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Llywodraeth Cymru
Welsh Government

Welsh Government
Consultation – summary of response

Regulation and Inspection of Social Care (Wales) Act 2016

Phase 2 of implementation – Service Requirements

November 2017

Mae'r ddogfen yma hefyd ar gael yn Gymraeg.
This document is also available in Welsh.

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Section 1

1.1 Introduction

The Regulation and Inspection of Social Care (Wales) Act 2016 ('the 2016 Act') received Royal Assent on 18 January 2016. It sets the new statutory framework for the regulation and inspection of social care services and reforms the regulation of the social care workforce in Wales. Therefore it replaces relevant systems previously put in place under the Care Standards Act 2000.

The 2016 Act enables the Welsh Ministers to put in place a number of items of subordinate legislation through the making of regulations, together with the publication of guidance and the issuing of codes of practice. This implementation work is being substantially completed within three overlapping phases:

Phase 1 (2016/17)

This phase included regulations relating to the new system of workforce regulation required by the 2016 Act. These came into force on 3 April 2017. Alongside this, Social Care Wales (SCW) – the workforce regulator – developed the rules and procedures which govern its processes of registration and regulation.

Links to all of these Regulations can be accessed via the SCW Information and Learning Hub: <https://socialcare.wales/hub/riscact-regulations>

Phase 1 also saw consultation on regulations which will govern the registration¹ (and variation of registration) of service providers with the Care and Social Services Inspectorate Wales (CSSIW) from April 2018, requirements to be placed on those service providers in respect of making Annual Returns², and which prescribe matters about which CSSIW must notify local authorities in Wales and England³. The dates on which these Regulations were laid and will come into force are as follows:

| Regulation | Date laid before the National Assembly for Wales | Coming-into-force date |
|--|--|------------------------|
| Regulated Services (Registration) (Wales) Regulations 2017 | 29 September 2017 | 1 February 2018 |
| Regulated Services (Annual Returns) (Wales) Regulations 2017 | 2 October 2017 | 2 April 2018 |
| Regulated Services (Notification) (Wales) Regulations 2017 | 3 October 2017 | 2 April 2018 |

Phase 2 (2017/18)

This phase includes regulations and statutory guidance relating to the requirements on service providers and responsible individuals in providing care and support within the following regulated services:

¹ <http://www.assembly.wales/laid%20documents/sub-ld11204/sub-ld11204-e.pdf>

² <http://www.assembly.wales/laid%20documents/sub-ld11207/sub-ld11207-e.pdf>

³ <http://www.assembly.wales/laid%20documents/sub-ld11209/sub-ld11209-e.pdf>

- care home services (for both adults and children)
- secure accommodation services for children
- residential family centre services
- domiciliary support services

Phase 2 also includes draft workforce-related regulations that require providers of domiciliary support services to separate travel time and care time when arranging those services. The draft regulations also include requirements to offer domiciliary support staff on non-guaranteed hours contracts the choice of alternative contractual arrangements. A proposal for the extension of the register of social care workers to include domiciliary support workers from 2018 is also included.

Phase 3 (2018/19)

This phase includes regulations and statutory guidance relating to the requirements on service providers and Responsible Individuals in providing care and support within adoption services (Voluntary Adoption Agencies and Adoption Support Agencies), fostering services, adult placement services and advocacy services.

1.2 The evidence for change

A great deal has been achieved by the Care and Social Services Inspectorate Wales (“CSSIW”) and the former Care Council for Wales (“the CCW”) as regulators in Wales, and also by the wider social care sector, to achieve the ambitions articulated when the Care Standards Act 2000 was implemented.

The framework under that Act, whereby CSSIW and the CCW were the principal regulators, worked well. It gave a baseline of standards - both for the workforce and for care and support services - and has undoubtedly improved public protection. This has achieved much greater consistency, protection from abuse and exploitation, and greater exposure of sub-standard services. We have succeeded in raising performance and continue to use regulation and inspection to eliminate poor standards. However, since then we have recognised that many things have changed within and around the sector, and identified both the need to avoid our regulatory arrangements becoming out of date and the need to support the provision of sustainable services.

Our reform of the system, through the 2016 Act, therefore rests on five key principles:

- Responsiveness to the Social Services and Well-Being (Wales) Act 2014 reforms;
- Ensuring citizens are at the heart of care and support;
- Developing a coherent and consistent Welsh approach;
- Tackling provider failure; and
- Responsiveness to new models of service and any emerging concerns over the quality of care and support services.

The proposals in this consultation have a major part to play in serving and advancing this reform.

1.3 This consultation

As part of Phase 2 of implementing the 2016 Act, we consulted on Regulations which place requirements on service providers and designated responsible individuals in providing care and support within regulated services (under sections 27 and 28 of the Act). Draft statutory guidance was also developed under section 29 of the Act to provide further detail about how providers and responsible individuals may comply with the requirements in the Regulations.

The draft Regulated Services (Service Providers and Responsible Individuals) Regulations 2017 also contain provisions which:

- set out the services which are not to be treated as regulated services for the purpose of the Act (made under section 2(3));
- set out the circumstances in which the Welsh Ministers can designate an individual to be the responsible individual (made under section 21(5))
- contain notification duties in relation to service providers who become insolvent or when a service provider who is an individual has died (made under sections 30 and 31);
- set out which breaches of the requirements placed on service providers in regulations under section 27 and requirements placed on responsible individuals in regulations under section 28 will be treated as offences (made under sections 45 and 46);

These Regulations apply to care home services, secure accommodation services, residential family centre services and domiciliary support services. Similar regulations in respect of adoption services (Voluntary Adoption Agencies and Adoption Support Agencies), fostering services, adult placement services, and advocacy services will be developed and consulted upon in 2018, as part of Phase 3 of implementation.

The draft Regulated Services (Penalty Notices) Regulations 2017 were also consulted upon during Phase 2. These Regulations set out a penalty notices scheme for certain offences on the face of the 2016 Act or offences created through regulations under section 45 and section 46 of the 2016 Act (included within the Regulated Services (Service Providers and Responsible Individuals) Regulations 2017).

The consultation, which ran from 2 May to 25 July, received 115 responses. Some were purely narrative and therefore do not appear in the summary of tick box responses within this report. All responses have been considered equally in terms of the comments received. A list of respondents is attached at Annex A. A summary of the responses, together with the Welsh Government's analysis and conclusions can be found in Section 2.

A young person's questionnaire, providing information on the requirements to be placed on providers of care home services for children was also issued, with 26 responses received from 7 different settings across Wales. These were considered alongside the formal consultation responses received and a summary of the responses, together with the Welsh Government's analysis and commentary can be found in Section 3.

1.4 Consultation Events

Four consultation events were held as part of the consultation process. The events aimed 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
- consider potential implications for their role and organisation.

The first and second events were held on 21 June in the Swalec Stadium, Cardiff. The third and fourth were held on 13 July in Glyndwr University, Wrexham. Overall the uptake of places for the events was positive, with approximately 100 attendees in total in Cardiff and 80 delegates in total in Wrexham. A range of public, private, voluntary and third sector organisations were represented, including a number service providers.

1.5 Changes to Phase 1 Regulations as a result of this consultation

The responses received for this consultation have also been used to inform the development of the remaining Phase 1 Regulations, laid before the National Assembly for Wales in late September and early October 2017, and due to come into force early next year:

- The Regulated Services (Registration) (Wales) Regulations 2017⁴
- The Regulated Services (Annual Returns) (Wales) Regulations 2017⁵
- The Regulated Services (Notifications) (Wales) Regulations 2017⁶

Some changes have been made to the Regulations created in Phase 1 as a result of changes made to the Regulations in Phase 2, to ensure consistency across the suite of service regulations. A summary of the changes made to the Regulations in Phase 1, following the recent consultation, is set out at Annex B.

1.6 Next steps

Following analysis and consideration of the consultation responses received, both the draft Regulated Services (Service Providers and Responsible Individuals) Regulations 2017 and the draft Regulated Services (Penalty Notices) Regulations 2017 have been amended, as appropriate. The Regulations placing requirements on service providers and responsible individuals will be laid before the National Assembly for Wales in November and are scheduled for debate in December. The Regulations relating to penalty notices will be laid in December. Both sets of Regulations are due to come into force on 2 April 2018.

Once laid the Regulations and their Explanatory Memoranda will be available to view at:

<http://www.assembly.wales/en/bus-home/Pages/Plenary.aspx?assembly=5&category=Laid%20Document>

⁴ <http://www.assembly.wales/laid%20documents/sub-ld11204/sub-ld11204-e.pdf>

⁵ <http://www.assembly.wales/laid%20documents/sub-ld11207/sub-ld11207-e.pdf>

⁶ <http://www.assembly.wales/laid%20documents/sub-ld11209/sub-ld11209-e.pdf>

Section 2

Summary of responses received and Welsh Government response

Please note the following:

- In this section the summary of responses and the Welsh Government response address both the draft Regulations and the draft statutory guidance. The statutory guidance relates only to Parts 3 to 19 of draft the regulations.
- References to ‘the Regulations’ mean either the consultation drafts of The Regulated Services (Service Provider and Responsible Individuals) Regulations 2017 or The Regulated Services (Penalty Notices) Regulations 2017, as appropriate within the context.
- References to ‘the statutory guidance’ relate to the draft statutory guidance as subject to this consultation.
- The approach taken in developing the draft Regulations has been to ensure that the requirements are:
 - **Proportionate** - the requirements should relate to matters within the control of the service provider and responsible individual, and which will lead to an improvement in quality and practice;
 - **Consistent** across all regulated services - this is not to say that “one size fits all”, but that the same high standards should be applied across all services.
 - **Focussed on outcomes for people** - the intention is for the requirements to best enable services to support people to achieve *what matters to them*, in line with the ethos of the Social Services and Well-being (Wales) Act 2014. They aim to give sufficient flexibility to providers to enable them to care for and support people in a way which puts the individual at the centre of their care.
- Due to rounding some of the percentages they may not add up to 100% overall.

PART 2: EXCEPTIONS

Services which fall within the definition of “regulated services” set out in Schedule 1 to the Act will be required to register with the service regulator before providing the service. However, the regulations in Part 2 of the Regulations – made under section 2(3) of the Act - enable the Welsh Ministers to prescribe things which, despite Schedule 1, are not to be treated as a regulated service. These services would not have to register with the service regulator.

Question 1: Are the proposed exceptions which have been identified in relation to regulated services appropriate? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 36 (31%) | 30 (26%) | 8 (7%) | 3 (3%) | 40 (34%) |

Summary of responses

There was broad support for the proposed exceptions.

A number of respondents sought the exemption of small care and support co-operative arrangements for named individuals which might otherwise fall to be regulated as domiciliary support services from the scope of regulation. Respondents identified two types of co-operative arrangements:

- (a) unincorporated ‘families’ co-operatives (an arrangement involving a maximum of four families where a family member is in receipt of Direct Payments and uses this funding to employ Personal Assistants (PAs)). Each person in receipt of Direct Payments continues to employ their own PA but families form a co-operative in order to provide mutual support and to benefit from any economy of scale;
- (b) the ‘micro co-operative model for citizens and their families, friends and supporters’. Under this arrangement the co-operative is incorporated and it employs the PAs and therefore the responsibilities of employing staff are shared.

Some consultation responses also sought an exception for co-operative arrangements formed by PAs. This was described as an arrangement which enabled them to advertise their services and to arrange and purchase training jointly which might be beyond their reach as individuals.

One response sought an exemption for day centres and another sought clarity about the position of day centres.

Several responses sought to bring PAs within the scope of regulation. Aligned to this a number of responses raised concerns about the apparent lack of regulation of PA Agencies.

Some respondents queried the apparent exception for ‘respite’ services due to the exception of services which provide accommodation, together with nursing or care, to an adult for **less than 28 days**.

Section 3 of the 2016 Act contains a definition of ‘care’ and a definition of ‘support’ and makes it clear that references to ‘care and support’ are to be read as references to a) care, b) support, or c) care and support. A number of respondents were concerned that as the definition of ‘support’ is quite broad and includes counselling, advice and other help it could bring services such as housing-related support and other preventative services within the scope of regulation.

Welsh Government response

Small Care & Support Co-operative Arrangements

A co-operative arrangement which does not employ personal assistants and exists to provide mutual support to its members as described at (a) above would not fall within the scope of regulation as defined in paragraph 8(1) of Schedule 1 of the 2016 Act. Consequently the Regulations do not require amendment. The service regulator’s operational registration guidance will provide the necessary clarity.

An organisation which employs people to provide care and support to individuals is a domiciliary support service and would not therefore fall within the exception in paragraph 8(2) of Schedule 1 of the 2016 Act. Furthermore, micro-co-operatives as described at (b) above which employ PAs do not fall within any of the ‘related third party’ exceptions in regulation 3(3). However, we consider it dis-proportionate to require that this type of arrangement should fall within the scope of regulation as a domiciliary support service. We have therefore amended the Regulations which will have the effect of excepting this type of arrangement from the scope of regulation. This exception will apply to any organisation which provides care and support to four or fewer named individuals at any one time.

On the face of it co-operative arrangements formed by PAs to advertise their services or to undertake joint training do not fall within the scope of regulation and therefore there is no basis for providing an exception in the Regulations. Again, the service regulator’s operational registration guidance could provide clarity here.

Day centres

Day centres are not a regulated service as defined in Schedule 1 of the 2016 Act and do not fall within the definition of “domiciliary support services” as the care and support is not provided to the person in their own home. The Regulations do not therefore require amendment to except day centres from the meaning of regulated service.

Personal Assistants and Personal Assistant Agencies

Personal Assistants are excepted from the scope of regulation by virtue of Schedule 1, paragraph 8(2)(a) of the 2016 Act.

In terms of Personal Assistant Agencies there is an exception in Schedule 1, paragraph 8(3) of the 2016 Act which applies to ‘a person who introduces individuals who provide a domiciliary support service to individuals who may wish to receive it but has no ongoing role

in the direction or control of the care and support provided is not to be treated as providing a domiciliary support service (regardless of whether or not the introduction is for profit). There is no basis upon which to amend the Regulations but the service regulator's operational registration guidance will provide further detail on the meaning of 'ongoing role in the direction or control of the service'. Clearly, if the nature of these services is such that they should rightly fall within the scope of registration they are required to register as domiciliary support services. The 2016 Act makes it an offence to provide a regulated service without being registered to do so.

Short breaks

Services providing accommodation, together with nursing or care, to adults for a period of 28 days or more in any 12 month period are intended to fall within the scope of regulation. The Regulations have been amended to make the scope of the exception clear.

PART 3: GENERAL REQUIREMENTS

Part 3 covers general requirements on the service provider about the way in which the service is provided. It includes requirements relating to the statement of purpose, arrangements for monitoring and improvement, matters relating to the designated responsible individual and requirements in relation to the financial sustainability of the service. This Part sets out matters relating to policies and procedures. It also places a 'duty of candour' on service providers to act in an open and transparent way.

Question 2: Are the requirements in this Part right for all service types and age groups? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 20 (17%) | 46 (39%) | 8 (7%) | 2 (2%) | 41 (35%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

There was broad support for the General Requirements.

A number of respondents were concerned about the requirement for a service provider to notify the regulator, individuals (and their representatives) and the placing authority 28 days in advance of any revision to the Statement of Purpose coming into effect. It was felt this requirement did not allow sufficiently for changes to be made more urgently.

This Part places requirements on a service provider in relation to the responsible individual. It was suggested that there should be greater clarity in relation to a service provider who is an individual and therefore also the responsible individual.

These regulations deal with arrangements which must be made by a service provider when the responsible individual is 'absent'. A number of responses had interpreted the term 'absent' as not being physically present at the service and this has caused confusion.

The regulations place a requirement on providers to provide copies of accounts and any related documents to the Welsh Ministers within 28 days of being requested to do so. It was suggested that the term 'any related documents' was not sufficiently clear.

A number of suggestions were made in relation to the statutory guidance.

Welsh Government response

The Regulations have been amended to recognise that there may be cases where it is necessary for a service provider to revise the Statement of Purpose with immediate effect and the requirements which will apply in such circumstances. The statutory guidance has

also been amended to provide clarity. The regulator will be issuing separate Statement of Purpose guidance on its website.

The Regulations have been amended to provide clarity where the service provider is an individual and, therefore, also the responsible individual.

In relation to the responsible individual, the term 'absent' has been replaced with the words 'unable to fulfil their duties'. The statutory guidance has been amended to provide further clarity.

The Regulations have been amended to remove the term 'and related documents'. Having considered the consultation feedback this term is not sufficiently clear and is superfluous. Section 32 of the 2016 Act is a power which would allow the regulator to obtain any further documents it deems necessary.

The statutory guidance has also been amended to take account of other suggestions, for example, in relation to the duty of candour and the requirements in relation to the responsible individual.

PART 4: REQUIREMENTS ON SERVICE PROVIDERS AS TO THE STEPS TO BE TAKEN BEFORE AGREEING TO PROVIDE CARE & SUPPORT

Part 4 covers the steps to be taken before a service provider agrees to provide care and support to an individual. The intention here is to ensure that the service is actually suitable and able to meet the individual’s needs and will be able to support the individual in achieving their personal outcomes. This determination of the suitability of the service must take into account the individual’s care and support plan under section 54 or section 83 of the Social Services and Well-being (Wales) Act 2014.

Question 3: Are the requirements in this Part right for all service types and age groups? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 32 (27%) | 40 (34%) | 4 (3%) | 0 (0%) | 41 (35%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

The majority of respondents chose not to provide any comments to this question.

Of those that responded, many agreed with the principle and welcomed this regulation. One respondent stated the arrangements would support more outcomes-focussed service planning and effective admissions and would help individuals through a difficult transition period.

There was some concern about how the arrangements would work in practice. Some providers said it was sometimes difficult to obtain timely, relevant and up-to-date information about the individual in order to make the determination. Some providers said the lack of information could cause delays in commencing care and support. A few respondents emphasised that providers will need support from the local authority to be able to meet the requirements of this regulation fully.

A few respondents raised the point that, in making a determination as to the suitability of the service for an individual, the provider should also consider the risks to the well-being of other individuals using the service.

Many agreed that the statutory guidance was clear and helpful. Some respondents asked for additional clarity about the definition of an “emergency admission” and what would be deemed acceptable in these circumstances. One respondent’s view was that no admission should ever be agreed without an assessment by a competent person employed by the provider.

Welsh Government response

In making a determination as to the suitability of the service for an individual we agree the provider should also consider the risks to the well-being of other individuals using the service. The Regulations have been amended accordingly.

Amendments have been made to the statutory guidance to add clarity in some areas - for example, in relation to the provider's policy and procedures relating to admissions and the commencement of service and information to be gathered as part of the determination process. There is also greater emphasis on engagement with the placing authority.

Whilst we acknowledge the impact of local authority commissioning practices in this process, the Regulations are not able to place duties on local authority commissioners. The Welsh Government is implementing separate measures to address commissioning issues. There is a need to move away from a culture where commissioning is seen as a 'back room function' purely focused on cost. Instead it must be seen as part of the overarching approach based on achieving an individual's well-being outcomes. The National Commissioning Board is working with commissioners and providers to develop an outcomes-focussed approach to integrated commissioning.

PART 5: REQUIREMENTS ON SERVICE PROVIDERS AS TO THE STEPS TO BE TAKEN ON COMMENCEMENT OF THE PROVISION OF CARE AND SUPPORT

Part 5 covers the steps to be taken once the service provider has made a determination and has agreed to provide care and support to an individual. This includes a requirement for a ‘personal plan’ setting out how the individual’s needs will be met on a day-to-day basis. The intention here is to ensure that there is an accurate and up to date plan which is reviewed on a regular basis to adapt to any change in circumstances for the individual. There is also a requirement for the service provider to undertake their own assessment as to how the service can best meet the care and support needs of the individual, and how it can support the person to achieve what matters to them, taking into account the individual’s views, wishes and feelings.

Question 4: Are the requirements in this Part right for all service types and age groups? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 23 (20%) | 44 (38%) | 9 (8%) | 3 (3%) | 38 (32%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

We received a number of detailed and constructive comments about this Part of the Regulations and statutory guidance. Respondents were broadly supportive of the proposals but made suggestions about the way in which the assessment and planning process should work together.

There were some comments about the timescales for completion of assessments, personal plans and reviews of personal plans. Some felt 7 days was not long enough to undertake a holistic assessment of the person’s needs and to understand what matters to them. Some also felt that putting a personal plan in place within 24 hours would be a challenge. Respondents had different opinions about the timescale for reviewing personal plans – some felt 3 months was too frequent and would increase bureaucracy, whereas others felt they should be undertaken monthly.

Some respondents asked for greater clarity about the overall assessment and planning process, how these parts should work together and how they should align with the local authority assessment process. A number of respondents, particularly local authorities, expressed reservations about how the requirements for a personal plan and provider assessment would work for looked after children who already have a detailed Part 6 Care and Support Plan.

A few comments suggested there should be a greater emphasis on the principles of co-production and the individual’s choice.

Welsh Government response

We acknowledge the difference in opinion about the timescales for assessing, planning and reviewing the way in which an individual's care and support is provided. Whilst the nature of care and support will vary from person to person, we feel these timescales set realistic and sensible expectations for these key requirements and, therefore, no changes have been made to the Regulations. The expectation is that the delivery of care and support is an iterative process, and service providers should review individuals' plans as and when required. For example, should providers feel they were unable to capture a sufficient level of information within the first 7 days, a review of the plan should take place much earlier than the 3 month timescale in the Regulations.

We have strengthened the position of the individual in choosing whether to involve a representative in the review of their personal plan by amending the Regulations. As drafted the decision appears to rest solely with the provider and this is not the intention. The Regulations have also been amended to require the involvement of the placing authority in carrying out or revising a provider assessment.

The statutory guidance has been amended to clarify the planning process and timelines for personal plans - for example in the event of an emergency admission. It has also been amended to show how the personal plan would align with the Part 6 Care and Support Plan for looked after children.

The statutory guidance has been amended to state that the personal plan must be developed in co-production with the individual receiving care and support and/or their representative.

PART 6: REQUIREMENTS ON SERVICE PROVIDERS AS TO THE INFORMATION TO BE PROVIDED TO INDIVIDUALS ON COMMENCEMENT OF THE PROVISION OF CARE & SUPPORT

Part 6 deals with information which must be made available about the service in the form of a written guide. The intention here is to provide clarity on the culture and ethos of the regulated service and a range of other matters. The Regulations set out some of the requirements relating to the guide; for example that it must be in an appropriate language, style, presentation and format having regard to the regulated service and the individuals for whom care and support is provided.

Question 5: Are the requirements in this Part right for all service types and age groups? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 35 (30%) | 31 (26%) | 8 (7%) | 1 (1%) | 42 (36%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

Most respondents agreed or tended to agree with these regulations and the corresponding statutory guidance. Some stated they were pleased to see the written guide covers concerns and complaints. A few comments stated that the Regulations and statutory guidance should recognise other means of providing information that was not in a written form, such as explanatory videos. Some asked how the service guide relates to the “welcome pack” recommended in the Older People’s Commissioner for Wales’ report, *A Place to Call Home?*

Some respondents welcomed the requirement for a service agreement including details of costs, as this provides access to meaningful information. However, some service providers who responded said they would not have information about the costs of services for local authority contracts, and asked for clarification in the statutory guidance about what must be included.

Welsh Government response

The Regulations will maintain that the guide to the service must be a written document. However, we expect providers to make the guide available in formats and media accessible and appropriate to the audience and this is set out in the statutory guidance.

One of the recommendations from the Older People’s Commissioner for Wales’ Report, *A Place to Call Home?* is for care home residents to receive a Welcome Pack, outlining how individual needs are met and their rights upheld to ensure they have the best possible quality of life. We have chosen to call this a “guide to the service” within regulations to make

it applicable across the range of regulated services. However, this does not mean care home providers need to create duplicate documents. Work undertaken by the Care Home Steering Group to develop the “Welcome Pack” guidance is an additional resource which may help care home providers meet the requirements in this regulation. The statutory guidance on the content of the written guide also been amended in response to consultation responses.

<http://gov.wales/topics/health/publications/socialcare/guidance1/carehomepacks?lang=en>

The Regulations have been amended to require that in the case of looked after children the guide to the service is also given to the placing authority.

The statutory guidance has been amended to clarify that the service agreement should include details of costs payable by the individual and where appropriate other costs covered by the placing authority.

PART 7: REQUIREMENTS ON SERVICE PROVIDERS AS TO THE STANDARD OF CARE AND SUPPORT TO BE PROVIDED

Part 7 contains requirements which relate to the standard of care and support which is provided. It includes overarching requirements which will underpin the quality of the service. It also includes requirements relating to such matters as continuity of care, providing information, meeting the individual’s language and communication needs and ensuring that individuals are treated with respect and sensitivity. The statutory guidance sets out the detail of how service providers may comply with these requirements.

Question 6: Are the requirements in this Part right for all service types and age groups? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 30 (26%) | 37 (32%) | 5 (4%) | 3 (3%) | 42 (36%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

This Part spans a range of requirements, leading to a variety of comments.

Respondents welcomed the central focus on well-being and the link to the Social Services and Well-being (Wales) Act 2014. They commented on the importance of respect and sensitivity with regard to supporting people’s emotional and mental well-being. There were positive comments about the requirement to provide care in a way that promotes good personal and professional relationships with staff and individuals.

As expected, following similar feedback from the consultation events, there was a lot of focus on the regulation about behaviour support. Respondents agreed service providers should promote positive approaches to challenging situations. A few respondents felt providers needed to have clear policies on managing challenging behaviour and restraining individuals. However, many did not like the terms “behaviour support” or “appropriate behaviour” which they felt were outdated. Some stated that the reference to corporal punishment was unnecessary as it would be classed as a criminal offence anyway, under separate legislation. There was little consensus between respondents about the approach that should be taken here.

Stakeholders appeared to have considered the statutory guidance thoroughly and offered detailed comments. Many respondents said the statutory guidance seemed overly prescriptive and too detailed compared with other areas of the statutory guidance. Some felt it needed to be adapted to suit the needs of children and young people better, as the tone seemed more appropriate to an older person’s client group. One person suggested that the section on oral hygiene should come before the section on supporting people in their last days of life.

One respondent said the statutory guidance should refer to support with self-care such as self-medication. One respondent was also concerned that some aspects of the statutory guidance do not lend themselves to supporting outcomes for those receiving care in accordance with religious beliefs. Another respondent welcomed the inclusion of skin integrity but felt this point was also too prescriptive. There was a comment requesting the addition of guidance on pain recognition and pain management for those with cognitive disability.

A number of responses focussed on the requirements in the statutory guidance about the Welsh language. Stakeholders asked for more clarity about the requirement to work towards the “active offer”. Some highlighted the difficulty in recruiting and training Welsh language staff. However, others welcomed this emphasis on the Welsh language.

One response suggested that there should be a reference to the United Nations Convention on the Rights of the Child (UNCRC) in the statutory guidance.

Welsh Government response

We welcome the detailed and constructive feedback on both the Regulations and statutory guidance.

The behaviour support requirement – both the language and the intention - has been the focus of much discussion. Having reflected on the consultation responses we acknowledge that this specific requirement is not in fact necessary if there is a sufficient focus in the requirements on understanding the care and support needs and personal outcomes of the individual, ensuring that the individual and others are safeguarded and that individuals are treated with respect and sensitivity. We have removed this requirement from the Regulations but have strengthened and clarified the statutory guidance. The prohibition on the use of any form of corporal punishment which had formed part of this regulation has been retained as a separate requirement and re-worded so that it only applies to children accommodated in a care home service or secure accommodation service.

With regards to the regulation on “standards of care and support – overarching requirements” we have amended the regulation so that, in the circumstances where a provider is no longer able to meet the individual’s needs due to a change in their assessed needs, the notification to the individual and others listed in the regulation should be made in writing. This will reduce the likelihood for misunderstandings between parties.

Part 7 – in particular the regulation entitled “standards of care and support – overarching requirements” – is arguably the central pillar of the Regulations and statutory guidance, focussing on ensuring that individuals receive a high standard of care and support which helps them to achieve what matters to them. The nature of care and support will vary widely from person to person, depending on their individual circumstances and which services they access. The intention has been to reflect the diversity of care and support within the statutory guidance, demonstrating how providers *may* provide care and support in different circumstances. However, having reflected on the comments we have made changes to the statutory guidance by:

- removing references to specific tools in relation to skin integrity assessments. This responds to comments that the statutory guidance is too prescriptive and ensures it will not become outdated if these tools are no longer the preferred option.

- modifying certain aspects to ensure that it is appropriate for individuals receiving care and support in accordance with the individual's religious beliefs.
- adding detail about services for children and young people in response to some comments that the statutory guidance is too adult-focussed.
- including a reference to self care, such as self-medication, in relation to supporting independence.
- adding some guidance about pain recognition and pain management for those with cognitive disability.
- changing the sequence of the statutory guidance so that the section on oral hygiene and dental health is above the section on supporting people in their last days of life.
- including a reference to the UNCRC.

PART 8: REQUIREMENTS ON SERVICE PROVIDERS - SAFEGUARDING

Part 8 includes requirements which are intended to ensure individuals are safe and are protected from abuse and improper treatment. This Part includes requirements relating to the use of control and restraint. Part 8 also includes provision relating to supporting and enabling individuals to manage their own money as well as protecting them from financial abuse.

Question 7: Are the requirements in this Part right for all service types and age groups? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 34 (29%) | 32 (27%) | 6 (5%) | 1 (1%) | 44 (38%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

The majority of respondents agreed or tended to agree with the proposals, although a large number did not provide any comments or respond to this question. Several positive comments were received with one respondent saying the Regulations were clear and the statutory guidance was very helpful on this Part.

Similar to responses given to question 6, many respondents questioned the use of the “control and restraint” terminology and the statutory guidance, with several saying the language was out of date and had negative connotations.

One respondent highlighted the importance of referring consistently to ‘positive behaviour’ throughout the Regulations and statutory guidance, while others suggested more emphasis on positive behaviour management across the statutory guidance more generally.

There were a number of comments relating to the requirements and the statutory guidance about supporting individuals to manage their money. One respondent welcomed this regulation and said Part 8 as a whole was clearer in terms of the terminology used. However, one respondent expressed concern there might be a problem for staff acting in any way to assist individuals, giving examples of activities such as arranging haircuts and buying cosmetics.

One respondent also queried why the definition of “abuse” within the Regulations was different to section 197(1) of the 2014 Act, the implication being that this inconsistency could cause confusion.

Welsh Government response

The terminology of ‘control and restraint’ was the subject of much discussion during both the consultation events and in the subsequent consultation responses. However, a

consistent view on the terminology which should be used instead has not emerged. It is vital to ensure that individuals are safeguarded from inappropriate practices and, therefore, the regulation about the use of control and restraint will be retained. For clarity however, the title of this regulation will refer to 'the appropriate use of control and restraint'.

The statutory guidance has been modified to emphasise the importance of a service provider ensuring that a positive approach is adopted to support an individual's behaviour, consistent with meeting the individual's needs for care and support and the well-being of other individuals for whom care and support is provided.

In relation to supporting individuals to manage their money, the statutory guidance has been clarified to state that staff or others working or involved with the service do not act as agents unless they have the lawful authority to do so. In addition, the statutory guidance has also been amended to reflect the intention of the regulation more clearly.

The definition of 'abuse' has been amended in order to reflect the wording within the 2014 Act more closely. As the 2014 Act definition does not include neglect, the Regulations have been amended to refer to both "abuse" and "neglect".

PART 9: REQUIREMENTS ON SERVICE PROVIDERS WHICH ONLY APPLY WHERE ACCOMMODATION IS PROVIDED

Part 9 contains requirements which will apply only to regulated services where accommodation is provided. This includes putting arrangements in place to enable individuals to access health and other services and for children to have a designated link worker.

Question 8: Are the requirements in this Part right for all service types and age groups? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 34 (29%) | 31 (26%) | 4 (3%) | 3 (3%) | 45 (38%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

The majority of respondents agreed or tended to agree with the proposals, although a large number did not provide any comments or respond to this question.

Regarding access to health and other services, one provider suggested the statutory guidance should highlight that when service providers are assisting an individual to register with a general practitioner, this should be a general practitioner of the individual's choice.

Positive feedback was received in respect of the statutory guidance around ensuring individuals are assisted and supported to access appointments with health and allied professionals. In particular, one respondent highlighted how vital it was to reference this support within the statutory guidance. However, one respondent said the services listed in the statutory guidance should be expanded to include palliative care.

One respondent made a comment about the statutory guidance in relation to the keeping of records. Specifically, it was highlighted that where the statutory guidance states, "Records relating to professional consultations are kept (including any resulting actions) and relevant correspondence maintained to provide a clear health record for the individual," this makes an assumption that individuals consent to sharing their personal information with staff who are supporting them.

Finally, one respondent said the statutory guidance on ensuring individuals are enabled to access additional facilities to promote their health was too focused on physical activities. They suggested that instead, it should be amended to focus on meeting individual needs.

Welsh Government response

In line with the principles of person-centred care and voice and control, the statutory guidance has been expanded to state that, where accommodation is provided, and

individuals are relocating to a new address, service providers assist them to register with a general practitioner 'of the individual's choice'.

The statutory guidance has also been expanded to include a specific reference to 'any palliative care services' in respect of accessing appointments with health and allied professionals.

In response to the point raised around consent to sharing personal information, the statutory guidance has been clarified to state that records and correspondence are maintained 'where such information is shared with the provider by the individual'.

Finally, in response to feedback that the statutory guidance focusses too heavily on physical activities in respect of promoting individual's health, the statutory guidance has been expanded to say that individuals are supported to access facilities to promote health and well-being or to support them to achieve their personal outcomes. In addition, a reference to 'other therapeutic activities' has also been added to ensure the focus is not purely on physical activities.

PART 10: REQUIREMENTS ON SERVICE PROVIDERS AS TO STAFFING

Part 10 sets out the requirements relating to staffing. It contains specific requirements regarding the fitness of individuals working at the service, including volunteers and agency staff.

Question 9: Are the requirements in this Part right for all service types and age groups? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 21 (18%) | 40 (34%) | 16 (14%) | 4 (3%) | 36 (31%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

The majority of respondents agreed or tended to agree with the proposals although a significant minority tended to disagree. As with other consultation questions, a significant number chose not to provide any comments or respond to this question.

A number of comments were raised about the overarching requirements on staffing and the statutory guidance about ensuring the availability of sufficient numbers of registered nurses to meet the needs of individuals. Specifically, there were concerns about the proposal not to replicate the existing requirement in the *Care Homes (Wales) Regulations 2002* which states that there must be a qualified nurse working at all times in care homes where nursing is being provided. A number of respondents said the removal of this requirement could compromise both the quality of care and the safety of individuals. Although some respondents agreed with the policy aim of increasing flexibility, one respondent said this must not be an excuse for Health Boards not to provide or pay for appropriate nursing care.

Extensive feedback also related to the requirement for staff to have a new Disclosure and Barring Service (DBS) certificate on appointment and thereafter annually unless they are registered on the Disclosure and Barring Update Service. A number of respondents highlighted the additional cost burden that an annual renewal would place on providers and staff, and the cumulative impact of seemingly small separate costs. The responses also expressed the view that the new requirement is disproportionate and there is no additional value in an annual DBS renewal.

In relation to the guidance relating to supporting and developing staff, one respondent said that tasks delegated to staff are wider than 'nursing' (as currently specified in the statutory guidance). Another also suggested additions to this section, specifically that staff are supported with training to use any specialist equipment required by individuals.

Feedback was also received on the statutory guidance about information to staff. One respondent suggested this should include confidentiality and data protection requirements.

A range of comments were received on the statutory guidance about disciplinary procedures. One respondent suggested emphasising that the service provider should have a disciplinary policy and procedures in line with employment law. Another suggested extending the requirement to notify Social Care Wales (SCW) where misconduct does not result in dismissal, but is of a concerning nature. Feedback was also received regarding keeping records of disciplinary investigations with one respondent suggesting the statutory guidance should clarify that this is in line with established organisational policies and procedures.

Consultation responses highlighted the fact that social care workers who are required to register with SCW must complete an externally-assessed Induction Framework before they are able to register, which can take up to 6 months.

Welsh Government response

The intention of the overarching requirements on staffing and the statutory guidance is to ensure that sufficient numbers of suitably qualified, trained, skilled, competent and experienced staff are deployed to work in the service at all times in order to meet the care and support needs of individuals, in accordance with the service's statement of purpose. In accommodation-based services, where individuals are assessed as having nursing needs, this includes having sufficient numbers of suitably qualified and experienced registered nurses to oversee and meet the needs of those individuals. However, the policy intention is to provide sufficient flexibility so that the level nursing staff is appropriate to the assessed needs of individuals and can meet those needs sensitively. In response to the consultation feedback, the Regulations have been amended to require that in a care home service where any individual has been assessed as needing 24 hour nursing care there must be a sufficient number of suitably qualified registered nurses deployed to work at the service at all times. The statutory guidance has been amended accordingly to reflect this additional requirement.

The requirements relating to DBS checks were intended to increase quality, as well as encourage registration with the update service. However, in response to the feedback about the additional cost burdens that an annual renewal will place on both providers and staff, we have amended this regulation. The requirement for a new DBS certificate on appointment will remain, however the requirement for renewal will be amended to every 3 years rather than annually.

In relation to the comments about the time it can take to complete the Induction Framework to register with Social Care Wales, the regulation about fitness of staff has been amended to state that a person must be registered with Social Care Wales within 6 months of the commencement of their employment to work in the service. As is the case now, there will also be discretion to extend the 6 month period in exceptional circumstances.

In relation to comments about delegated tasks being wider than nursing, the statutory guidance has been amended to state that staff should be aware of any code of practice and guidance issued in relation to undertaking delegated healthcare tasks. This section has also been expanded to clarify that staff are supported with training to use any specialist equipment required by individuals.

In relation to information for staff, the list of matters has been amended to include 'confidentiality and data protection requirements' within the statutory guidance.

The statutory guidance in respect of requirements regarding disciplinary procedures has been expanded to clarify that the service provider has a disciplinary policy and procedures in line with employment law. The statutory guidance has also been expanded to require SCW to be notified where misconduct does not result in dismissal, but is of a concerning nature. Finally, the statutory guidance has been clarified to state that when keeping records of disciplinary investigations, this is in line with established organisational policies and procedures.

PART 11: REQUIREMENTS ON SERVICE PROVIDERS AS TO PREMISES, FACILITIES AND EQUIPMENT

Part 11 covers requirements about premises, facilities and equipment. Some of the requirements only apply where accommodation is provided, whereas others apply in all cases.

Question 10: Are the requirements in this Part right for all service types and age groups? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|------------|-------------|
| 21 (18%) | 33 (28%) | 14 (12%) | 10 (8%) | 40 (34%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

Although many respondents agreed or tended to agree with the proposals, detailed feedback was submitted on a number of different issues.

Regarding the requirements about the premises of accommodation-based services, several respondents raised the issue of CCTV being required where individuals are identified as needing close monitoring. Clarification was requested in the statutory guidance to cover such situations.

Feedback was also given in relation to the requirement for bedrooms to have windows at a level from which they can see out. One respondent queried how this requirement would be compatible with properties where Velux windows have been fitted.

Respondents also commented on heating systems in premises. This related to both queries on what was acceptable in terms of individual control of heating systems, as well as a suggestion to include provision for individuals to have control of settings for lighting and ventilation as well as heating.

An area of focus for a number of respondents was the requirement for premises to have suitable sleeping accommodation for staff. Respondents stated this requirement should only apply where staff need to sleep at the premises in connection with their specific role.

Another area which received a number of responses was in relation to the limitations on shared rooms for adults. Some respondents felt that that this would impact upon an individual's right to choose and would prevent the genuine opportunity for companionship amongst individuals who are largely bed-bound and would otherwise be isolated. Respondents also advised that it would impact upon the viability of care homes – particularly smaller care homes in rural areas – and the availability of shared rooms could dwindle altogether. However, other respondents felt that shared rooms do not ensure that care and support is provided with sufficient dignity and respect to individuals.

Welsh Government response

The statutory guidance has been amended to make it clear that the privacy, dignity and confidentiality of individuals is not compromised unless it is in keeping with their personal plan.

In relation to window height, the statutory guidance has been amended to ensure that lighting is in line with any relevant health and safety requirements, and the needs of individual service users. The statutory guidance has also been expanded to say that, where relevant, additional ventilation systems and lighting are installed to meet individual needs, in line with national standards for inclusive access.

On reflection, it is clear that not all premises will require sleeping accommodation for staff or changing facilities. This regulation has therefore been amended to clarify that premises must have suitable storage facilities for use by staff and, where appropriate, suitable sleeping accommodation and changing facilities.

We acknowledge the range of feedback relating to shared rooms and are mindful of balancing the need for flexibility and choice with the promotion of the individual's dignity and respect. Therefore, in light of the consultation responses the criterion for adults to have an existing family relationship has been removed. However in order to manage the use of shared rooms, the Regulations now state that the number of adults in shared rooms must not exceed 15% of the total number of adults accommodated by the service. This requirement will apply to new provision and will be phased in for existing provision.

PART 12: ADDITIONAL REQUIREMENTS ON SERVICE PROVIDERS IN RESPECT OF PREMISES – NEW ACCOMMODATION

Part 12 relates to additional requirements where the premises consist of a new building, an extension, or a building which has a previous registration but is not occupied at the time of the service provider’s application for registration under the new law.

Question 11: Are the requirements in this Part right for all service types and age groups? Is anything missing or unnecessary?

We would welcome particular consideration as to:

- a) the level of flexibility which would be desirable around en-suite facilities, and whether they should be required for all rooms or just a percentage of rooms;**
- b) whether there should be a more prescriptive approach to en-suite facilities in currently registered and occupied stock, and, if so, how this might be phased in over time;**
- c) whether the proposed minimum room sizes are sufficient;**
- d) whether the other requirements in Part 12 should apply to all accommodation-based regulated services, including currently registered and occupied stock and, if so, how this might be phased in over time.**

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-------------|-------------|
| 23 (20%) | 26 (22%) | 7 (6%) | 12 (10%) | 49 (42%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

Overall, many respondents agreed or tended to agree with the proposals in this Part. However, detailed feedback was submitted on specific aspects of the Regulations and statutory guidance.

A number of respondents commented on the three categories of premises to which the requirements of this Part apply. In particular, a number of comments were received about Category C, which describes premises which were previously registered but are currently unoccupied. Several respondents said Category C premises should not be included within the scope of Part 12, as this could have a negative impact on the care home market, rendering some existing stock obsolete.

The potential negative impact on the market, regarding the requirements of Part 12 more generally, was also raised by a number of other stakeholders. A few respondents felt the description of Category C could be further clarified, querying whether the requirement would apply to care homes which have temporarily vacated for refurbishment.

The requirement for en-suite bathrooms received a great deal of feedback. While some respondents stated en-suites should be provided in all new builds or extensions to existing properties, others felt the regulator should take a more pragmatic, flexible approach, highlighting that a good quality of care was more important than the provision of an en-suite in every room. In addition, a number of respondents highlighted that installing en-suites in older premises could be difficult and expensive, again raising concerns about the viability of some premises should more prescriptive requirements be imposed.

In respect of en-suite provision in children's bedrooms, some respondents highlighted that en-suite facilities may not be appropriate in smaller services such as care home services for children with only 2 or 3 individuals, where the aim was to recreate as far as possible the environment of a family home. Others felt that this would be an unnecessary expense.

A range of feedback was also received on the proposed minimum room sizes. While one respondent said the proposed minimum room sizes were sufficient (and should not be any smaller), others made the point that the size of a room is not an indicator of the quality of care provided. One respondent also highlighted that, in their experience, some children prefer smaller rooms. As with en-suites, some respondents also highlighted the potential impact on the market of imposing the minimum room sizes on Category C premises.

Some feedback was also received from respondents on the Regulation and statutory guidance about passenger lifts. Some respondents asked for additional flexibility on the requirement for a passenger lift to be provided, highlighting that lifts may only be required where those with mobility problems are not accommodated on the ground floor. In addition, one respondent suggested the statutory guidance should include making provision for audio alerts and braille signage.

Welsh Government response

We acknowledge the concerns expressed about the potential market impact of applying the Part 12 requirements to Category C premises. However, the intention is to continue to raise standards for all premises in Wales rather than limiting improvements to new builds and extensions. Nevertheless, currently registered and occupied care homes will not be subject to the Part 12 requirements, ensuring a proportionate approach to introducing these standards. The definition of Category C premises has been amended to add clarity. We do not intend the requirements to apply in situations where providers have temporarily vacated the premises for refurbishment. The requirements will apply where unoccupied premises which have previously been used to provide a regulated service are sold to a new provider.

The requirement for en-suite bathrooms will apply to all three categories of premises (Category A, Category B and Category C) to ensure consistent standards across all premises. However, we are also aware of the need to ensure the requirements do not adversely impact the homely environment of smaller homes such as those for children or younger adults with learning disabilities. These services may be provided from 'family' houses in residential areas and requirements such as en-suite bathrooms may not be feasible or proportionate. The Regulations have therefore been amended so that the Part 12 requirements, including en-suites, will be dis-applied for services with four or fewer individuals.

The requirements for minimum room sizes will be maintained across the three categories of premises to ensure a consistent approach and standard within the sector. However, this requirement will also be dis-applied for services with four or fewer individuals.

The requirement for a passenger lift where the accommodation is on more than one floor and where this is consistent with the statement of purpose for the service will be maintained across the three categories of premises but dis-applied for services with four or fewer individuals. The statutory guidance has been amended in response to feedback to include reference to passenger lifts including audio alerts and appropriate signage.

Nevertheless, there will still be an overarching requirement for premises to be suitable for the service having regard to the Statement of Purpose. This should ensure that all individuals are accommodated in premises suitable for their individual needs.

PART 13: REQUIREMENTS ON SERVICE PROVIDERS AS TO PREMISES, FACILITIES AND EQUIPMENT

Part 13 sets out requirements as to supplies, hygiene, health and safety and medicines.

Question 12: Are the requirements in this Part right for all service types and age groups? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 45 (38%) | 21 (18%) | 6 (5%) | 2 (2%) | 43 (37%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

The majority of respondents agreed or tended to agree with the requirements in this Part. As with other consultation questions a significant number did not provide any comments or respond to this question. Positive feedback was received from one respondent who said the regulations in this Part are clearly stated while another commented that the provisions were sensible.

One respondent commented that the statutory guidance in relation to the requirements about supplies should include providers ensuring supplies of a sufficient level to ensure a high quality of care is provided.

In relation to the requirements regarding medicines, several respondents raised the issue of medicines storage. One respondent said the statutory guidance should reference the storage of controlled drugs, while another suggested covering situations where covert medication is provided.

Welsh Government response

The statutory guidance has been amended to say that the service provider ensures that supplies are of a sufficient level to meet the number and needs of individuals are available in order to support them to achieve their personal outcomes.

The statutory guidance has also been expanded to refer to both controlled and non-controlled medication and now states that medication storage and administration must be in line with current national guidance. Finally, in response to the request to include a reference to covert medication, the statutory guidance has been expanded to state that where covert medication is provided, it is administered in line with current best practice guidance.

PART 14: OTHER REQUIREMENTS ON SERVICE PROVIDERS

Part 14 contains miscellaneous requirements on service providers, including requirements as to the keeping of records and the making of notifications to the service regulator and other bodies. Schedule 2 sets out the records which are required to be kept and Schedule 3 sets out the specific notifications to be made. This Part also contains requirements on the service provider to have a complaints policy and a whistleblowing policy in place.

Question 13: Are the requirements in this Part right for all service types and age groups? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 38 (31%) | 46 (37%) | 1 (1%) | 2 (2%) | 37 (30%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

The majority of respondents agreed or tended to agree with the requirements in this Part. As with other consultation questions a significant number did not provide any comments or respond to this question.

Positive feedback was received in response to the requirements about records with one respondent stating the requirements were clear in requiring the provider to maintain accurate, up to date and secure records in relation to the service. This respondent also gave positive feedback about the statutory guidance, stating that it was clear as to the policy and procedures of the management of records.

One respondent requested clarity regarding the storage of children's records. Specifically, they suggested the number of years to keep records for adults and children appeared to differ from data protection and subject access legislation. Another respondent also requested clarity on whether specialist assessment and mental capacity tests should form part of client records.

Regarding Regulation 59 (Conflicts of interest (including prohibitions)), several respondents suggested that the statutory guidance regarding conflicts of interest was confusing and appeared to exclude persons who are contracted to provide services to the provider of a care home service such as registered nurses and would therefore receive a salary.

One respondent suggested that the requirement in relation to complaints policy and procedure should include a written report on conclusion of the investigation of a complaint

Welsh Government response

The Regulations have been amended to clarify records retention periods for children and adults. The retention periods are consistent with current requirements under regulations made under the Care Standards Act and comply with the fifth principle of the Data Protection Act 1998 which requires that personal data must not be kept for longer than is necessary for the purpose for which it is processed.

The Regulations have been amended to make it clear that a financial interest is a financial interest in the ownership of a care home service and does not apply to those whose only interest is that they provide contracted services to the provider.

The statutory guidance relating to complaints has been expanded to make provision for a written report being provided to a complainant setting out the outcome of the complaint and any action to be taken. This section has also been expanded to include a reference to how to escalate a concern/complaint to a commissioner or the Public Services Ombudsman Wales, within a provider's complaints policy.

PART 15: REQUIREMENTS ON RESPONSIBLE INDIVIDUALS FOR ENSURING EFFECTIVE MANAGEMENT OF THE SERVICE

Part 15 contains requirements in relation to the responsible individual’s general duty to supervise the management of the service, and the specific duties relating to appointing a fit person to manage the service, to putting arrangements in place for the management of the service when the manager is absent, and to visiting the places where the service is being provided. As noted above, they have a duty to retain overall accountability and responsibility for the service.

Question 14: Are the requirements in this Part right for all service types and age groups? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|------------|-------------|
| 22 (19%) | 27 (23%) | 17 (15%) | 10 (9%) | 41 (35%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

A quarter of responses disagreed or tended to disagree with the requirements in this Part.

Several responses focussed on eligibility to be the responsible individual. This is set out in section 21 of the 2016 Act and is not a matter for these Regulations. A number of responses raised concerns about position of trustees and sought further clarification.

A number of respondents disagreed with the frequency of the requirement for the responsible individual to visit each of the places at which they are the designated responsible individual. Alternative timescales were suggested.

Some responses asked for clarity on the duties which can be delegated.

Welsh Government response

We intend to issue clarification on the interpretation of section 21 of the 2016 Act. This will be included in the regulator’s Re-registration Guidance which will be published on CSSIW’s website.

We have considered further and acknowledge that the requirement for a monthly visit by the responsible individual may be disproportionate and that this frequency could have the unintended consequence of sacrificing the quality of such visits and rendering them a ‘tick box’ exercise. This is not the intention. The Regulations have been amended so that these visits may be at least 3 monthly in frequency. The visits must be undertaken in person by the designated responsible individual.

The Regulations set out the circumstances in which an individual provider (who is the responsible individual for the service) may be the manager registered with Social Care Wales for that service. The intention here is to exempt small providers from having to employ a separate manager. We are aware that there are other small providers which have “incorporated” with only one or two directors where the responsible individual is also the registered manager. We have therefore taken this opportunity to extend the exemption to incorporated providers where the service is being provided at no more than 2 locations or in the case of a domiciliary support service, in relation to no more than two areas.

We do not propose to make provision in the Regulations for the duties imposed on responsible individuals to be formally delegated to another person. However, in some cases the Regulations were worded in such a way that the nature of the duty imposed on the responsible individual was to “make suitable arrangements” or “put arrangements in place”. This was intended to allow the responsible individual to delegate some tasks to others but to retain overall accountability and responsibility. The Regulations have been amended so that the words “put suitable arrangements in place” have been used consistently, to provide the necessary clarity. As indicated above the requirement to visit the service must be undertaken in person by the designated responsible individual.

The statutory guidance has been amended to provide further clarity on the role of the responsible individual in the appointment of the manager.

PART 16: REQUIREMENTS ON RESPONSIBLE INDIVIDUALS FOR ENSURING EFFECTIVE OVERSIGHT OF THE SERVICE

Part 16 contains requirements on responsible individuals for ensuring the effective oversight of the service. By placing these requirements on the responsible individual, the regulations in this Part ensure that a person at an appropriately senior level in the organisation is accountable for service quality and compliance. The responsible individual is required to make reports to the service provider on the adequacy of resources and on other matters. They are also required to make arrangements for engagement with individuals and others so that their views on the quality of care and support provided can be taken into account by the service provider.

Question 15: Are the requirements in this Part right for all service types and age groups? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 30 (25%) | 28 (24%) | 9 (8%) | 5 (4%) | 46 (39%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

The majority of responses agreed or tended to agree with the proposed requirements or did not comment. A small minority of responses disagreed or tended to disagree.

There were a number of supportive comments. Respondents noted that additional accountability for responsible individuals is a positive way forward, welcomed a greater emphasis on governance and that requirements are proportionate. Another response stated that the duties are all such that responsible individuals can fulfil them now and in the future. The requirement to report on level of resources will ensure that responsible individuals are fully engaged and will ensure an early identification of problems.

There were differing views on the requirements for frequency of reporting. One respondent said that quarterly reports were 'good practice' whilst some respondents stated that they were 'too onerous' and 'resource intensive'.

As before some responses requested clarity as to which duties could be delegated.

A number of responses referred to the statutory guidance relating to the requirement on 'engagement with individuals and others'.

Welsh Government response

We have considered the responses but do not agree that there is a case for the frequency of reporting to be amended.

We do not propose to make provision in the Regulations for the duties imposed on responsible individuals to be formally delegated to another person. However, in some cases the Regulations were worded in such a way that the nature of the duty imposed on the responsible individual was to “make suitable arrangements” or “put arrangements in place”. This was intended to allow the responsible individual to delegate some tasks to others but to retain overall accountability and responsibility. The Regulations have been amended so that the words “put suitable arrangements in place” have been used consistently to provide the necessary clarity.

The statutory guidance has been amended in response to comments about the need for engagement to be accessible and inclusive and to ensure that methods take account of specific communication needs.

PART 17: REQUIREMENTS ON RESPONSIBLE INDIVIDUALS FOR ENSURING THE COMPLIANCE OF THE SERVICE

Part 17 sets out the requirements on the responsible individual for ensuring the compliance of the service with other requirements, including notification of incidents and complaints and the keeping of records. The responsible individual must also put arrangements in place for ensuring that the service provider's policies and procedures are kept up to date.

Question 16: Are the requirements in this Part right for all service types and age groups? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 30 (25%) | 28 (24%) | 9 (8%) | 5 (4%) | 46 (39%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

The majority of responses agreed or tended to agree with the requirements. 6% disagreed or tended to disagree.

Comments included 'very clear – good to clarify accountability that goes with RI' and that the requirements are 'proportionate'.

Some responses suggested that the role of the responsible individual would undermine the role of the manager of the service.

As before some responses requested clarity as to which duties could be delegated.

Several responses disagreed with the reference in the statutory guidance to updating policies and procedures at least annually. One response suggested that the statutory guidance in relation to the duty to ensure there are systems in place for the keeping of records could be interpreted as requiring electronic records.

Welsh Government response

The role of the responsible individual does not replace or undermine the role of the manager of the service. The manager is still responsible for the day-to-day running of the service.

We do not propose to make provision in the Regulations for the duties imposed on responsible individuals to be formally delegated to another person. However, in some cases the Regulations were worded in such a way that the nature of the duty imposed on the responsible individual was to "make suitable arrangements" or "put arrangements in place". This was intended to allow the responsible individual to delegate some tasks to

others but to retain overall accountability and responsibility. The Regulations have been amended so that the words “put suitable arrangements in place” have been used consistently to provide the necessary clarity.

The section of the statutory guidance which relates to the duty to ensure policies and procedures are up to date has been amended. The statutory guidance in relation to the duty to ensure there are systems in place for keeping records has been amended to provide clarity in the circumstances where records are stored electronically.

PART 18: REQUIREMENTS ON RESPONSIBLE INDIVIDUALS FOR MONITORING, REVIEWING AND IMPROVING THE QUALITY OF THE REGULATED SERVICE

Part 18 sets out the requirements on the responsible individual in relation to monitoring, reviewing and improving the quality of care and support provided, including making a report to the service provider. This report will form part of the provider’s annual return.

Question 17: Are the requirements in this Part right for all service types and age groups? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 37 (31%) | 26 (22%) | 8 (7%) | 6 (5%) | 41 (35%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

The majority of responses agreed or tended to agree with the requirements. A small percentage disagreed or tended to disagree.

Comments made in the responses included ‘this is excellent and a big improvement’ and that requirements are ‘clear’.

As before some responses requested clarity as to which duties could be delegated.

One respondent strongly welcomed the requirement for a 6 monthly quality of care review but some considered it too frequent.

Welsh Government response

We do not propose to make provision in the Regulations for the duties imposed on responsible individuals to be formally delegated to another person. However, in some cases the Regulations were worded in such a way that the nature of the duty imposed on the responsible individual was to “make suitable arrangements” or “put arrangements in place”. This was intended to allow the responsible individual to delegate some tasks to others but to retain overall accountability and responsibility. The Regulations have been amended so that the words “put suitable arrangements in place” have been used consistently to provide the necessary clarity.

We have considered the responses made in relation to the quality of care review but do not agree that there is a case for the frequency of reporting to be amended.

PART 19: OTHER REQUIREMENTS ON RESPONSIBLE INDIVIDUALS

Part 19 sets out other requirements on the responsible individual, including requirements to make certain notifications to the service regulator, contained in schedule 4.

Question 18: Are the requirements in this Part right for all service types and age groups? If you think there is anything missing or unnecessary, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 39 (33%) | 26 (22%) | 3 (3%) | 4 (3%) | 45 (38%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

The majority of responses agreed or tended to agree with the requirements. A small percentage disagreed or tended to disagree.

There were no substantive comments which would justify a change to the requirements.

Several respondents made comments on the statutory guidance. For example, there should be guidance in relation to the requirement on Notifications.

Welsh Government response

No amendments to the Regulations are required.

Some amendments have been made to the statutory guidance to provide clarity in relation to the Duty of Candour and Notifications.

PART 20: OFFENCES

The regulations in this Part are made under the powers in section 45 and 46 of the Act. They provide that a failure, by the service provider and responsible individual respectively, to comply with specified requirements in the regulations is an offence. There is a further qualification which applies in the case of failure to comply with certain requirements. In these cases, the regulation provides that this is only an offence if the failure to comply results in individuals being exposed to avoidable harm or significant risk of such harm or suffering a loss of money or property as a result of theft, misuse or misappropriation.

Question 19: Is the approach taken in relation to offences sufficient and proportionate? If not, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 34 (29%) | 21 (18%) | 8 (7%) | 5 (4%) | 49 (42%) |

Does the statutory guidance adequately support service providers in how they may comply with the requirements in this Part? If you think there is anything missing or unnecessary, please explain.

Summary of responses

Most respondents chose not to provide a comment against this Part. Of those who responded, most people focussed on the issuing of penalty notices. These comments have been summarised under question 22 of this document.

Welsh Government response

As most of the comments about this section related to penalty notices they have been addressed under question 22.

PART 21: SERVICE PROVIDERS WHO ARE LIQUIDATED ETC OR WHO HAVE DIED

Part 21 sets out specific requirements which apply when the service provider is insolvent or when a service provider who is an individual has died. In these circumstances the Regulations place specific notification duties on the appointed person (in the case of insolvency) or the personal representatives (in the case of the death of a service provider who is an individual).

Question 20: Are the requirements placed on appointed persons and personal representatives reasonable? If not, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 48 (41%) | 14 (12%) | 1 (1%) | 1 (1%) | 53 (45%) |

Summary of responses

A large number of respondents did not provide a response to this question.

Of those who responded there was broad support for these requirements, with the majority stating that they agreed or tended to agree. Overall the regulation was felt to be clear and sensible.

Welsh Government response

No amendments have been made to the regulation within this Part.

PART 22: REGULATIONS UNDER SECTION 21(5) – DESIGNATION OF RESPONSIBLE INDIVIDUAL BY WELSH MINISTERS

Part 22 specifies the circumstances in which the Welsh Ministers (instead of the service provider) may designate an individual to be a responsible individual, despite the eligibility requirements of section 21(2) not being met in respect of the individual. This regulation is made under section 21(5) of the Act.

Question 21: Are the circumstances in which responsible individuals may be designated by the Welsh Ministers, rather than the service provider, sufficient and appropriate? If not, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 42 (36%) | 17 (15%) | 0 (0%) | 3 (3%) | 55 (47%) |

Summary of responses

There was a positive response to this regulation with comments including that the provisions are 'sensible', 'very clear', 'clear and concise'. Only 3% of respondents disagreed with the regulation.

Welsh Government response

We do not propose to make any amendments to this regulation. Welsh Ministers would only exercise these powers in the exceptional circumstances set out in the regulation. The 2016 Act requires that the service provider must designate a responsible individual in respect of each place at, from or in relation to which a regulated service is carried on. A regulated service may be cancelled where there is no designated responsible individual. The 2016 Act also sets out eligibility and fitness criteria for a responsible individual. The intention here is to enable the service regulator, at the request of the service provider or person acting as the service provider, to designate a responsible individual who does not meet the eligibility requirements set out in section 21(2) of the Act where there are exceptional circumstances. Any person designated as responsible individual by the service regulator would still need to meet the fitness requirements set out in section 9 of the 2016 Act. This would allow an otherwise well run service to avoid having its registration cancelled and therefore continue to operate whilst the situation is regularised and until an individual who does meet both the eligibility and fitness requirements is designated as responsible individual on a permanent basis.

Some responses raised issues such as insurance arrangements and payment for the responsible individuals. These are operational matters for service providers.

The Regulated Services (Penalty Notices) Regulations 2017

These Regulations have been developed under section 52 of the Act. This section gives the Welsh Ministers the power to give a penalty notice to a person instead of bringing proceedings for an offence, but only in relation to those offences that are prescribed in the Regulations. The Regulations set out the detail of how the system of penalty notices will operate.

Question 22: Is the approach in relation to penalty notices sufficient and proportionate? Are the levels of penalty set out in the draft regulations appropriate? If not, please explain.

| Agree | Tend to agree | Tend to disagree | Disagree | Not ticked |
|-------------|---------------|------------------|-----------|-------------|
| 27 (23%) | 18 (15%) | 7 (6%) | 7 (6%) | 58 (50%) |

Summary of responses

Half of respondents provided a response to this question.

The majority of those who responded agreed or tended to agree with the proposals. These respondents suggested this scheme gave providers an opportunity to redress and make necessary changes to services as opposed to bringing forward proceedings.

Of the respondents that disagreed with the regulations within this Part, their areas of concern were:

- the lack of information around the right to appeal against fixed penalty notices issued;
- the level of fines to be imposed. It was felt there was a lack of consideration given to the size of the service provided or numbers of clients affected, and so felt to be disproportionate;
- penalty notices should only be used where service providers habitually did not comply with regulations;
- how CSSIW will enforce these requirements fairly and consistently;
- more robust guidance required.

Welsh Government response

The purpose of the penalty notice is to offer the recipient the opportunity to discharge liability for conviction for the offence by paying a penalty. This enables the Welsh Government to deal with minor offences under the 2016 Act by administrative means. Section 52 of the Act – under which the regulations are created – does not provide for a right to appeal. This is because a penalty notice would be issued as an alternative to

prosecution. If a person does not agree an offence has been committed, they can refuse to pay the penalty notice, at which point criminal proceedings will be pursued.

Implementing a penalty notices system will enable the regulator to have a more flexible and robust system in place for dealing with regulatory breaches. The penalty amounts reflect the severity of the offences and are intended to act as a deterrent to breaching the regulations. We recognise the importance of implementing a penalty notices system which is consistent and fair, and the intention is for penalty notices to be issued proportionately. CSSIW will be developing robust operational guidance to ensure this is the case.

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.

Question 23: 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?

Summary of responses

Most respondents chose not to provide any specific comments or respond to this question.

Of those that did respond, most agreed the Regulations and statutory guidance would either have a neutral or positive impact on groups and individuals with protected characteristics. Positive feedback was received on the person-centred approach to the Regulations and statutory guidance rather than a one-size-fits-all model.

Other respondents also identified that the Regulations and statutory guidance, along with the 2016 Act more widely, will reinforce consistent quality standards of care for all service groups.

Some respondents felt however that more could be done to address the rights of the individual to make unwise decisions and the right to give or withhold consent.

Welsh Government response

We are pleased with the positive feedback received in response to this question, and the recognition of the person-centred approach. This approach is a consistent thread running through the development of the 2016 Act, and the detailed regulations and statutory guidance being progressed as part of its implementation.

Developing a coherent and consistent approach to the system for the regulation and inspection of social care is another important principle of the 2016 Act. We are again pleased this has been identified and acknowledged by respondents and indicate the key messages of the 2016 Act are being understood by the sector.

Regarding the feedback on individuals giving or withholding consent, the requirements around the use of control and restraint, already cover issues of consent and the need for providers to follow provisions within the Mental Capacity Act 2005 where appropriate. This section has now been further clarified to make clear the focus of this provision is to ensure that acts of care and support are in the person's best interest and there is lawful authority in place where required.

Question 24: 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?

Summary of responses

Most respondents chose not to provide any specific comments or respond to this question.

Of those that did provide a response, many felt the Regulations and statutory guidance would not have a significant negative impact on those individuals with protected characteristics. However, the issues relating to the requirements on premises were again raised with one respondent saying there could be a particular negative impact on children. Specifically, they cited the premises requirements on en-suites and shared rooms as not contributing to a homely environment for children.

Some respondents expressed concerns over the rights of people to share rooms stating that same sex couples should be afforded the same rights as other groups to share rooms. Additionally, some respondents felt that the current proposals could disadvantage unmarried same sex and heterosexual couples with regards to room sharing.

Another response identified that the Regulations do not cover areas of education and information for care home nurses on ageing and gerontological issues. There are concerns that this could create a system that disadvantages older people as a result of not being able to adequately address their needs.

Welsh Government response

We are pleased that most respondents did not identify any significant negative impacts within the proposals on groups with protected characteristics. The intention of these Regulations and statutory guidance is to enable services to support all groups to achieve what matters to them, including those with protected characteristics. This is in line with both the ethos of the Social Services and Well-being Act, and the principles within the 2016 Act of ensuring citizens are at the heart of care and support.

As set out in the response to question 11, in response to concerns on the potential negative impacts for children, the requirements of Part 12 relating to premises have been dis-applied for services with four or fewer individuals. This addresses the concerns around ensuring a homely environment for children.

Regarding concerns that education and information for care home nurses on ageing and gerontological issues is not provided, the Regulations and statutory guidance are not intended to cover these wider issues. These issues are instead something that we would expect to form part of the professional training in respect of adult nursing and indeed all staff.

We would like to know your views on the effects that these proposals would have on the Welsh language, specifically on:
i) opportunities for people to use Welsh and
ii) on treating the Welsh language no less favourably than English.

Question 25: What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Question 26: Please also explain how you believe the proposed policy could be formulated or changed so as to have:
a) 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
b) 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.

Summary of responses

Most respondents chose not to provide a response to questions 25 and 26. Of those that did respond there were mixed views about how the proposals might affect the Welsh language. Most agreed with the principle of meeting the individual's language and communication needs, whether the individual was a Welsh speaker or not. One person said this was especially important for many older people who tend to revert to their first language, especially if they suffer from dementia. Whilst many people were supportive of the principle of providing services in Welsh where necessary, respondents highlighted the difficulty of recruiting and training sufficient numbers of Welsh speaking staff. Therefore, they felt there should be some flexibility around these requirements.

Some respondents wanted specific requirements in the Regulations relating to the Welsh language, in line with the National Well-being Outcome that states "I get care and support through the Welsh language if I want it." They felt that the Regulations and statutory guidance did not go far enough in promoting the use of Welsh in regulated care services. A few respondents stated they expected information to be provided in both Welsh and English. A small number of respondents stated they felt the need to provide services in Welsh was a burden, especially in areas where Welsh is hardly spoken.

One respondent from a local authority stated they are already committed to the requirements under the Welsh Language (Wales) Measure 2011.

Welsh Government response

The Regulations and statutory guidance are intended to support the Strategic Framework for Welsh Language Services in Health, Social Services and Social Care, *More than Just Words*. The strategy provides a systematic approach to improve services for those who need or choose to receive their care in Welsh. It is built on the values that all individuals should be treated with dignity and respect and should receive accurate assessments and

appropriate care. The strategy highlights the importance of receiving care in one's first language, stating "*for many Welsh speakers, language is an integral element of their care e.g. some people with dementia, or who have suffered a stroke, and children under the age of five*".

We have incorporated these principles into the Regulations, mainly under the requirement for providers to take reasonable steps to meet the language needs of individuals. In relation to the Welsh language, this means that service providers deliver or work towards actively offering a service in the Welsh language to individuals whose first language is Welsh. In relation to information for individuals, there is a requirement for the guide to the service to be in an appropriate language, style, presentation and format, having regard to the statement of purpose for the service. The requirements in the Regulations also support one of the core principles in the Social Services and Well-being (Wales) Act 2014 to enable people to have a stronger voice in, and greater control over, their care and support.

Local authorities in Wales have a statutory duty to comply with Welsh Language Standards which explain how they as organisations should use the Welsh language. This will be a driver for enhancing Welsh language provision in services run by, or contracted by, local authorities. Where services are not provided by a local authority, the Regulations aim to take a proportionate approach to Welsh language requirements, placing the emphasis on what matters to the individual receiving care and support.

Question 27: 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.

Summary of responses

A number of different points were raised by respondents for this question. Points which have already been addressed elsewhere in this report have not been duplicated here.

Although a range of concerns and suggestions were received in response to this question, some positive feedback was also given. Specifically, one respondent expressed appreciation for the opportunity to engage with the technical groups set up to develop the initial proposals, adding that they appreciate that many comments given at these groups were taken on board in these documents. Another respondent commented that in general, they feel the Regulations are both fair and reasonable and they welcome many of the changes.

Several respondents raised the issue of advocacy in response to this question. Specifically, one respondent highlighted the importance of advocacy services available to individuals receiving care and support, while another said that some areas of Wales are currently not well-served for advocates. The respondent went on to stress that provision of advocates will need to be addressed (including adequate funding) if requirements are to be fully implemented.

Commissioning was another issue raised by respondents with a suggestion given to encourage commissioners to adopt a methodology of audit and inspection consistent with the requirements of the Regulations and statutory guidance.

As a general point, one respondent said that a simple guide for providers setting out the differences between the current and new regulatory regimes would be useful.

Another general point was raised by several respondents highlighting the pressure the sector is currently under, with one respondent saying the Regulations may place an additional burden on providers.

A more specific point was made by one respondent who suggested the Regulations and statutory guidance be revised in the future to add a reference to Social Care Wales Post Registration Training and Learning requirements.

Feedback was also received in relation to the Statement of Purpose and quality of care review with one respondent suggesting that a pro-forma would be beneficial in order that that every provider uses a consistent format.

One respondent raised that the measures set out in the Regulations and statutory guidance represent a major change of policy that therefore necessitates an regulatory impact assessment (RIA) be carried out.

Welsh Government response

We acknowledge the importance of advocacy in relation to people's well-being, and the need to ensure adequate provision of advocates and advocacy services across Wales. To encourage and support the provision of advocacy, a Code of Practice on advocacy was developed as part of the implementation of the 2014 Act. This Code sets out the requirements for local authorities to ensure that access to advocacy services and support is available to enable individuals to engage and participate when local authorities are exercising statutory duties in relation to them. In addition, advocacy is being further considered as part of the Phase 3 implementation of the 2016 Act.

Although commissioning is not specifically within the scope of the Regulations and statutory guidance, this is a key issue in ensuring the success of the 2016 Act more generally. There is a need to move away from a culture where commissioning is seen as a 'back room function' purely focused on cost. Instead it must be seen part of the overarching approach based on achieving an individual's well-being outcomes. Related to this, the National Commissioning Board is working with commissioners and providers to develop an outcome focused approach to integrated commissioning across both Health and Social Care.

In terms of a guide setting out the differences between the current and new regulatory regimes, a range of information is available on the Social Care Wales Information and Learning Hub (available at: <https://socialcare.wales/hub/riscact>). This includes frequently asked questions, including the key changes brought about by the 2016 Act. More detailed information is also available on the Hub regarding all the Regulations being developed under the 2016 Act and the timetable for implementation.

We acknowledge the challenges currently facing the social care sector. However, by introducing a consistent set of requirements for care home services and domiciliary support services, the Regulations and the statutory guidance should reduce the burden on providers by providing additional clarity on what is expected.

In response to the suggestion of future revision of the Regulations and statutory guidance to reference additional Social Care Wales requirements, consideration will be given to this as part of a wider review of the Regulations and guidance. This review will likely take place in the years following implementation of the wider 2016 Act from April 2018.

Regarding the Statement of Purpose and quality of care review, there is no intention to provide a prescriptive pro-forma. However, CSSIW will provide additional operational guidance on both the Statement of Purpose and quality of care review which will be published on its website.

Consistent with other legislation, a detailed Regulatory Impact Assessment will be developed which will provide Welsh Ministers, the Accounting Officer, the National Assembly for Wales and stakeholders with information on the likely impact of the proposed legislation and statutory guidance. This Regulatory Impact Assessment will be published upon laying of the Regulations in the National Assembly.

Section 3

Summary and analysis of responses to the young person's questionnaire

In addition to the formal consultation exercise, a young people's consultation – *How we care for you* – was developed to test some of the key draft requirements on service providers of care homes for children with young people in residential care, over the summer holidays. There was an encouraging level of feedback – 26 responses, from 7 different settings across Wales. A summary of the comments received and Welsh Government response is provided below.

Key requirements on service providers within the draft Regulated Services (Service Providers and Responsible Individuals) Regulations 2017 were summarised and grouped accordingly, with appropriate information provided and questions asked.

Things service providers must do

They must make sure that the home is right for you

This summarised the requirements within Part 5 of the Regulations around suitability of the service (Regulation 13); personal plans and reviews (Regulations 14 and 16) and provider assessments (Regulation 17).

Young people were asked: Is there anything else your children's home should do to make sure the home is right for you?

Summary of responses

Some young people would have valued, or did value, visiting the home and meeting those who already live there, including the staff, before they moved in. Being aware of the expectations that would be placed upon them was also important, as was some personalisation of their room and being placed in a home with people close to their own age and with a gender-balance of staff.

Welsh Government response

A written guide to the service (Regulation 18, addressed later on in the booklet) should serve as a welcome pack, with expectations of both the young person and the service provider also forming part of discussions in development of a personal plan and provider assessment. The statutory guidance encourages service providers to include opportunities to visit the service prior to commencement within their admissions policy. The statutory guidance (in respect of Regulation 40) also encourages providers to consider individual's wishes and preferences in the way their rooms are furnished and decorated, usually after they move in. The statutory code of practice for placing authorities already states that, wherever possible, a child should be taken to visit the homes under consideration, as part of the decision-making process (Part 6 Code of Practice (Looked After and Accommodated Children) 2015.) Placing authorities and providers are also required to consider the mix of children and young people within a home when making a placement or a decision to accept a particular child.

They must give you all the information you need

This grouped the service provider's duties to provide young people with: a copy of their personal plan and record of their provider assessment; a written guide to the service (Regulation 18); information relating to the Statement of Purpose and an awareness of policies and procedures adhered to within the home.

Young people were asked: What other information could they give you? And how would you prefer to receive this information?

Summary of responses

There was general appreciation of being made aware and kept informed of matters that may affect them personally, or the general environment within the home. One respondent suggested that the guide include: "*Things going on in the local area, the sort of things that young people like to do and how I will be able to do this, the routines of the house and what is expected of you*".

Most valued someone sitting down and talking things through with them, especially where further explanation or clarification was needed. However, one respondent raised how difficult this could be for young people with limited or no verbal communication.

Welsh Government response

The statutory guidance is clear in encouraging providers to ensure that information is given to individuals in plain language and in a format that is appropriate to their age, level of understanding and takes account of any communication difficulties. For example, in their preferred and appropriate language, large print, audio, computerised or through visual aids. Providers are also required to support individuals to understand, for example, the contents of the written guide and what it means. Details of what is going on in the local area and how young people might be enabled to take part would be something that providers could include within the written guide, as well as any particular routines of the house and expectations, which could also be discussed in development of the personal plan.

They must involve you and listen to your opinions

This summarised the key instances when service providers must work with individuals to plan and deliver their day-to-day care and support. It also referenced providers' duty of candour i.e. to be open and honest in their support (Regulation 12) and fair treatment of individuals when making a complaint.

Young people were asked: What else could they do to involve you and listen to your opinions?

Summary of responses

On the whole, the young people felt that they are listened to, know who to talk to, that staff have time for them and they know how they can raise concerns. One respondent suggested that young people should be provided with feedback after making a complaint, as to how this has been progressed or dealt with. Another mentioned monthly house meetings where

opinions were heard and young people involved in decision-making e.g. activities within the home and how they would like it to be decorated.

Welsh Government response

It was concluded that the Regulations were sufficient and noted that the statutory guidance encourages service providers to ensure that individuals are able to make decisions about their lives; are offered the opportunity and enabled to contribute their views about the day-to-day running of the service and that providers enable individuals to access advocacy services or self-advocacy groups if they wish. The Regulations require providers to have a complaints policy and procedures in place. We would expect homes complaints procedures to be robust, transparent and fair; and for feedback to be given as a matter of course.

The standards of care and support you can expect

General service standards

This summarised the overarching requirements as to the standards of care and support within Parts 7 and 8 of the Regulations, including: standards for staff; listening to individuals; supporting young peoples' personal development; general standards in respect of the home and equipment; the need to maintain policies and procedures about safeguarding; bullying and challenging behaviour; managing money; and ways in which the provider can support young people in their independence.

Young people were asked: Are there any other standards needed, and what is important to keep you safe and happy?

Summary of responses

Overall, there was agreement that the general standards were appropriate and would help keep young people safe and happy. The qualities highlighted included: having appropriate boundaries, routines, plans; staff being honest with young people, paying them attention, making them feel valued, listened to, trusted and cared for; being supported to be independent, feel confident and maintain relationships (with family and friends). Being enabled to meet their educational potential was important and two respondents highlighted the need for support in preparing for independent living.

Welsh Government response

The intent of these Parts of the Regulations is to ensure that individuals are provided with care and support which enables them to achieve the best possible outcomes and to ensure that providers have mechanisms in place to protect young people. The statutory guidance in relation to Regulation 20 directly addresses some of the key issues identified, for example it encourages service providers to ensure that care and support is provided in keeping with any assessment and personal plan (agreed with the young person), meets the individual's needs and supports them to achieve their personal outcomes in relation to their:

- physical, mental and emotional well being;
- cultural, religious, social or spiritual preferences;

- education, training and recreation needs;
- family and personal relationships;
- control over everyday life
- intellectual, emotional and behavioural development
- securing rights and entitlements, in particular those enshrined within the UNCRC*
- protection from abuse and neglect*

* These final two bullets have been added, post-consultation

Service providers are also required to treat young people with respect and sensitivity, promote their autonomy and independence, and support them in preparing to move on. The child's placing authority and Independent Reviewing Officer (IRO) also have a crucial role to play in ensuring that the child or young person is kept safe and happy in the placement, and that the outcomes identified in the Part 6 care and support plan are met.

The standards in relation to premises

This summarised requirements – grouped into criteria relating to the home itself and others relating to individual bedrooms – within Part 11 of the Regulations, the intent of which is to ensure that care and support is provided to young people in an appropriate location and environment, with access to facilities and equipment that will help them to achieve their personal outcomes.

Young people were asked, in relation to the home: Is there anything missing (from the list)? What are the most important things about your children's home?

Summary of responses

There was broad support for the criteria listed, with most respondents valuing a nice, comfortable, homely and safe environment to live in, with support from people who really care for, trust and believe in them. Some respondents commented on activities and facilities available at their homes, whilst others highlighted support to keep in touch with their friends and family, and feeling like they were "part of the family" in the home where they were staying.

Welsh Government response

It was concluded that the Regulations and statutory guidance provide for the type of qualities raised as important by the respondents.

Young people were asked, in relation to their bedroom within the home:

- **Is there anything missing (from the list)?**
- **What are the most important things about your bedroom?**
- **Do you have enough space, freedom and privacy in your room?**
- **If not, how could this be improved?**

Summary of responses

Most important things included having their own space; storage; privacy; the room being suitably decorated and allowing pictures/posters; having a nice view and access to televisions and games consoles. Two respondents suggested having a key to lock their bedroom door. 22 out of the 26 responses (85%) agreed that they currently had enough space, freedom or privacy, although two respondents said that having a larger room would be an improvement. Two others would prefer their rooms to be decorated to suit their tastes.

Welsh Government response

The statutory guidance for Regulation 40 encourages service providers to “consider individuals’ wishes and preferences in the way in which their rooms are furnished and decorated”. This, in addition to requirements to ensure that young people live in an appropriate environment, with access to facilities and equipment that will help them to achieve their personal outcomes, should ensure their needs are met appropriately.

Other ideas

This asked questions relating to the Regulations in respect of standards for new children’s homes (or extensions).

Young people were asked, in relation to en-suite bathrooms:

- **Do you think young people need their own private bathroom with a sink, toilet and shower?**
- **How important is this?**
- **Would having your own bathroom improve your wellbeing?**

Summary of responses

Most of the respondents would prefer to have their own bathroom, which they could use as and when and which may encourage them to shower more often, but three respondents (from the same setting) agreed that they were happy to share in their current home. 16 out of the 26 respondents (62%) thought that having their own bathroom was either important or very important, one thought that this was not important and nine chose not to answer.

Welsh Government response

Having considered the views of young people, and of other stakeholders (including providers) through the formal consultation, we have changed the Regulations so that where four or fewer individuals live in a children’s home (not including the staff) then the requirement to have an en-suite for each bedroom will not apply. This will mean that no more than four young people will share a bathroom. This is considered both appropriate and proportionate (as many new children’s homes are domestic, ‘family’ houses) and will help to maintain a homely environment. The needs of a particular child, as identified in their Part 6 care and support plan (and reflected in the personal plan), will also be a factor in deciding whether a child or young person should have en-suite facilities or not.

Young people were asked, in relation to shared bedrooms:

- **Do you think that this is a good idea?** That young people would only be asked to share if this would promote their well-being (and is provided for within their care and support plan); they were asked to share with a brother or sister of a similar age and that they would be happy to share.
- **When wouldn't you want to share a room?**
- **Do you think it should be your choice, if you want to share?**
- **Do you have a room of your own, now?**

Summary of responses

There were mixed responses with 12 out of 26 respondents (46%) saying that they thought it was a good idea, 11 (42%) disagreeing and three not indicating a preference. Some respondents would not want to share, whilst others recognised that this may be appropriate in some circumstances. Almost all, 22 out of 26 (85%), believed that it should be their choice as to whether they would want to share. All but one of the respondents (96%) said that they currently had their own room.

Welsh Government response

The presumption in the Regulations is that each child or young person should have their own room, except in very specific circumstances (for example, for younger siblings of the same sex). The wishes of the child or young person must always be taken into account, and the Regulations and statutory guidance make this clear.

There were no substantive additional comments received.

Annex A - List of respondents

Summary table

| Type of respondent | Number of responses | Percentage of responses |
|------------------------------|---------------------|-------------------------|
| Anonymous | 24 | 21% |
| Individuals | 2 | 2% |
| Academic | 1 | 1% |
| Commissioners | 2 | 2% |
| Health Boards | 2 | 2% |
| Local Government | 15 | 13% |
| Regulator | 1 | 1% |
| Representative organisations | 22 | 19% |
| Service Providers | 32 | 28% |
| Third Sector | 10 | 9% |
| Trade Union | 1 | 1% |
| Other | 3 | 3% |
| Total | 115 | 102% |

*Percentages are rounded to the nearest percentage point.

| No | Confidential Y / N | Name | Organisation/ On behalf of | Type of respondent |
|-----|-----------------------|-------------------|-----------------------------------|--------------------|
| 1. | ✓ | Toby Stockton | Everycare Cardiff | Service Provider |
| 2. | ✓ | Breda Griffiths | St. Teresa's Rest Home | Service Provider |
| 3. | ✓ | Sue E. Jordan | Swansea University | Academic |
| 4. | ✓ | Kim Moore | Mental Health Care UK | Service Provider |
| 5. | ✓ | Ben Jenkins | Cherish Care Homes (Wales) Ltd | Service Provider |
| 6. | ✓ | R.W.Ebley | | Individual |
| 7. | ✓ | | | Anonymous |
| 8. | ✓ | | | Anonymous |
| 9. | ✓ | Marcus Wilkes | The Alexandra Nursing Home | Service Provider |
| 10. | ✓ | Tess Saunders | RNIB Cymru | Third Sector |
| 11. | ✓ | Gerry Evans | Social Care Wales | Regulator |
| 12. | ✓ | Cathrin Manning | Red Cross in Wales | Third Sector |
| 13. | ✓ | Hazel Jukes | Dementia Friends | Local Government |
| 14. | ✓ | Justin Otto-Jones | Parkside House | Service Provider |
| 15. | ✓ | Tina Donnelly | Royal College of Nursing | Representative |
| 16. | ✓ | Nygaire Bevan | Greater Gwent Regional Team | Local Government |
| 17. | ✓ | | | Anonymous |
| 18. | ✓ | | | Anonymous |

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|-----|---|---|---|---|------------------|
| 19. | | ✓ | Christopher Williams | Age Cymru | Third Sector |
| 20. | | ✓ | Jeff Hawkins | Age Connects Cardiff and Vale | Third Sector |
| 21. | | ✓ | Joel Martin | Carmarthenshire County Council | Local Government |
| 22. | ✓ | | | | Anonymous |
| 23. | | ✓ | Keith Harding | Welsh Wound Innovation Initiative Limited | Other |
| 24. | ✓ | | | | Anonymous |
| 25. | | ✓ | Timothy Banner | Cardiff and Vale UHB Pharmacy | Health Board |
| 26. | | ✓ | Adrian Roper | Cartrefi Cymru Co-operative | Representative |
| 27. | | ✓ | Crash Wigley | Stonewall Cymru | Third Sector |
| 28. | | ✓ | Peter Sissons for Robin Harragin Hussey | Christian Science Committees on Publication | Representative |
| 29. | | ✓ | Sue Leonard | Pembrokeshire Association of Voluntary Services | Representative |
| 30. | ✓ | | | | Anonymous |
| 31. | | ✓ | Andy Rutherford | Unison Cymru | Trade Union |
| 32. | | ✓ | Rick Wilson | Community Lives Consortium | Representative |
| 33. | ✓ | | | | Anonymous |
| 34. | ✓ | | | | Anonymous |
| 35. | | ✓ | Paul Thomas | Landsker Care Limited | Service Provider |
| 36. | | ✓ | James Wright | Co-operatives UK | Representative |
| 37. | | ✓ | Jonathan N. Symms | Pen-Y-Garth Care Homes Limited | Service Provider |
| 38. | | ✓ | Catherine Roberts obo Annie O'Reilly | Neath Port Talbot County Borough Council | Local Government |
| 39. | | ✓ | Emma Murphy | Flintshire County Council and partners | Local Government |
| 40. | ✓ | | | | Anonymous |
| 41. | ✓ | | | | Anonymous |
| 42. | | ✓ | Zena Winstone obo Amanda Evans | Mirus-Wales | Service Provider |
| 43. | ✓ | | | | Anonymous |
| 44. | | ✓ | Paul Harding | Marie Curie Hospice, Cardiff and the Vale | Service Provider |
| 45. | | ✓ | Barry Gallagher | Drive | Service Provider |
| 46. | | ✓ | Kevin Hughes | Pennaf Housing Group | Service Provider |
| 47. | | ✓ | Sarah Capstick | Cardiff Third Sector Council | Third Sector |

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|-----|---|---|---|---|------------------|
| 48. | | ✓ | Isobel Lloyd obo Alison Clements | Pobl Care and Support (Pobl Group) | Service Provider |
| 49. | ✓ | | | | Anonymous |
| 50. | ✓ | | | | Anonymous |
| 51. | ✓ | | | | Anonymous |
| 52. | ✓ | | | | Anonymous |
| 53. | | ✓ | Hugh Gibson | Orchard House Residential Home | Service Provider |
| 54. | | ✓ | Lorraine Morgan | Independent Consultant on Ageing | Individual |
| 55. | ✓ | | | | Anonymous |
| 56. | | ✓ | Christopher Manthorp | Barchester Healthcare | Service Provider |
| 57. | | ✓ | Nicola Evans obo Sarah Rochira | Older People's Commissioner for Wales | Commissioner |
| 58. | | ✓ | Donna Coyle | Wales Co-operative Centre | Other |
| 59. | ✓ | | | | Anonymous |
| 60. | | ✓ | Sian Hopkins obo Giovanni Isingrini | Rhondda Cynon Taf County Borough | Local Government |
| 61. | | ✓ | Louise Bertorelli | The Oaklands Residential Home | Service Provider |
| 62. | ✓ | | | | Anonymous |
| 63. | | ✓ | Rehaz Abdoolla | Gofal Cymru Care Ltd | Service Provider |
| 64. | | ✓ | Bruce McLernon | National Provider Forum (Wales) (NPF) | Representative |
| 65. | | ✓ | Daniel Jones | United Kingdom Homecare Association (UKHCA) | Representative |
| 66. | ✓ | | | | Anonymous |
| 67. | | ✓ | Ceri Roberts | Cariad Care Homes Limited | Service Provider |
| 68. | | ✓ | Dave Atkins | Orchard Care Group | Service Provider |
| 69. | | ✓ | Glyn Williams | Gwyddfor Residential Ltd | Service Provider |
| 70. | | ✓ | Paul Gregory | iMeUs, Pendarren Court | Service Provider |
| 71. | | ✓ | Sue Hullin | Tracscare | Service Provider |
| 72. | ✓ | | | | Anonymous |
| 73. | | ✓ | Angela Bourge obo Jane Farr | Cardiff and Vale Care and Support Regional Workforce Development Partnership | Representative |
| 74. | | ✓ | Morgan Griffith- David | Alzheimer's Society Cymru | Third Sector |
| 75. | | ✓ | Carly Dix | Community Housing Cymru | Representative |
| 76. | | ✓ | Rosie Raison - authorship ascribed to | Royal College of Nursing Wales | Representative |

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|-----|---|---|---|---|------------------|
| | | | organisation | | |
| 77. | | ✓ | Peter Orford | Torfaen County Borough Council | Local Government |
| 78. | | ✓ | Jodie Williamson obo Elen | Royal Pharmaceutical Society in Wales | Representative |
| 79. | | ✓ | Juliet Green | Action on Hearing Loss | Third Sector |
| 80. | | ✓ | Jo Ward obo Charlotte Walton | Wrexham County Borough Council | Local Government |
| 81. | ✓ | | | | Anonymous |
| 82. | | ✓ | Simon Jones | City and County of Swansea Social Services - Adult Services | Local Government |
| 83. | | ✓ | Louise McDonald obo Jo Williams | Caerphilly County Borough Council - Adult Services | Local Government |
| 84. | | ✓ | Peter Max | Integra Community Living Options | Service Provider |
| 85. | | ✓ | Natasha Hirst | Disability Wales | Third Sector |
| 86. | | ✓ | Sean Oneill | Children in Wales | Representative |
| 87. | | ✓ | Louise McDonald obo Alyson Hoskins | Blaenau Gwent County Borough Council | Local Government |
| 88. | | ✓ | Oliver Townsend | Cymorth Cymru | Representative |
| 89. | | ✓ | Sharon Miller obo Toby Young (City of Cardiff Council) and Lance Carver (Vale of Glamorgan Council) Management Teams | City of Cardiff Council and Vale of Glamorgan Council | Local Government |
| 90. | | ✓ | Yvonne Apsitis | The Expert Reference Group Domiciliary Care Wales | Representative |
| 91. | | ✓ | Jo Griffin | Welsh Therapies Advisory Committee | Representative |
| 92. | | ✓ | Mark Crossley | Health and Safety Executive | Other |
| 93. | | ✓ | Gabe Conlon | ADSS Cymru | Representative |
| 94. | | ✓ | Carol Walker | Conwy County Borough Council | Local Government |
| 95. | | ✓ | Maria Bell | North Wales Social Care & Wellbeing Improvement Collaborative | Representative |
| 96. | ✓ | | | | Anonymous |
| 97. | ✓ | | | | Anonymous |

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|-----|--|---|---|---|------------------|
| 98. | | ✓ | Claire Holt obo Susan Cooper | Bridgend County Borough Council | Local Government |
| 99. | | ✓ | Mary Wimbury | Care Forum Wales | Representative |
| 100 | | ✓ | Vin West | Arfon Access Group | Service Provider |
| 101 | | ✓ | David Smith | Co-ops and Mutuals Wales | Representative |
| 102 | | ✓ | Deko Aden | Walsingham Support | Service Provider |
| 103 | | ✓ | Matthew Richards | Ceredigion County Council | Local Government |
| 104 | | ✓ | Hayley Jones | Aneurin Bevan UHB | Health Board |
| 105 | | ✓ | Mari Huws | Welsh Language Commission | Commissioner |
| 106 | | ✓ | Christopher Lyons obo Mary Cottrell | The Lodges Private Residential Care | Service Provider |
| 107 | | ✓ | Sarah Price | The Coach House Nursing Home | Service Provider |
| 108 | | ✓ | Gwladys Barnfield | Blaenmarlais Care Home | Service Provider |
| 109 | | ✓ | Paula Wicks | Bush House Care Home | Service Provider |
| 110 | | ✓ | Philip Williams | Vale of Clwyd MIND | Third Sector |
| 111 | | ✓ | Paul Stewart | Garnant House | Service Provider |
| 112 | | ✓ | Jemima Foy obo Jenny Pugh- Jones | Welsh Pharmaceutical Committee | Representative |
| 113 | | ✓ | Brian West | Vale of Glamorgan Care Homes Association | Representative |
| 114 | | ✓ | Ann Bateman | Inspiration Lifestyle Services | Service Provider |
| 115 | | ✓ | Matthew Murray- James | Wrexham Senior Homecare Limited | Service Provider |

Annex B – Summary of changes made to Phase 1 Regulations to take account of the outcomes of the Phase 2 consultation

The Regulated Services (Registration) (Wales) Regulations 2017

- Upon application for registration, service providers should give details of any previous applications to register, or registrations, with other UK regulators
- For consistency, the term ‘service user’ has been replaced with ‘the individual’ and the same definition of ‘service’ used as within the Phase 2 Regulations
- Some changes have been made to the information required from applicants on registration, to ensure parity, including information about bankruptcy, forms of contact information and charity/company numbers etc
- Recognition that some applicants who have previously been self-employed may not be able to provide 2 referees
- Recognition of different business structures e.g. holding and subsidiary companies and partnerships
- Clarifying the meaning of ‘such qualifications and experience are necessary’
- Stipulating further information about the service, to be included within the Statement of Purpose
- Recognition that domiciliary support services can be provided from and in relation to a place, not just at a place (as with residential care)
- Strengthening of evidential requirements in relation to premises
- Refinement of the prescribed documentation that an applicant will need to provide in support of their application for registration
- Additional requirements which set out how the service is to be delivered to meet the needs of individuals and support them to achieve their personal outcomes
- Refinement of the requirement in para 21(j) to provide an emphasis on how premises, facilities and equipment are suitable for the service, giving regard to the statement of range of needs
- Removal of the requirement for a Responsible Individual to declare that they have read and agreed with the information provided by the applicant, and that they are able to comply with the duties placed on them as a Responsible Individual

In summary, these changes have been made to help ensure that CSSIW, as the service regulator, has sufficient information to determine whether an applicant is likely to be able to provide a good service and meet the requirements of the Act and Regulations.

The Regulated Services (Annual Returns) (Wales) Regulations 2017

- The time limit for submitting an annual return has been extended from 28 days to 56 days after the end of the financial year
- The categories of staff has been amended to include details of registered nurses as well as nursing care staff

- Clarification of the use of the word 'place' in respect of accommodation-based services and each 'area' for domiciliary support services
- Requirement to include the name of each responsible individual for each place or area

The Regulated Services (Notification) Regulations 2017

No changes were made to these Regulations.