# WRITTEN STATEMENT

# BY

# THE WELSH GOVERNMENT

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| **TITLE** | **Phase 3 of Implementation of the Regulation and Inspection of Social Care (Wales) Act 2016, including regulation of adult placement, advocacy and fostering services** |
| **DATE** | **7 January 2019** |
| **BY** | **Julie Morgan AM, Deputy Minister for Health and Social Services** |

I am pleased to provide Members with this statement outlining progress with implementing phase 3 of the Regulation and Inspection of Social Care Act, including the laying of:

* The Adult Placement Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019,
* The Regulated Advocacy Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019,
* The Regulated Fostering Services (Service Providers and Responsible Individuals) (Wales) Regulations 2019 and
* The Local Authority Fostering Services (Wales) Regulations 2018.

In addition, I will provide an update on the regulation of adoption services and touch on our plans for the market stability and financial assessment provisions of the Act.

**Consultation on and laying of phase 3 regulations relating to adult placement, advocacy and fostering services**

To continue implementation of the Act, the Welsh Government recently consulted upon drafts of the aforementioned adult placement and advocacy regulations. The provisions within the two fostering regulations were also consulted on, as a combined set. We have now separated out the requirements on regulated (independent) fostering services, under the Act, and those on local authority providers, made under the Social Services and Well-Being (Wales) Act 2014, into standalone instruments. This has been done as they are subject to different scrutiny procedures – one affirmative and one negative. However, the content remains the same as consulted upon, with post-consultation amendments now included as described within their summary of responses (further detail below).

The consultation took place over twelve weeks between May and August 2018. The Regulations, as amended following consultation, were laid before the Assembly just prior to recess and their associated consultation reports, draft statutory guidance and draft code of practice have also been published.

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

<https://beta.gov.wales/adult-placement-services-regulations>

<https://beta.gov.wales/advocacy-services-regulations>

<https://beta.gov.wales/fostering-services-regulations>

<http://gov.wales/topics/health/socialcare/regulation/?lang=en>

70 written responses were received, in total, to the three consultations from a wide range of stakeholders, in addition to the valuable contributions made by the 130 attendees at our consultation events. As a result, we have made a number of substantive changes to the regulations in order to further our policy intentions, which are to focus regulation and inspection on supporting the achievement of an individual’s personal wellbeing outcomes and on improving the quality and continuity of care, whilst also simplifying and streamlining regulatory systems for both the service provider and Care Inspectorate Wales. I draw Members’ attention to some of these changes below.

**Post-consultation changes to the regulations**

Drawing upon the consultation responses, we have made some changes in terminology, in order to more closely tailor the regulations to the particular type of service.

Wording in the **adult placements** regulations has been amended to refer to ‘policy and procedures on matching for compatibility’ rather than ‘placements’. This is to reflect several comments received that adult placements should not be considered merely as finding accommodation for individuals but it is essential that wording reflects the importance of personal choice of the individual and ensuring compatibility between them and the family they will live with.

Similarly, in respect of **advocacy**, the plan which a provider is required to produce in relation to an individual has been renamed an “advocacy plan” to ensure that it cannot be confused with other types of plan which may be in place with regard to the service user.

Policy changes driven by consultation feedback include the following:

The exemption for a person who provides **advocacy** for four or fewer persons in a year will be amended to cover provision to a large sibling group, without each child being considered as a single instance. The exception will also apply regardless of whether the person providing the service is an individual or an organisation.

Within the regulation and inspection of **fostering**, the duty of candour will now be applied to local authority services as well as independent providers, and the requirement on local authorities to appoint a fostering services manager has been amended so that two or more local authorities may appoint one manager for a regional service, in line with implementation of the National Fostering Framework.

Finally, in line with our commitment to harmonise regulatory requirements where possible and appropriate, we are setting the frequency of quality of care/service reviews at 6-monthly across these regulated services and provider types. We are also introducing a common transitional provision for managers of **adult placement and fostering services** which will allow them until April 2022 to acquire the necessary qualifications to register with the workforce regulator, Social Care Wales. As the requisite qualifications for **advocacy** will be ready for September 2020, we have given a deadline of September 2022 for this service.

**Regulation of adoption services and common coming into force date for phase 3**

Our consultation on regulating adoption services closed on 27 November 2018 with analysis of responses now underway. I thank those who attended the two engagement events in early November and those who submitted formal responses for providing their considered views and valuable suggestions for how the regulations may be refined. These will now be studied and amendments made, as appropriate, prior to their laying before this Assembly in February 2019. This should enable a common coming into force date of 29 April 2019 for all phase 3 services. From this date they will be required to apply for re-registration (or in the case of advocacy providers, registration for the first time) with the Care Inspectorate Wales. Engagement work is ongoing by the inspectorate to inform and assist providers in preparing.

**Market stability**

Finally, I can confirm that arrangements are being made to establish a technical group of key stakeholders to assist in the development of regulations, where required, to implement the market stability and financial oversight provisions of the Act. This will form part of the wider considerations about subsequent population assessments and area plans. Workshops are due to take place over the next few months with a view to consulting on proposals in the summer. That should enable this part of the statutory framework to be operative from 2020, a commitment made by my predecessor, Huw Irranca-Davies, in his oral statement of 22 May 2018. I look forward to building on his work and that of his predecessors in successfully taking forward the Act thus far and welcome wider consideration of our plans for oversight of the social care market, later this year.