsh Ministers (CIW) to issue an improvement notice to a provider in circumstances where the provider is no longer providing that service or using that place to provide a service?

**Question 4.9:** (d) *Improvement notices and cancellation of registration - removal of a condition on a service provider's registration*: Do you agree with the proposal to amend the 2016 Act to enable the Welsh Ministers (CIW) to remove a condition on a service provider's registration without giving a notice of proposal (section 18) and notice of decision following notice of proposal (section 19), when the circumstances which led to the imposition of the condition no longer apply?

**Question 4.10:** (d) *Improvement notices and cancellation of registration – power to cancel a service provider's registration*: Do you agree with the proposal to amend the

2016 Act to remove the requirement for the Welsh Ministers (CIW) to follow the improvement notice process to cancel the registration of a service provider in circumstances when the provider has already ceased to provide a regulated service?

**Question 4.11:** *(d) Improvement notices and cancellation of registration – information from providers who are cancelling their registration:* Do you agree with the proposal to create a regulation-making power under Section 14 of the 2016 Act to enable the Welsh Ministers (CIW) to require information from a service provider who is cancelling their registration and exiting the market?

**Question 4.12:** *(d) Improvement notices and cancellation of registration – power to extend the timescale within an Improvement Notice:* Do you agree with the proposal to amend the 2016 Act to give the Welsh Ministers (CIW) the power to extend the timescale for information to be provided when improvement notices are issued?

**Question 4.13:** *(d) Improvement notices and cancellation of registration – power to cancel a service provider’s registration in prescribed circumstances:* Do you agree with the proposal to amend the 2016 Act to enable the Welsh Ministers (CIW) to disapply the section 16(3)(b) requirement within the improvement notice – to take particular action or provide information – in prescribed circumstances, when it would be futile to apply the requirement?

**Question 4.14:** *(e) Responsible individuals – making representations:* Do you agree with the proposal to amend the 2016 Act to give Responsible Individuals the right to make representations to the Welsh Ministers (CIW), against any improvement notice or cancellation of their designation, provided the representations are made within the time limit specified within the notice?

**Question 4.15:** *(e) Responsible individuals – sending the improvement notice to the service provider:* Do you agree with the proposal to amend the 2016 Act to require that any improvement notice served to a Responsible Individual must also be sent to the service provider?

**Question 4.16:** *(e) Responsible individuals - Removing a Responsible Individual without making an application to designate a new Responsible Individual:* Do you

agree with the proposal to amend the 2016 Act to allow a service provider to apply to the Welsh Ministers (CIW) for a variation of the conditions of their registration to remove a Responsible Individual when they are not designating a replacement Responsible Individual as part of the same application?

**Question 4.17:** *(f) Definition of ‘Care’ for children and young people:* Do you agree with the proposal to adjust the definition of ‘care’ in section 3 of the 2016 Act in order to place beyond doubt that the provision of parental-type care is recognised as being ‘care’ within the meaning of the 2016 Act?

**Question 4.18:** What in your view would be the likely impacts of the proposals in this chapter? You may wish to consider, for example:

- Benefits, and disbenefits;
- Costs (direct and indirect), and savings;
- Impacts upon individuals and groups with protected characteristics;
- Other practical issues.

Your views on how positive effects could be increased, or negative effects could be mitigated, would also be welcome.

Please explain your reasoning, either here or, if easier, please feel free to note any impacts specific to an individual proposal under the appropriate question above.

**Question 4.19:** We would like to know your views on the effects that the proposals in this chapter would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

**Question 4.20:** Please also explain how you believe the proposals in this chapter could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

**Question 4.21:** We have asked a number of specific questions in this chapter. If you have any related issues which we have not specifically addressed, please use this space to report them.

## **Questions on Chapter 5: Amendments to regulation of the social care workforce**

There are 9 questions about this chapter.

**Question 5.1:** Do you agree with the proposal to amend the 2016 Act to provide that a person who has held office as a member of Social Care Wales may be reappointed once? Please explain your reasoning.

**Question 5.2:** Do you agree with the proposal to amend the 2016 Act to provide Social Care Wales with the power to grant a conditional registration for a person, when they are renewing their registration, in certain circumstances? Please explain your reasoning.

**Question 5.3:** Do you agree with the proposal to amend the 2016 Act to allow a panel to review and extend interim orders as appropriate, up to the maximum of 18 months? Please explain your reasoning.

**Question 5.4:** Do you agree with the proposal to amend the 2016 Act to provide a Fitness to Practise panel with the ability to revoke an interim order, during review proceedings, where it is necessary and appropriate? Please explain your reasoning.

**Question 5.5:** What, in your view, would make it necessary and appropriate for a Fitness to Practise panel to revoke an interim order?

**Question 5.6:** What in your view would be the likely impacts of the proposals in this chapter? You may wish to consider, for example:

- Benefits, and disbenefits;
- Costs (direct and indirect), and savings;
- Impacts upon individuals and groups with protected characteristics;
- Other practical issues.

Your views on how positive effects could be increased, or negative effects could be mitigated, would also be welcome.

Please explain your reasoning.

**Question 5.7:** We would like to know your views on the effects that the proposals in this chapter would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

**Question 5.8:** Please also explain how you believe the proposals in this chapter could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

**Question 5.9:** We have asked a number of specific questions in this chapter. If you have any related issues which we have not specifically addressed, please use this space to report them.

## **Questions on Chapter 6: Extending the definition of social care worker to include childcare and play workers**

There are 5 questions about this chapter.

**Question 6.1:** We would like to know your views on the proposal to extend the definition of ‘social care worker’ to include both childcare and play workers. In particular, are you in favour of extending the role of Social Care Wales to cover childcare and play workers working in the childcare sector?

Please explain your reasoning.

**Question 6.2:** What in your view would be the likely impacts of the proposal? You may wish to consider, for example:

- Benefits, and disbenefits;
- Costs (direct and indirect), and savings;
- Impacts upon individuals and groups with protected characteristics;
- Other practical issues.

Your views on how positive effects could be increased, or negative effects could be mitigated, would also be welcome.

Please explain your reasoning.

**Question 6.3:** We would like to know your views on the effects that the proposal would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English. What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

**Question 6.4:** Please also explain how you believe the proposal could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

**Question 6.5:** We have asked a number of specific questions in this chapter. If you have any related issues which we have not specifically addressed, please use this space to report them.