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White Paper

Rebalancing care and support

A consultation on improving social care arrangements and strengthening partnership working to better support people's well-being.

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

Overview This consultation document seeks views on proposals to introduce new legislation to improve social care arrangements and strengthen partnership working to achieve the vision set out in the Social Services and Well-being (Wales) Act 2014 for people who need care and support and carers who need support. Proposals include setting out a clear national framework to support services to be planned regionally and delivered locally, and for the strengthening of partnership arrangements.

Your responses will be considered in developing any new legislation.

How to respond Responses to this consultation should be e-mailed or posted using the online response form to the respond address below. All consultation responses must arrive by 6 April 2021 at the latest.

Further information and related documents **Large print, Braille and alternative language versions of this document are available on request.**

The consultation documents can be accessed from the Welsh Government's website at <https://gov.wales/consultations>

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Ministerial Foreword

Throughout the Covid-19 pandemic the social care sector has dealt with unprecedented levels of challenge, supporting many of the most vulnerable people in our society. Local innovation has developed at pace and services have worked together. I want to take this opportunity to thank personally each and every member of the social care workforce for their ongoing contribution to our local communities.

The Welsh Government remains committed to our vision of securing well-being for people who need care and support and carers who need support. Significant progress has been made in the nearly ten years since our first White Paper on social care, *Sustainable Social Services: A Framework for Action 2011*, which marked the beginning of our transformational journey. The Social Services and Well-being (Wales) Act 2014⁽¹⁾ was co-produced with the sector and people who need care and support and carers who need support, and it has reshaped the nature of the sector. It shares with the Well-being of Future Generations (Wales) Act 2015⁽²⁾ a focus on well-being, an ethos of prevention and early intervention and the imperative of co-production and cross-sector working. *A Healthier Wales – our Plan for Health and Social Care* also broke new ground in setting out in a national plan a single system approach to health and social care.

This White Paper therefore builds on strong foundations. However, the pandemic has put the social care system under great strain and made the fragility of the sector more visible. Years of UK-wide austerity has made its mark on public finances, and a further challenging period lies ahead of us. That is why we must increase the pace of our transformational work to make social services sustainable.

To be fit for the future we are proposing legislative changes that we believe are essential to secure our vision. We intend to develop a national framework for commissioning social care that will rebalance care and support. It will reduce complexity and ensure that quality is the key determinant of success in the social care market. We know that continuity of the social care workforce has a significant impact on the achievement of people's outcomes, and therefore there will be a strong link between the national framework and action to support the workforce.

We remain committed to Regional Partnership Boards and want to support them to build on their successes to strengthen integration across Wales. We will enhance Regional Partnership Boards by providing them with a sharper set of tools to deploy, to better plan and deliver care and support where collective action is essential in order to improve people's well-being.

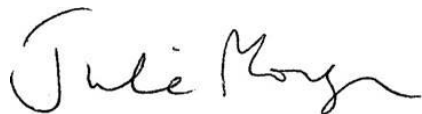
In setting out these proposals I want to assure locally elected representatives that I am strongly committed to local democratic accountability, and therefore to decisions about local services being made as close as possible to local people. In making that clear statement, it is not contradictory to point to the complexity in the social care commissioning landscape, nor to the benefits of regionally integrated planning and delivery.

¹ [The Social Services and Well-being \(Wales\) Act 2014](#) (2014 anaw 4)

² [The Well-being of Future Generations \(Wales\) Act 2015](#) (2015 anaw 2)

We recognise that there are significant pressures on the sector due to the pandemic, but it is important to look to the future and how we may build back better. These proposals are not about short term structural changes, they are about long term solutions to enhance our system and ensure sustainable social services in Wales that support people to achieve well-being. We believe our proposals will provide a better basis for future improvement to the social care sector, including by supporting the workforce.

I welcome your views on our proposals, and look forward to working together with you to deliver our ambitions for better social care in Wales.

A handwritten signature in black ink, reading "Julie Morgan". The signature is written in a cursive, flowing style.

Julie Morgan, MS
Deputy Minister for Health and Social Services

Executive Summary

Introduction

At the time of publication of this White Paper, social care services are grappling with enormous challenges on a daily basis because of Covid-19. The pandemic has made more apparent the sector's fragility. How then as a social care sector we can build back better is both an opportunity and a necessity.

Landmark legislation in the form of the Social Services and Well-being (Wales) Act 2014 and the Regulation and Inspection of Social Care (Wales) Act 2016⁽³⁾ has unanimous support across the sector. *A Healthier Wales*⁴ remains central to our vision of an integrated health and social care system. All our work as a government is shaped by the Well-being of Future Generations Act 2015.

However, the description in the social services well-being statement, of the outcomes people should experience with support from care and support services, is still not uniformly the experience of people who need care and support, and carers who need support. A range of environmental and system factors offer explanations for this.

Analysis

There is growing need for care and support in all population groups. This relates to the biggest underlying challenge which is the sector's funding position. Years of austerity have made their mark on public finances, and the impact of Covid-19 is creating a further challenging period. The Welsh Government's Inter Ministerial Group on Paying for Social Care is examining options for the future resourcing to be made available to the adult social care sector as part of the package of funding available for a future social care promise. Future financial implications will need to be met from within the future settlements set by forthcoming budget rounds, and all governments will face difficult decisions in the face of very tight budget outlooks.

Complexity is the overriding feature of the care and support landscape. Social care in Wales is provided through a market place of over 1,000 providers, mostly from the independent sector, who often compete for the same contracts. People's care and support is commissioned through local authorities, local health boards or directly by themselves. It is funded through national and local government and through fees and charges people may pay to their local authority or directly to a care provider.

In this context of a fragmented system, partners working together is vital. There is evidence of good practice here, but equally there are concerns about the progress of integration. There is little space for social value organisations, and limited data sharing as a basis for system-wide learning. This is the system we have, rather than the system that would be designed by choice.

³ [The Regulation and Inspection of Social Care \(Wales\) Act 2016](#) (2016 anaw 2)

⁴ [A healthier Wales: long term plan for health and social care](#)

Design

From the case for change, three critical areas emerge where focused action is needed to deliver improvement:

- refocusing the fundamentals of the care market – away from price towards quality and value;
- reorientation of commissioning practices – towards managing the market and focusing on outcomes; and
- evolution of integration mechanisms – simplifying joint planning and delivery.

Through action in these three areas, this White Paper seeks to rebalance the care and support market based on a clear national framework where services are organised regionally and delivered locally. In doing so we aim to rebalance social care so that there is neither an over reliance on the private sector, nor a monopoly in the other direction. This White paper defines 'rebalancing' broadly as a set of descriptions of the system change we want to see.

Rebalancing means...

...Away from complexity. Towards simplification.

Away from price. Towards quality and social value.

Away from reactive commissioning. Towards managing the market.

Away from task-based practice. Towards an outcome-based practice.

Away from an organisational focus. Towards more effective partnership...

... to co-produce better outcomes with people.

In shaping these proposals we have drawn on guiding frameworks which emphasise a long term perspective, the importance of collaboration and seeking opportunities to reduce complexity.

Overview of proposals

A national framework for commissioning care and support for children and adults will be developed to rebalance the market with the aim of improving quality. The national framework will set fee methodologies, develop more standardised commissioning processes, and increase transparency of service performance. Fee methodologies must be flexible enough to reflect factors including size and location and the resourcing of providers at different stages of their own business cycle. The framework can be a platform for implementing future recommendations of the Social Care Forum in relation to improved terms and conditions across the sector in Wales.

A 'national office' for social care should be established to develop and deliver the national framework. This may be either through developing a function within government, or setting up a small arms-length body of the Welsh Government. In both options, governance arrangements will ensure full engagement with local authorities, health boards, the independent sector and other key partners.

The national office will maintain an overview of the stability of the market for care and support, and be a basis for driving national policy initiatives. It will consolidate activity of some national fora, including the National Commissioning Board, working with Social Care Wales, the workforce regulator with responsibility for supporting service improvement in Wales. Separately, national direction will be strengthened through establishing a professional voice for the social care and social work workforce at a national level within Welsh Government.

Local authority commissioning functions will continue to be accountable locally. Based on the proposals in this paper, in future local authorities and local health boards will exercise these functions in accordance with the national framework, ensuring the full and fair use of its methodologies.

Regional Partnership Boards (RPBs) will be provided with a sharper set of tools to deploy to deliver their core aims of jointly assessing and planning for population needs. This responds to external reviews, and to the feedback from RPB members about how the current configuration of these partnership arrangements can sometimes limit their ability to act collectively and decisively. Specifically, we propose that RPBs should be established as corporate legal entities. Re-shaped RPBs, with functions to employ staff and hold budgets, would be expected to undertake significant joint commissioning and more directive market shaping.

Current planning and reporting arrangements will be consolidated, and these arrangements will be a better basis to evidence accountability to local and regional partners, as well as Welsh Ministers in respect of any national resources allocated to RPBs.

Conclusion

The proposals outlined in this White Paper will strengthen the arrangements of the social care sector and improve quality of care. They are based on an analysis of the weaknesses in the market for care and support, and limitations in current partnership structures.

The proposals will reduce complexity, increase sustainability, and strengthen integration. They will increase transparency rather than obscure local accountability. The changes proposed can rebalance the provision of care and support profoundly.

The focus is on the way the system is arranged, but the clear purpose is achieving our vision for social care through improving outcomes for people who need care and support and carers who need support.

Introduction

Overview

Social care helps people who need care and support, such as older people, children who have physical or social needs, disabled people, and their families and carers. Care and support might include support to communicate, protection from abuse or neglect, help to maintain or develop family or other significant personal relationships or help with everyday living (e.g. getting in and out of bed, cooking and laundry).

People in need of care and support and carers who need support must be enabled to use their strengths to achieve what matters to them, and they must have real voice and control over their lives, so that they can make a full contribution to the community and draw on it for support. Prevention is at the heart of this approach, this requires a whole system approach with an emphasis on improvement, well-being, co-production, prevention and early intervention, and on using new and emerging technology effectively.

The organisation, arrangement and delivery of social care is complex. That was the case before the emergence of Covid-19, but the pandemic has reconfirmed fragility within parts of the sector, for example across domiciliary and residential care. It has also shown how we can collectively address unnecessary complexity in order to increase the focus on quality and person-centred care. This White Paper proposes that current arrangements for social care need to be strengthened and re-aligned to respond to the range of challenges facing the sector, and to achieve the vision for social care set out in the Social Services and Well-being (Wales) Act 2014, supporting people to achieve their well-being outcomes. These challenges form the basic rationale for the proposals in this White Paper, which will provide a better basis for the future of social care.

The vision for social care

It is almost ten years since the Welsh Government's White Paper '*Sustainable Social Services for Wales: A Framework for Action*' set the Welsh Government's commitment to reform social care in Wales and marked the beginning of a transformational journey. The Social Services and Well-being (Wales) Act 2014 ('the Act') and the Regulation and Inspection of Social Care (Wales) Act 2016 were co-produced with the sector and people in Wales.

This landmark legislation embodies the Welsh Government's vision and core principles for social care, building on people's strengths to support them to achieve well-being and this continues to be right for social care in Wales. For older people this means living longer, healthier and happier lives, being able to remain active and independent, in their own homes, for as long as possible. For adults this means being able to exercise control over their lives and participate in work and other activities that are important to them. For children and families this means being supported to stay together, where this is in the best interests of the child.

Section 5 of the Act includes a definition of well-being. "Well-being", in relation to a person, means well-being in relation to any of the following—

- a) physical and mental health and emotional well-being;
- b) protection from abuse and neglect;
- c) education, training and recreation;
- d) domestic, family and personal relationships;
- e) contribution made to society;
- f) securing rights and entitlements;
- g) social and economic well-being; and
- h) suitability of living accommodation.

In relation to a child, “well-being” also includes—

- a) physical, intellectual, emotional, social and behavioural development; and
- b) “welfare” as that word is interpreted for the purposes of the Children Act 1989.

In relation to an adult, “well-being” also includes—

- a) control over day to day life; and
- b) participation in work.

This definition was further developed through the social services well-being statement for people who need care and support and carers who need support⁵. The statement sets out what well-being means for people. This is about giving people a stronger voice and greater control over decisions that affect them and ensuring people get the care and support they need to lead fulfilled lives.

The core principles of the vision are set out as overarching duties in section 6 of the Act. These are:

- to ascertain and have regard to the individual’s views, wishes and feelings, in so far as is reasonably practicable;
- to have regard to the importance of promoting and respecting the dignity of the individual;
- to have regard to the importance of providing appropriate support to enable the individual to participate in decisions that affect them to the extent that is appropriate in the circumstances, particularly where the individual’s ability to communicate is limited for any reason; and
- to have regard to the characteristics, culture and beliefs of the individual (including, for example, language).

Specifically in relation to adults, these are:

- to have regard to the importance of beginning with the presumption that the adult is best placed to judge their well-being; and
- to have regard to the importance of promoting the adult’s independence, where possible.

Specifically in relation to children, these are

- to have regard to the importance of promoting the upbringing of the child by the child’s family, in so far as doing so is consistent with promoting the well-being of the child; and

⁵ [Well-being statement for people who need care and support and carers who need support](#)

- to ascertain and have regard to the views, wishes and feelings of the persons with parental responsibility for the child where a child is under 16, in so far as doing so is a) consistent with promoting the well-being of the child and b) reasonably practicable.

The Welsh Government has a longstanding commitment to rights and has put the United Nations Principles for Older Persons and the United Nations Convention on the Rights of the Child in Section 7 of the Act. The Welsh Government has also included a duty to have regard to the United Nations Convention on the Rights of Persons with Disabilities in the Code of Practice for Part 2 of the Act.

The Older People's Commissioner for Wales⁶ has noted that growing older and living in an ageing society is something most of us will experience. Improving this experience therefore benefits us all, and we must continue to ensure that the human rights of older people are protected, both now and in the future. People's rights must be at the heart of action and decisions about what happens in our care homes, in the wider social care system and in our communities⁷. The Welsh Government is committed to create a Wales where everyone looks forward to growing older. The Strategy for an Ageing Society⁸ sets out to create an age friendly Wales that upholds older people's rights and promotes intergenerational solidarity.

In 2011 Wales became the first country in the UK to incorporate children's rights into domestic law with the introduction of the Rights of Children and Young persons (Wales) Measure 2011. The Measure embeds consideration of the United Nations Convention on the Rights of the Child (UNCRC) and the optional protocols into Welsh law. The main duty within the Measure, under section 1, requires Ministers to have due regard to the UNCRC when exercising any of their functions. The Welsh Government believes that all children – without discrimination in any form – must have their human rights protected. Any persons carrying out functions under the Act in relation to children with needs for care and support, child carers with needs for support and persons in respect of whom functions are exercised under Part 6 (looked after and accommodated children), must have due regard to the United Nations Convention on the Rights of the Child.

In addition the Act, for the first time, gives carers equivalent rights to the people that they care for by extending their right to an assessment for support. The duty to assess applies regardless of the authority's view of the level of support the carer needs or the financial resources he or she has or the financial resources of the person needing care. The assessment must include an assessment of the extent to which the carer is able and willing to provide the care and to continue to provide the care, the outcomes the carer wishes to achieve both in terms of themselves and the extent to which support, preventative services, or the provision of information, advice or assistance could assist in achieving the identified outcomes. The Welsh Government is currently consulting on a national plan for carers⁹.

⁶ [Older People's Commissioner for Wales Strategy 2019-22- Making Wales the best place in the world to grow older](#)

⁷ [Joint Statement by the Older People's Commissioner for Wales and Equality and Human Rights Commission in Wales](#)

⁸ [Welsh Government consultation on the strategy for an ageing society: age friendly Wales](#)

⁹ [Welsh Government consultation on a national plan for carers](#)

Progress in achieving the vision

The quality of people's experience of care and support is impacted by the behaviour of those providing services, such as warmth, kindness, empathy, respect, genuineness and love¹⁰. In September 2020, 75 per cent of people who responded to the National Survey for Wales¹¹ agreed that the care and support they received had improved their quality of life.

Alongside this broadly positive account, we know progress in achieving the vision of the Act can be inconsistent. For example the Care Crisis Review¹² reported that some children, young people and families say they are not getting the early offers of help they want to stop problems escalating. A recent study of citizens' views¹³ showed many respondents felt like they need to fight for services, and that there was an expectation that they will accept and fit in with whatever support they are given. Carers were more likely to report a far higher incidence of 'negative' or 'very negative' experiences than those who receive care and support.

This legislation is still relatively new, and its implementation, including the shift to a new way of working to support people to achieve well-being, continues to be a journey. The Welsh Government's evaluation of the Act findings suggest that the ethos and principles of the Act are supported and have led to real change in social care, even despite austerity, but it is still very much regarded as an ongoing process. Given the variations in people's experiences, the challenges facing the sector described in the Case for Change section of this paper, and reflecting from the impact of the Covid-19 pandemic, the present moment is an important time to take stock and plan for the future.

¹⁰ [The King's Fund blog- Quality in social care: we need an ear for stories as well as an eye for data](#)

¹¹ [National Survey for Wales: results viewer](#)

¹² [Care Crisis Review- A sector-led Review of the rise in applications for care orders and the number of children in care](#)

¹³ [Measuring the Mountain- our findings](#)

The case for change

The Welsh Government has commissioned a partnership between academics across four universities in Wales and expert advisers to deliver the evaluation of the Act. Evidence from this evaluation suggests that the legislation has promoted change, and progressed local authorities' relationships with key partners in health, the voluntary sector and the independent sector. Four years after the Act came into force, there is considerable evidence of the difference made. However, a key theme running throughout the evaluation was the reference to the difference still to be made and the implementation of the legislation being seen as a continuous journey of change¹⁴.

The following section builds on the preceding analysis by setting out important challenges facing care and support in Wales in the time ahead. This 'case for change' provides a basis for the proposals in the final sections of this White Paper.

Population change and need

The proportion of people over the age of 75 in Wales is projected to increase by more than 53 per cent by 2040. Likewise, those over 65 will rise to one in four of the population before 2050. Although future demand for formal care cannot simply be linked to an ageing population, the projected growth in the numbers of older people with complex care needs (including severe dementia) is highly likely to result in increased pressure on formal care services – for example, the number of older adults living with severe dementia is predicted to double to 53,700 by 2040¹⁵.

There has tended to be a perception in the sector of a reluctance to engage with social care amongst some Black Asian and Minority Ethnic communities as some families have preferred to support older family members themselves. However, more families are reported to say they cannot offer the support needed and therefore it is expected that significantly more Black Asian and Minority Ethnic older people will need to access social care services in the future. Current national data on adults receiving care and support provided to Welsh Government is not broken down by ethnicity. The Welsh Government is collaborating with key stakeholders in the social care sector on the development of a more comprehensive routine census of adults receiving care and support. The Welsh Government is also developing a Race Equality Action Plan to stimulate culture change in Welsh Government, in public services in Wales, in business and in Welsh society, to address structural and systemic racism. The Race Equality Action Plan will aim to transform the experiences and life chances of Black, Asian and Minority Ethnic people in Wales. Enabling access to appropriate and culturally sensitive social care provision has emerged as a priority for Black, Asian and Minority Ethnic people in the early co-construction of the Plan. Social Care Wales and Health Education and Improvement Wales have developed a workforce strategy¹⁶ for health and social care which includes developing targeted recruitment schemes for under-represented groups.

¹⁴ [Evaluation of the Social Services and Well-being \(Wales\) Act 2014](#)

¹⁵ [The future of care in Wales: Resourcing social care for older adults report by Wales Fiscal Analysis 2020](#)

¹⁶ [Social Care Wales and Health Education and Improvement Wales' 10 year workforce strategy for health and social care](#)

Numbers of people with long term, life limiting and chronic conditions are increasing, largely due to the ageing population. There will be a 57% increase in people age over 75 with life limiting long term illness by 2035¹⁷. Older age is the leading cause of deafblindness, this is likely to increase as the over 85 population continues to grow. In the UK, 29,000 adults with a learning disability live with parents aged 70 or over, many of whom are too old or frail to continue in their caring role.

Local authority expenditure increased far more over the last 10 years for children's services than adult's services, even though the population of children in Wales remained relatively constant. The number of looked after children has risen significantly. Since 2003 the number of looked after children in Wales has risen by 63 per cent. In addition, more expensive care and support interventions are also needed to meet the increasingly complex needs of families, including those where children and young people who are disabled or who have severe chronic illnesses are living longer.

Tackling the continuing rise in numbers of looked after children in Wales has been a key priority throughout the course of this Government. To help stem the rise in looked after children numbers, the First Minister asked for a targeted approach to be developed with local authorities. Local authorities have developed reduction expectation plans over a 3 year period (2019-2021). However since the introduction of these plans, further increases have been seen with a 6.9 per cent increase in numbers of looked after children across Wales. At 31 March 2019 looked after children from Black, Asian and Minority Ethnic group population were over represented, making up 8.6 per cent of looked after children¹⁸, compared with 6.6 per cent of all children from the Black, Asian and Minority Ethnic population group in Wales.

Carers should be enabled to lead a life alongside their caring, and through supporting carers the demands on public services can be reduced. The most recent official statistics on the numbers of carers in Wales are reported through the 2011 Census¹⁹. There were 370,230 unpaid carers (both children and adults) in 2011 providing at least one hour of unpaid care. Of those, 157,794 were providing at least 20 hours of unpaid care. Carers UK has noted an increase in unpaid carers due to the coronavirus pandemic. Unpaid carers providing high levels of care are twice as likely to be permanently sick or disabled themselves. Unpaid care is by far the largest source of adult care provision²⁰.

The funding challenge

The Welsh Government recognises the biggest challenge facing the social care sector is the funding position in the context of increasing and more complex demand on services. Social services continues to make up an increased percentage of overall local government expenditure. Commissioning costs and wage inflation account for a

¹⁷ [National population needs assessment report for care and support in Wales](#)

¹⁸ [Looked after children census, at 31 March 2019.](#)

¹⁹ [Office for National Statistics- official labour market statistics](#)

²⁰ [The future of care in Wales: Resourcing social care for older adults report by Wales Fiscal Analysis](#)

significant proportion of increased demands on local authority social services departments across Wales²¹.

There is uncertainty over future budgets. The Welsh Government received a one year budget settlement for 2021-22. The Welsh Government has increased local government budgets by £172 million in 2021-2022 on a like-for-like basis compared to the current year. Setting aside additional spending because of the Covid-19 pandemic, this budget plan represented an above inflation increase of more than £400 million in health and social care, bringing the total investment in the health and social care system in 2021-22 to more than £8.7billion. This includes an increased special grant of £50 million to local authorities to address pressures on social care and more than £130 million provided through the Integrated Care Fund. But even with this additional funding the projected future funding need looks challenging. Any future financial implications will need to be met from within the future settlements set by future budget rounds.

The Health Foundation estimates that pressures on social care will rise by around 4.1 per cent a year in real terms between 2015 and 2030-31, due to demography, chronic health conditions and rising costs. This will require the budget to almost double by 2030-31 to match demand. This rate of growth is higher than that expected for the NHS, as social care is heavily concentrated on the frail elderly, often with co-morbidity, and a much smaller but growing (and ageing) population of people with learning disabilities.

Analysis undertaken for the Welsh Government shows potential funding requirements for social services in Wales in the short to medium term. LE Wales presented five potential scenarios, projecting net expenditure requirements up to 2022-23. While it is difficult to predict expenditure patterns, since publication, 2018-19 data shows an annual increase of 5.7 per cent on 2017-18 net current expenditure, which is closest to the high cost scenario estimate. These scenarios were predicted before Covid-19, with an increase in demand from the pandemic, it is likely that the expected projections will be an underestimate.

The Inter-Ministerial Group on Paying for Care ('the IMG') has been considering the possibility of raising additional funding for adult social care in the context of Professor Holtham's²² proposals for a hypothecated levy to create a social care fund. For contributing in this way he envisaged people receiving a "social care promise" or clear benefit of some kind. The IMG's work has been delayed by the pandemic, but is progressing. The IMG has considered a range of options for the potential use of any additional funds raised. This included all personal care and accommodation free, along the lines of the NHS. However, an initial cost of this is an estimated additional £700 million a year, well beyond the Welsh Government's ability to provide. As a result, the IMG has focused on developing funded options that are potentially sustainable and deliver better quality care.

The care and support market

The care estate is large and varied, consisting mostly of smaller private providers with narrow margins and limited financial reserves. On 22 December 2019, there were 1076

²¹ [At the tipping point? Welsh local government and austerity report by Wales Centre for Public Policy](#) 2019

²² Paying for social care- An independent report commissioned by the Welsh Government 2018

care home services for adults, 229 care home services for children and 570 domiciliary support services, registered with Care Inspectorate Wales (CIW). Of the 570 domiciliary support services, 23 were provided by local authorities or local health boards. The majority (75per cent) of care homes for older people in Wales are owned by a single owner who own one care home or an owner who has less than five care homes. A much smaller percentage of homes are owned by larger group providers (8per cent)²³.

More adults are receiving care and support at home wherever possible, in line with what matters to them. This has created a level of demand that outweighs the volume of domiciliary care provision available. Often the greatest proportion of delayed transfers of care from hospitals has been attributable to people waiting to return to their homes with packages of domiciliary care services in place.

Implementation of the Regulation and Inspection of Social Care (Wales) Act 2016 has changed the framework under which the care market is regulated and inspected. New regulations have been made covering each of the regulated services listed in that Act. The regulations were made in three phases – an explanation of the regulations (and relevant links) may be found on the Social Care Wales information and learning hub²⁴.

The purpose of these regulations and CIW is to ensure safety of care and support, to drive up improvement so that people can achieve well-being and the outcomes that are important to them. It is an offence for a service provider to fail to comply with a specified provisions of these regulations, and CIW is able to take action against providers and responsible individuals when necessary. The regulations focus on six key areas: information, person-centred care, safeguarding, environment (including premises), staffing and governance.

Commissioning and complexity

The *Let's Agree to Agree Toolkit*²⁵ used the term commissioner to describe the staff from the local authority or the health board who have responsibility for ensuring that the right range and type of care is available for people in their area. Social care commissioners analyse need, plan and design appropriate service provision, secure that provision (often but not exclusively through procurement activity) and monitor the quality and delivery of the provision on an ongoing basis. There are 29 main commissioners of care in Wales through 22 local authorities and 7 local health boards.

The *Let's Agree to Agree Toolkit* describes procurement as the process of ensuring that a fair price is paid from the public purse for those people whom the state arranges or provides care for. Commissioners in Wales mainly procure services and undertake contract management arrangements. Due to the complexity of the market, and reduced capacity because of austerity, it is challenging for commissioners to develop all parts of the commissioning cycle, for example, designing, capacity building, managing relationships and analysing. This can be seen in excessive residential care beds and service gaps across Wales, for example limited availability of care and support through the Welsh Language, particularly in the provision of nursing care.

²³ [Rapid Review for Care Homes in Relation to Covid-19 in Wales by Professor John Bolton](#) 2020

²⁴ [Social Care Wales learning hub](#)

²⁵ [Lets agree to agree- A toolkit for commissioners and providers to agree the cost of residential and nursing care for older people in Wales, August 2018](#)

There has been limited progress on creating a more diverse provider base and rebalancing the market by supporting alternative models of care. The Parliamentary Review of Health and Social Care in Wales 2018²⁶ noted that the commissioning role needs to be strengthened and used to incentivise local reshaping of seamless health and care services with greater focus on health and well-being responsibilities. Although innovative multi-agency approaches are being developed the scale and pace needs to increase to meet changing population needs.

To support the sector in their commissioning role, the National Commissioning Board was set up. It is made up of key representatives of the sector and plays a central role in building vision and setting a national direction for the commissioning of health, social care and well-being services in Wales. The Board:

- Provides a national perspective on the care and support market;
- Influences national policy;
- Drives implementation of good practice in regions; and
- Supports Regional Partnership Boards (RPBs) to fulfil their duties in relation to effective regional commissioning and pooling of funds.

Whilst the Board does not direct or determine the work programmes of individual local authorities, local health boards or RPBs, its purpose is to provide an authoritative voice and actively seek to promote a coherent approach to commissioning practice and the collation of good practice across Wales.

Despite the focus in the Act on collaborative approaches to commissioning through shared population needs assessments and area plans (and, when implemented, market stability reports), few areas have achieved a truly partnership approach across all aspects of the commissioning cycle. Even with the consensus built through the National Commissioning Board, the *Let's Agree to Agree Toolkit*²⁷ has not secured the buy-in to be adopted across Wales.

The current structure of the social care market for adults can be referred to as a monopsony – where there are a small number of purchasers and a large number of providers. Local authorities are the main buyer of the social care market; in the context of austerity, this market structure and pressurised budgets has caused a driving down of fees and costs. Care providers are often competing within the same local area by minimising costs to win contracts. With the main costs for providers being labour, pay and terms and conditions are seen as a cost to be minimised to ensure providers can win contracts. This has led to downward pressure on pay and on terms and conditions.

Fragmentation also makes it much more difficult for the sector to play its part in consistently adopting effective environmental practices. Whilst individual providers may have ambitious aims and plans to significantly reduce their carbon emissions, a galvanised whole-sector approach is more difficult to identify.

²⁶ [The Parliamentary Review of Health and Social Care in Wales 2019](#)

²⁷ [Lets agree to agree- A toolkit for commissioners and providers to agree the cost of residential and nursing care for older people in Wales, August 2018](#)

The evaluation of the implementation of the Act²⁸ suggest that although there were some positives there were also shortcomings in commissioning practices. The findings suggest that there is a sense that practice had evolved such that commissioning for the principles and outcomes of the Act had been realised, but there was considerable progress still to be made. Through discussions with the sector, the main issue identified with commissioning during the implementation of the Act was the lack of co-ordination between local authorities leading to 22 distinct and different ways of doing things.

In contrast progress has been made by the Children's Commissioning Consortium Cymru (4Cs) which was created in 2012 and consists of all 22 local authorities who have joined together to address concerns about the variable standards evident in placement commissioning for looked after children. The Consortium work collaboratively with partners to match vulnerable children who need to be looked after with the best possible placement.

The vision is to deliver improved outcomes, as well as better value for money, through excellent standards of care with trusted, quality assured providers, maximising the benefit of standardised contracts, terms and conditions, and purchaser economies of scale. As well as significant cost savings, benefits include improved management information, consistent and secure collaborative tools and processes across authorities to facilitate individual placement matching, contract award and contract monitoring, collaborative risk management, and quality assurance of providers; sustained reduction in prices; and an environment of partnership with the independent sector to commission new sustainable care models. It also rationalised processes for all participant authorities ensuring a consistent placement process fit for purpose by focusing on the needs of the child.

The Consortium has established social care frameworks for looked-after children's foster and residential placements and only those who offer the best quality placements and value for money can become Framework providers. These Frameworks provide a strategic procurement solution for independent sector looked after children placement needs. For the life of the contract provider quality, cost per placement, terms conditions and specifications are determined and agreed. This has eliminated the need for a full procurement process for each and every placement and removed options of 'opportunistic' pricing which previously existed for some urgent requirements. It also rationalised processes for all participant authority ensuring a consistent placement process fit for purpose by focusing on the needs of the child.

Workforce sustainability

The delivery of social care is rightly labour-intensive and the availability of a skilled workforce plays a key role in delivering high quality of care²⁹. People who use social care have reported they value the continuity and familiarity of people who often provide very personal care, and that it is important to build up a rapport as it makes people feel more secure³⁰. The development of positive relationships is essential for safe, effective and high quality care and it matters to everyone, children and adults.

[28 The evaluation of the implementation of the Act](#)

[29 The future of care in Wales: Resourcing social care for older adults by Wales Fiscal Analysis](#)

[30 Home care in Wales: Views and experiences of older people. Welsh Institute for Health and Social Care report for the Older People's Commissioner for Wales, 2012.](#)

The social care workforce is typically ageing and gendered, with the vast majority of staff of commissioned care providers are female and over a half of the workforce is aged over 40³¹. The Institute for Fiscal Studies in its analysis for England and Wales notes that particular ethnic minorities are more likely to be employed in critical worker roles. They indicate that, across England and Wales, Black African employees are much more likely than other ethnic groups to be employed as critical workers, and particularly in health and social care. Analysis produced by Welsh Government³² indicates that half of Black, African, Caribbean and Black British employees work in critical occupations and that more than half of employees of Bangladeshi ethnicity are critical workers.

The staff turnover rate for all of the adult social care workforce in Wales is reported by the ONS at 30 per cent in Wales^{33, 34}. In addition to high turnover, current issues include high vacancy rates, costly recruitment and training of new staff, growing use of (more expensive) agency staff, and churn within the sector with staff frequently moving between employers often for financial incentives or improved working conditions. Recent research by the Welsh Institute for Health and Social Care³⁵ noted there is competition from employers outside the social care sectors (e.g. retail). These employers are considered to provide similar or better pay, with roles carrying less responsibility. Competition within and between social care employers and the NHS was thought to contribute to retention problems in the social care workforce.

The social care workforce in Wales makes up an important part of the Welsh foundational economy, representing 6 per cent of the total employment in Wales. The Economic Value of Adult Social Care Report 2018³⁶ notes that the combined annual Gross Value Added (GVA) plus the indirect impact supply chain multiplier and the wage multiplier for the sector (induced impact) is estimated to generate £2.2 billion in Wales. The report states that there are 72,100 jobs in the adult social care sector in 2000+ sites across Wales (in residential care, domiciliary care, day care and other settings which include central support services) which equated to 54,100 Full Time Equivalents (FTEs) in 2016. Most of the care sector is on national minimum wage. The average earnings for those in the adult social care sector in Wales were estimated to be £16,900 per FTE, compared with average earnings across all industries of those in Wales of £29,200 in 2016.

As part of the Fair Work Commission, the *Fair Work Wales*³⁷ report noted that despite the sector being a core industry that contributes to individual and social well-being, it is a sector which displays various features associated with insecurity and poor working environment. In response to the recommendations of the report, the Welsh Government has recently convened a Social Care Forum which is considering how best to improve pay and other conditions of employment in the social care sector.

³¹ [Report on the factors that affect recruitment and retention of domiciliary care workers 2016](#)

³² [Coronavirus and employment: analysis of protected characteristics](#)

³³ [Employee turnover levels and rates by industry section, UK, January 2017 to December 2018](#)

³⁴ [Factors that affect the recruitment and retention of domiciliary care workers and the extent to which these factors impact upon the quality of domiciliary care](#)

³⁵ [Research on the terms and conditions of social care employment contracts in Wales](#)

³⁶ [The Economic Value of the Adult Social Care sector Wales](#)

³⁷ [Fair Work Wales- Report of the Fair Work Commission](#), March 2019

Research indicates that pay, terms and conditions are regarded as key factors that relate to job satisfaction, and there is an important link between job satisfaction, service quality and the achievement of outcomes³⁸. Improving pay, terms and conditions is considered to be an important part of attracting, recruiting and retaining workers in the sector particularly for domiciliary care where anecdotally we know that salaries are lower and working hours less reliable than in other parts of the sector³⁹.

Recent analysis by LE Wales of the adult social care workforce data and ratings of care establishments in England (inadequate, requires improvement, good and outstanding) from the Care Quality Commission England indicates a link between wages of care workers and quality of care. The analysis suggests that a £1 increase in hourly wages for care workers reduces the proportion of establishments in need of improvement by about 4.5 percentage points, for both residential and domiciliary care. Although equivalent quality ratings for settings in Wales are not currently available, this relationship is assumed to hold in Wales.

The Welsh Government has taken steps through the Regulation and Inspection of Social Care (Wales) Act 2016 to help improve the quality of the care and support provided by the domiciliary care workforce, by requiring an increase in the separation between travel and call time. These provide further opportunities to establish domiciliary care as an attractive, supported and rewarding long term career. Measures have also been taken to limit the use of zero hours contracts by requiring domiciliary care service providers to give workers a choice after three months of employment as to whether they are employed on zero hours or fixed hour contracts.

However, the *Measuring the Mountain* evaluation project⁴⁰ reported in 2019 that among those who have regular engagement with social care, either through a social worker or through carer workers coming into their home, the turnover of staff continued to be a cause of uncertainty and anxiety. Individuals often did not know which care workers they should expect or if they would have met them previously. The report noted two key factors that contribute to when people are most likely to feel out of control, namely working with multiple services or sectors and staff turnover.

Children

The Act reinforces the principle of supporting families in caring for children with an emphasis on helping parents develop their own ability to identify and manage problems, keeping families together in a safe, supportive and stable environment. Preventative services have a key role to play in meeting the needs of children by preventing circumstances that might lead to a child or young person being looked after by a local authority.

The *Care Crisis Review 2018*⁴¹ noted that research continues to raise questions about the level and effectiveness of support available for parents of children who receive care and support, and identifies that a significant proportion of spend by the state is on 'late

³⁸ [Fair care, a workforce strategy for social care](#), March 2019

³⁹ [Fair care, a workforce strategy for social care](#), March 2019

⁴⁰ [Measuring the mountain-report on what really matters to in social care to individuals in Wales?](#)

⁴¹ [Care Crisis Review- Factors contributing to national increases in numbers of looked after children and applications for care orders](#) (June 2018)

intervention' for children and families, with one of the largest single items the cost of children who are taken into care. Placing the focus for repairing families on statutory social services is often too late. The Welsh Government's 'reduction expectations' work has, over the past two years, provided further evidence that although socio-economic factors explain variation in demand between local authorities, there is also considerable local variation in practice when it comes to preventing children being in care.

The number of looked after children continues to increase year on year, despite policy supporting children to remain with their families and out of care, including prevention and early intervention schemes. Also too often children are placed far from home at great expense, removing them from their families and sourcing appropriate, regulated placements is often difficult. Alongside this the secure accommodation system often is unable to meet young people's needs and there continues to be a lack of investment in expanding residential care for looked after children with complex needs, to support them to remain close to home and transition to independent living.

The Children's Commissioner visited each of the seven Regional Partnership Boards during 2019, and produced a report, *No Wrong Door: bringing services together to meet children's needs*⁴², it focused on children with complex emotional wellbeing or mental health needs and young people with learning disabilities transitioning to adult services. The report found that children are waiting too long to receive the help they need, and are being 'bounced' between services which cannot agree who is responsible for their care. The Commissioner concluded that there is a pressing need for a 'No Wrong Door' approach, where the child's needs and circumstances are responded to in a holistic, multi-agency, wraparound way, and children and young people feel confident that wherever they go for help should be able either to provide support directly, or to point them in the right direction for support.

This report added further evidence to the need to develop joint social care and health commissioned residential provision for children with complex emotional wellbeing and mental health needs. To respond to this evidence and lack of investment, Regional Partnership Boards have been identified as the collective vehicle for delivering therapeutic, multi-disciplinary services. Regional Partnership Boards are supporting a small number of developments which will enable young people placed away to return closer to home.

The Commissioner also found that young people with learning disability still have complicated and stressful transition to adulthood. An earlier report, *'Don't Hold Back'*, 2018 had found that young people and their families were not involved enough in their own care, there were different thresholds across services, and every service had a different way of managing transition from child to adult services. Although there were promising signs, there had not been much change on the ground. As the Commissioner noted, Regional Partnership Boards should be ideally placed to broker arrangements between child and adult services to ensure integrated transitions for young people with learning disability.

⁴² [The Children's Commissioner for Wales report- No wrong door: bringing services together to meet children's needs](#)

Public services working together

Individuals, their families and carers may require care and support from more than one professional or organisation. Where this is the case, services should be effectively co-ordinated and delivered to meet needs. When all partners work effectively together it improves outcomes for people. It also means that resources are used in the most effective and efficient way. The key aims of partnership and integration can be described as follows:

- To improve care and support, ensuring people have more voice and control;
- To improve well-being outcomes;
- To provide co-ordinated, person centred care and support; and
- To make more effective use of resources, skills and expertise.

A Healthier Wales reinforces the critical importance of public services working together and the role the Welsh Government should play to enable that. In considering how social care is arranged, its relationship with healthcare remains important. The housing and education sectors also have key roles to work in partnership to support people.

The Act set clear expectations and sought to provide equally clear means for partners with a direct role in arranging or delivering care and support, to work together effectively at a strategic level, including to set pooled budgets to deliver truly integrated services. Part 9 of the Act and section 25 of the Children Act 2004 together require local authorities and relevant partners to co-operate, it also provides for partnership arrangements between local authorities and local health boards for the discharge of their functions and a requirement for formal partnership arrangements through Regional Partnership Boards (RPBs).

The Welsh Government has made two key grant funding streams available to RPBs to support them to drive forward integration; the Transformation Fund and the Integrated Care Fund. Recent reviews of these funds provide useful evidence about the progress of partnership working at the regional level.

- An Audit Wales report about the Integrated Care Fund ⁴³ was published by Audit Wales in July 2019. The aim of the Integrated Care Fund is to drive and enable integrated working between social services, health, housing and the third sector and independent providers to develop sustainable services. It is distributed to RPBs, which oversee and manage the fund in their area, and there are capital and revenue-based allocations each year. RPBs approve revenue projects and submit an annual Revenue Investment Plan to Welsh Government. Capital proposals are submitted to Welsh Government for approval and are grant-funded. Overall, Audit Wales concluded that the fund has a positive impact, and is provided an impetus for partners to develop integrated services and move to joint funding arrangements in the context of wider policy and legislation.
- The Transformation Fund was established to speed up the development and scaling up of new models of health and social services provision. It focused on three areas: seamless alignment of health and social care; local primary and community-based health and social care delivery; and new integrated

⁴³ [Integrated Care Fund \(Auditor General for Wales, July 2019\)](#)

preventative services and activities. It is delivered via RPBs, and 30 projects have been supported across the seven regions. A mid-term report⁴⁴ in April 2020 noted that the fund seems to be having a positive impact in getting partners to work together and there is some initial evidence across regions where staff are starting to think differently and change their working culture.

Although the evidence suggests that regions are effective in working collaboratively to deploy Welsh Government allocated grant budgets, progress to share or pool budgets and action in order to achieve added value and better performance has varied. A report into the use of pooled budgets in older people's residential care, which was produced for Welsh Government by KPMG in 2020⁴⁵, has shown only moderate progress, and notes that RPBs are predominantly meeting the minimum requirements. The report identifies a number of areas for development, including:

- Many RPBs do not physically pool budgets and where they do, the majority are not actively prioritising and managing the budgets as a single fund;
- RPBs are concerned about the risk of cross-subsidisation across local authority boundaries. Currently none of the RPBs share financial risks although there is increased transparency of activity, expenditure and risks;
- RPBs can only make recommendations and not decisions as they are not legal entities;
- RPBs are concerned about managing a diverse cohort of need across localities; and
- Identified good practice such as the establishment of a pooled funds manager to maximise operational and financial performance should be shared.

A thematic review by CIW, *Prevention and promotion of independence for older people*⁴⁶, in September 2020, based on inspections and fieldwork undertaken during 2019, found that progress towards partnership and integrated service delivery for older people remains very mixed. There is evidence of integrated partnership approaches in some areas but overall a 'red' status for partnership working and integration was awarded. The report details numerous examples of joint community resource teams working as equal partners, and in some areas jointly funded posts and management teams across health and social services. Whilst this does not necessarily mean better integration, it clearly provides opportunity to communicate, recognise common ground and shared responsibility. In addition strategic commissioning through population assessments and area plans is still in its infancy and delivering limited impact. The report says that partners do not share a clear strategic vision of sustainable health and social care services, and leaders and senior managers are still focusing on service delivery within their own areas of control, rather than on people and outcomes.

RPBs ability to meet their responsibilities could be regarded as limited in that they do not have all the functions that may be needed to deliver integration. They have no directly accountable staff or controllable budget. The Welsh Government's formal evaluation on the implementation of the Act concluded that a priority for further

[Mid-point evaluation of 'A Healthier Wales' Transformation Fund \(research, for Welsh Government, April 2020\)](#)

⁴⁵ [Report on Regional Partnership Boards' use of pooled budgets for care home accommodation](#) by KPMG 2020

⁴⁶ [Care Inspectorate Wales report on prevention and promotion of independence for older adults, September 2020](#)

implementation included the continuation and development of integration and partnerships, monitoring and evidencing outcomes, and the infrastructure to facilitate integrated working. Given the mixed progress identified above and the legislative limitations of Part 9 of the Act, RPBs need further support to achieve the optimum benefit from their collective capacity to lead change.

Prevention

Prevention is at the heart of the Welsh Government's programme of change for social services. There is a need to focus on prevention and early intervention to make social services sustainable into the future. It is vital that care and support services do not wait to respond until people reach a crisis point. Section 14 of the Act requires that local authorities and local health boards jointly carry out a strategic assessment of needs for care and support and support needs for carers. That assessment must also assess the range and level of services necessary to deliver preventative services. Section 15 of the Act requires local authorities to provide or arrange for the provision of these preventative services.

There is no one definition for what constitutes preventative activity. It can be anything that helps meet an identified need and could range from wide-scale measures aimed at the whole population to more targeted individual interventions, including mechanisms to enable people to actively engage in making decisions about their lives.

Some key progress has been made, supported through partners deploying the Integrated Care Fund and Transformation Fund, in developing new models of preventative service delivery. The third sector in particular have helped to bring this focus and capability for prevention to the RPB agenda. However, competing priorities and increased demand for services to meet more complex needs often means a focus of commissioning and delivery on the acute services, which are more costly and which squeeze the capacity for preventative work. This is particularly noticeable for care and support for children.

Lessons from other parts of the UK

Although health and social care systems have evolved in different ways and at a different pace across the UK since devolution, there is much experience and innovation that can be shared and lessons learned between the four nations, with regard to collaborative working and integration. What the systems all have in common is a drive to rebalance care away from the acute hospital setting towards prevention and support within the community and at home.

Northern Ireland is unique in the UK in having arranged health and social care within the same organisational structure through the Health and Social Care (Reform) Act (Northern Ireland) 2009. A recent report by the Nuffield Trust⁴⁷ has shown having an integrated system does not in itself result in social care being accorded a higher priority or in smoother working across the sectors. The Northern Irish experience reinforces the message that effective leadership and scrutiny, within a culture that promotes

⁴⁷[Change or Collapse: Lessons from the drive to reform health and social care in Northern Ireland by the Nuffield Trust, July 2019](#)

innovation and genuine partnership working, are ultimately more important than structures.

In England a partnership approach is evolving based around Integrated Care Systems (ICSs), which take collective responsibility for managing resources and delivering health and social care. These are yet to be given legal status and it is expected that the UK Government will publish proposals and draft legislation on ICSs in the first part of 2021. The Kings Fund 2020⁴⁸ noted there is wide variation in the maturity of partnership working across these systems. The systems that are furthest ahead are those that have given priority to strengthening collaborative relationships and trust between partner organisations and their leaders. This has often been achieved by leaders from different organisations spending time together to work through the challenges facing the system and individual organisations, clarifying a shared purpose for working together, and undertaking focused development work with their leadership groups. The Kings Fund also noted that collaborating across the NHS and local government is not easy, and requires local leaders (including NHS leaders as well as officers and elected members in local government) to better understand each other's challenges, to recognise and respect differences in governance, accountabilities, funding and performance regimes, and to find ways to manage these differences.

The majority of Scottish local health and social care partnerships have adopted a model of where arrangements are delegated to a third body, known as an Integration Joint Board (IJB), through the Public Bodies (Joint Working) (Scotland) Act 2014. The IJBs are responsible for the governance, planning and resourcing of social care, primary and community healthcare, and unscheduled hospital care for adults. Some have also integrated additional services including children's services, social work, criminal justice services and all acute hospital services. A report from the Ministerial Strategic Group for Health and Community Care (Scottish Government, February 2019)⁴⁹ reviewed progress on the Health and Social Care integration and noted Scottish Integration Joint Boards have struggled to exert influence on the budget-setting process as partners are unwilling to give up financial control. Partners must be empowered to use the totality of their resources to do things differently. The report noted that joint resources held must lose their original identity and become a single budget.

As this brief review has shown, the other UK countries continue to strengthen collaborative relationships, however no one country has found the answer. Similar to Wales, England and Scotland have taken a partnership arrangement approach, as opposed to a structural one. The key lessons from their progress that can be applied to any partnership arrangement is clear. Organisations have different governance, accountability funding and performance requirements, this must be recognised and partners must find ways to manage these differences to do things differently. Proposals set out in this paper should avoid structural disruption where it is not needed and instead focus on strategic enhancement that will strengthen current arrangements to secure well-being for people who need care and support and carers who need support.

⁴⁸ [The King's Fund- Integrated care systems explained: making sense of systems, places and neighbourhoods](#)

⁴⁹

[Health and Social Care integration: progress review – final report from the Ministerial Strategic Group for Health and Community Care \(Scottish Government, February 2019\)](#)

Achieving the vision

Design

Based on the challenges outlines in the Case for Change section of this paper, three critical areas emerge where additional focused action could deliver system-wide improvement to secure the vision for social care:

- refocussing the fundamentals of the care market – away from price towards a value measure based upon service quality and overall cost;
- reorientation of commissioning practices – managing the market and focusing on outcomes; and
- evolution of integration mechanisms – reducing barriers to joint planning and delivery.

In forming this frame of reference we have drawn on important guiding frameworks. The five ways of working set out in the Well-being of Future Generations (Wales) Act 2015 call on us to balance the short term and long term, and in terms of collaboration to test whether our arrangements help us work together effectively. *A Healthier Wales* design principles compel health and social care system leaders to “[develop] services which are less complex and better co-ordinated for the individual; [where there should be] close professional integration, joint working, and information sharing between services and providers.”

Through action in the three areas identified above, this White Paper seeks to rebalance the care and support market based on a clear national framework where services are organised regionally and delivered locally. In doing so we aim to rebalance social care so that there is neither an over reliance on the private sector, nor a monopoly in the other direction. This White paper defines ‘rebalancing’ broadly as a set of descriptions of the system change we want to see.

Refocussing the fundamentals of the care market

<p>Rebalancing means...</p> <p>... Away from price. Towards quality and social value...</p> <p>... to co-produce better outcomes with people.</p>

The majority of care and support is provided through a market structure known as a monopsony⁵⁰. This market structure, in the financial context of austerity, has resulted in ‘price’ becoming its dominant feature. If the vision is for high quality social care that supports people to achieve their outcomes, the price-orientated market structure that has evolved over time is not the route to achieving that. This was recognised in the Welsh Government’s recent *Strengthening Social Partnerships White Paper*⁵¹, which

⁵⁰ Definition of monopsony is where there are a small number of purchasers and a large number of providers. Local authorities are the main buyer of the social care market; in the context of austerity, this market structure and pressurised budgets has caused a driving down of fees and costs.

⁵¹ [Welsh Government White Paper- A More Equal Wales: Strengthening Social Partnerships](#) 2019

said that the modern era of our social partnership arrangements has been dominated, and shaped by our response to economic crisis and the challenges of chronic UK public sector austerity.

Value for money will remain important, and care and support that is commissioned by local authorities and local health boards will continue to need to demonstrate efficient use of tax payers' resources. Value for money in this context is about delivering effective services, at a cost which delivers strong social outcomes⁵².

To do this, we look to service commissioners to focus on specifying, scoring and measuring against providers' ability to deliver multiple outcomes against the overarching duties set out in the Act to achieve quality services and secure well-being, balanced against value for money. Commissioners should continue to define the sort of capabilities and experience required of tendering organisations, and procurement teams should work with commissioners on how they build this into the procurement assessment process⁵³.

Critically, the rebalancing towards a market which incentivises quality will require the Welsh Government and all local commissioners to work together to agree and implement robustly a common framework. Learning from the Children's Commissioning Consortium Cymru's approach to focussing on quality placements that are affordable should be applied to the development of a proposed framework.

More predictable, standardised approaches to fee setting can reduce provider competition for staff through marginal pay differences. The case for change highlighted the relationship between pay, terms and conditions on staff turnover and the impact of staff turnover on service quality. Greater consistency of the workforce providing care and support and less turnover allows people to build relationships with people that provide care and support, feel safe and more secure, thus improving quality of social care and well-being outcomes. Therefore clear expectations for improved terms and conditions including pay, should be a core part of determining the funding methodologies. The Welsh Government has accepted the recommendations of the Fair Work Commission⁵⁴ and is committed to working with partners towards implementing the Real Living Wage across social care. Fair work means a more productive, happier workforce, greater levels of commitment and engagement, less absenteeism and lower staff turnover⁵⁵.

⁵² [Welsh Government White Paper- A More Equal Wales: Strengthening Social Partnership](#) 2019

⁵³ [Wales Co-operative Centre report- Supporting Care Commissioners and Procurers to promote social value models 2020](#)

⁵⁴ [Fair work commission- terms of reference](#)

⁵⁵ [Welsh Government White Paper- A More Equal Wales: Strengthening Social Partnership](#) 2019

Reorientation of commissioning practices

Rebalancing means...

...Away from complexity. Towards simplification.

Away from task-based practice. Towards an outcome-based practice.

Away from reactive commissioning. Towards managing the market....

... to co-produce better outcomes with people.

Whilst the Act has provided greater focus on securing well-being for people, the case for change has highlighted that commissioning practices can still be task-orientated. The evaluation of the implementation of the Act identified a significant challenge to arranging and delivering care and support because of the lack of co-ordination between local authorities leading to twenty two potentially different ways of doing things.

Critically, with an environment that favours quality, and where procurement is based on a simpler approach, commissioners will be freer to innovate to support the creation of the new models of care that are needed for changing population needs. Commissioning practice will therefore shift away from task management, and multiple small procurements and associated time-consuming management activity, towards social value based commissioning that secures well-being for people. In doing this, commissioners and planners are enabled to develop all the important parts of the commissioning cycle⁵⁶, such as capacity building, market development and market relationships.

A common framework will enable a greater degree of joint-commissioning. As a basis for closer partnership working, it can ensure service delivery outcomes align with what matters to people and on Foundational Economy and social value initiatives. Whilst there is no single, agreed definition of “social value”, Social Enterprise UK define social value as the additional benefit to the community from a commissioning/ procurement process over and above the direct purchasing of goods, services and outcomes. In social care in Wales it has been used to create phrases like “social value organisations” and “social value forums”. These phrases have come to be used as short-hand for organisations referenced in section 16 of Part 2 of the Act, which sets out models for care and support that strive to deliver on the principles of the Act.

Progress can be made towards a more diverse provider base and rebalancing the market by supporting alternative models of care. Focusing on social value commissioning will create an environment in which not-for-profit providers can grow, including co-operatives, whilst simultaneously encouraging all providers to develop their capacity for delivering social value. The whole sector will be better placed to engage in consistently effective co-production from the earliest stages of assessing, planning, delivering and evaluating care and support.

Providers also have much to gain from this new approach. The removal of much complexity will enable providers to increase their focus on supporting people to achieve their personal outcomes.

The case for change described the care and support market as large and varied, consisting mostly of smaller private providers with narrow margins and limited financial reserves. Within these new arrangements, small providers will be encouraged to work together to respond to local commissions. This could be achieved by the development of a collective approach to enabling shared activities, such as marketing, procurement, HR and IT support. This approach will contribute to the rebalancing of the care and support market to fewer individual providers competing for contracts, reducing time-consuming activity and complexity.

Evolution of integration mechanisms

<p style="text-align: center;">Rebalancing means...</p> <p style="text-align: center;">... Away from an organisational focus. Towards more effective partnership</p> <p style="text-align: center;">... to co-produce better outcomes with people.</p>
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The interdependency of social care and healthcare is at the heart of *A Healthier Wales*. For adults, the necessity for close alignment of these services enables people to live as independently as possible and is critical to prevention and early intervention. Close joint working enables people to return to their home after a period in hospital, and is fundamental to the success of the new *Discharge to Recover and Assess Model of Care*.

The relationship between social care, the NHS, housing organisations and the education sector is particularly important to provide coordinated person centred care and support. At a regional level, these partners can make more effective use of resources, skills and expertise to improve well-being outcomes. RPBs bring partners together along with representatives of citizens, carers and other important voices. RPB members recognise the emerging benefits from their partnership and want to build on joint commissioning arrangements⁵⁷. RPBs’ role is complementary to other regional and local partnerships, and better alignment between these partnerships is the subject of ongoing work.

The case for change pointed to progress made by RPBs and a number of achievements. It also outlined areas where progress has been more challenging, for example residential care for children. The Welsh Government’s evaluation of the Act points to the infrastructure of the RPBs requiring priority action to better facilitate integrated working. Therefore it is proposed that the current design of RPB functions are strengthened to enable them to deliver effectively.

The approaches to partnership and integration adopted by other parts of the UK to enable the closer alignment of social care and health services (for example delegation

⁵⁷ [Report on Regional Partnership Boards' use of pooled budgets for care home accommodation](#) by KPMG 2020

of budgets to a third party where some members are provided with voting powers through IJBs in Scotland) provides a basis to consider the strengths and weaknesses of different potential arrangements.

The fundamental role of RPBs should remain as bringing partners together to jointly review population needs and plan the models of care and support that people will need. Joint analysis and planning, should, in areas where partners need to align services to achieve better outcomes, lead to joint commissioning of provision. Reflecting on independent reports and direct feedback from the sector, we believe that to do this most effectively RPBs need to be equipped with additional tools to better align planning and organisation of services, and tangible organisational capacity to fully deliver to this mandate.

Putting it into practice

How can we do it?

Current arrangements for social care need to be strengthened and re-aligned to respond to the range of challenges facing the sector, and to achieve the vision for social care set out in the Act, supporting people to achieve their well-being outcomes. The following set of proposals flow from a systems-thinking perspective and an analysis of the deficiencies in the market for social care provision and some limitations in current partnership structures. The changes advocated can reshape the organisation of social care profoundly and in the clear interests of those receiving care and support. It is proposed legislation is introduced to deliver the required change.

A national framework for commissioning care and support for both children and adults can forge a more balanced market of better quality provision. The framework will help to ensure social value commissioning that supports people to achieve their outcomes, and fully utilises the assets that exist in local communities.

A national framework can be a platform for implementing future recommendations of the Social Care Forum, across the sector in Wales. A national framework will set fee methodologies, develop more standardised commissioning processes, and increase transparency of service performance.

Enhanced regional planning and a greater degree of joint commissioning across health and social care and across regional footprints would reduce complexity and duplication and improve consistency and capacity. This would enable commissioners to refocus on meeting changing population need through more directive market shaping. It is proposed therefore that the future of high quality social care that support people to achieve their outcomes is arranged through a structure comprising a national framework, where care and support is planned regionally and delivered locally.

Strengthened regional organisation will enable greater integration and action amongst social care and its partners, including health care and the voluntary sector, along with education and housing. This approach would support social care as a part of the foundational economy and better enable integrated delivery, for example through the development of housing with care alongside community hubs. This will also help to maintain focus on preventative services and opportunities for alignment with Public Service Boards.

In addition to addressing current sectoral challenges, the proposals would provide a better basis for the implementation of long term policy objectives. These include ensuring improved pay, terms and conditions for workforce to support a reduction in turnover and improvement in quality of care and a more resilient workforce and long-term aspiration for a system that is closer to the NHS principle of healthcare free at the point of need.

It will also enable the sector to reduce its environmental impact. The Welsh Government has set out its ambition for the public sector to be carbon neutral by 2030. Indirect carbon emissions from care and support providers are not directly controlled by local authorities, however dramatically cutting indirect emissions from the delivery of these

services can be achieved through more effective procurement. Decarbonisation can be ensured through consistent procurement expectations requiring raised environmental standards from all organisations providing care and support. The same tools can deliver foundational economy benefits through incentivising local sourcing of goods.

Rebalancing the national framework

It is not proposed that any current functions are transferred from local authorities or local health boards to be undertaken nationally. It is proposed that a national framework is developed that set the terms through which services for people who need care and support and carers who need support are commissioned – by developing a set of common commissioning practices and a range of fee methodologies that commissioners will be required in law to use, simplifying procurement and ensuring greater visibility of service standards.

This is not to say there should be one price for care and support that is procured, but rather an agreed set of fee methodologies that all commissioners work with in future. Fee methodologies must be flexible enough to reflect local circumstances, for example different geographic factors, and be able to respond to the capacity and resourcing requirements of providers at different stages of their own business cycle. For example, new care models, particularly where capital investment is involved, will require different levels of support.

Through the Act, a local authority is required to prepare a care and support plan for people whose needs meet the eligibility criteria, following a needs assessment. The care and support plan (or support plan for carers) describes how a person's needs for care and support will be met, including detailing services that are to be arranged or provided by the local authority. Where services detailed in the plan are commissioned by the local health board, it is proposed that those services will also be commissioned using the national framework (for example NHS Funded Nursing Care).

To develop and deliver a national framework, it is proposed that a 'national office' for social care is established either through:

- developing a function within government, or
- setting up an arms-length body, led by a small executive team.

In both options, full engagement with local authorities, health boards, the independent sector and other key partners will be secured through an advisory board.

The national office will maintain an overview of the stability of the social care market and be a basis for driving national policy initiatives. It will consolidate activity of some national fora including the National Commissioning Board, working with Social Care Wales, with responsibility for supporting social care research and service improvement in Wales.

The voice of the social care profession must be fully reflected in national discourse, so that national policy set by the national office is based on a full understanding of delivery challenges. The function of a Chief Social Care and Social Work Officer will be located within the Welsh Government to champion the voice of the social care and social work profession within Government.

Strengthening regional organisation

Local authorities and local health boards are required through section 14 of the Act to develop population needs assessments, area plans and market stability reports. These functions are discharged through partnership arrangements described in Part 9 of the Act and section 25 of the Children Act 2004, specifically through RPBs. These reports are intended to assist RPBs in jointly planning and commissioning quality care and support at a strategic level for their populations.

In addition, the objectives of Regional Partnership Boards are to:

- undertake and respond to the population assessment carried out in accordance with section 14 of the Act (and, when implemented, prepare market stability reports under section 144B of the Act);
- implement the joint area plans which local authorities and local health boards are required to prepare and publish under section 14A of the Act;
- ensure the partnership bodies provide sufficient resources for the partnership arrangements, in accordance with their powers under section 167 of the Act; and
- promote the establishment of pooled funds where appropriate.

RPBs are required to report on the extent to which the board's objectives have been achieved annually⁵⁸.

This paper has suggested that RPBs should be provided with a more refined set of tools to enable them to better meet their core aims of jointly assessing and planning for population needs. It is proposed that RPBs should be strengthened by legislating to establish them as corporate legal entities. Strengthened RPBs with the tools of being able to directly employ staff and hold budgets would be capable of undertaking joint health and care commissioning more directly where local partners agree that would maximise resources and have the greatest benefit for delivering better outcomes.

Specifically, in addition to the functions already set out in the Act, RPBs functions will be extended so that they would:

- be enabled to employ staff to enable the full discharge of their functions (this is intended to boost joint planning, but the power could be used by RPBs in other ways);
- have clear governance arrangements in place where shared accountability of decisions made by local authorities and local health boards in relation to the pooling of budgets and joint commissioning is transparent and in line with their statutory responsibilities;
- set their own priorities for regional commissioning and delivery using intelligence from their population needs assessments, joint area plans and market stability reports;
- be enabled to hold integrated budgets to deliver integrated regional services;
- monitor progress against agreed regional priorities, sharing data between partners where appropriate; and

⁵⁸ [Social Services and Well-being \(Wales\) Act 2014- Codes and guidance: Part 9 Statutory Guidance \(Partnership Arrangements\)](#)

- establish within each RPB a planning and performance monitoring framework that refines the 5 year strategic planning cycle and makes use of up to date population, outcome, and market information.

In line with the action in *A Healthier Wales*, RPBs would also be made subject to joint inspection and review by CIW and Healthcare Inspectorate Wales in relation to the effectiveness of joint working, including partnership working, pooled budgets and joint commissioning.

The current planning requirements for a long cycle of population needs assessments and area plans is a broad framework, but does not always reflect a rapidly changing world. Real-time population data, outcome measures and market information should be used to enable more frequent needs analysis and impact measurement. Plans should be revisited whenever significant changes occur in the care and support environment. To support this, a new approach to planning and reporting is intended. It will be less intensive, but a more frequent process of evaluating and responding to population needs.

Clear regional integration priorities should provide a focus for the work of RPBs. Priority areas should define where collective action is the optimum means of improving delivery, and these areas must be considered for regional joint commissioning.

The work of RPBs should be viewed by partners and stakeholders as being fully transparent and accountable. The changes proposed in this White Paper can be a basis for further strengthening of arrangements which support accountability. They will enable resources to be held within the partnership, overseen by RPB staff, with clear arrangements created for reporting fully to member organisations.

RPBs will also be required to report to Welsh Ministers on the progress of joint delivery against the integrated priorities agreed. There should not be a growth in reporting requirements, rather it is proposed that reporting requirements are streamlined, including by consolidating current national requirements as part of the consideration of the future of national funding support.

The proposal to strengthen RPBs as an existing part of the health and social care collaboration landscape must work alongside arrangements for Public Service Boards (PSBs). RPBs and PSBs have complementary functions. In the context of the ongoing requirements of respective legislation, regions and localities should align these partnerships in a way that works best in their circumstances.

The proposals set out in this White Paper do not preclude any future extension of the functions of Corporate Joint Committees (CJCs) in relation to social care. CJCs could be a useful future mechanism to enable strategic local authority social care functions to be delivered more effectively across local authority boundaries.

Impact on local authority and local health board commissioning of care and support

Local authorities and local health boards will remain the principal commissioning bodies for social care services. Local services should be delivered as close as possible to local

people. By reducing complexity a national framework will support local delivery without obscuring accountability. Based on the proposals in this paper, in future local authorities and local health boards will exercise their commissioning functions either directly or delegating them to the RPB. Commissioning activities will be undertaken in accordance with the national framework, ensuring the full and fair use of national framework methodologies.

Annex 1: Summary of the impacts

The Welsh Government is preparing an integrated impact assessment on the proposals outlined in this White Paper, including the social, economic, cultural and environmental effects represented in the Well-being Goals of the Well-being of Future Generations (Wales) Act 2015. A Regulatory Impact Assessment (RIA) will also be developed and this consultation is being used to gather evidence to inform that assessment.

In developing the proposals, the Welsh Government has considered the ‘five ways of working’ set out in the Well-being of Future Generations (Wales) Act 2015 which requires a focus on the long term, and in terms of collaboration to test whether our arrangements help us work together effectively. The Welsh Government has also considered *A Healthier Wales* design principles to develop services which are less complex and better co-ordinated for the individual; where there should be close professional integration, joint working, and information sharing between local authorities, local health boards and providers.

This annex includes a summary of some of the impacts of the proposed changes on people, the workforce and social care services in Wales.

People who need care and support and carers who need support

- Supporting the sector to respond to the implementation gap in relation to the Welsh Government’s vision for social care will better drive outcomes for people in Wales. This paper highlighted the variable and sometimes negative experience that people have with care and support, which impacts on the vision of securing well-being. The Act puts a duty on local authorities and their partners to promote the well-being of people who need care and support and carers who need support in Wales. The Act sets out the definition of well-being. The Act also places a duty on Welsh Ministers to issue a statement of well-being outcomes to be achieved. The well-being statement defines well-being outcomes for all people who need care and support and carers who need support in Wales, which include people in protected groups. The proposals set out in this White Paper aim to better services to deliver their functions so that people who need care and support and carers who need support can achieve their well-being. An RIA was developed for the Act and the impacts on people are the same as the proposals in this paper. The proposals aim to increase the pace at which those impacts are realised. The RIA can be found in the Explanatory memorandum available below:
<https://business.senedd.wales/mglIssueHistoryHome.aspx?lId=5664>
- The aim of the Act is to put into law the rights and responsibilities of people who need care and support and carers who need support. The social care sector will use the statement of well-being to design and deliver services with people. This will be an important driver in the shift to an approach which puts people at the centre, the outcomes they wish to achieve, and in giving them greater voice and control. The case for change section of this White Paper outlines how change is needed to make a difference to the people of Wales. The Welsh Government worked extensively with people to develop the well-being statement. The approach to engagement is detailed in the equality impact assessment for the national outcomes framework⁵⁹.

⁵⁹ [Social services national outcomes framework- equality -impact assessment](#)

The social care workforce

- The case for change highlighted the relationship between pay, terms and conditions on staff turnover and the resulting impact of staff turnover on service quality. Greater consistency of the workforce providing care and support and less turnover allows people to build relationships with people that provide care and support, feel safe and more secure, thus improving quality of social care and well-being outcomes. People are more likely to see the same person, increasing ability to maintain relationships, and reduce loneliness and isolation, leading to higher quality of care. Standardised and improved pay and terms and conditions, which could be achieved through a national framework, would positively impact:
 - Women. The workforce is typically ageing and gendered, with the vast majority of staff of commissioned care providers being female. On 5 March 2019, the Deputy Minister and Chief Whip, Jane Hutt AM, outlined the Welsh Government's vision for gender equality in Wales, which stated that "...a gender equal Wales means an equal sharing of power, resources and influence for all women, men and non-binary people. This is a vision where the government aims to create the conditions for equality of outcome for all."
 - Attracting young people to social care. Over a half of the workforce is aged over 40⁶⁰. There may be a reduction of those wishing to enter social care as school leavers, especially women, become more highly educated and there is greater competition from other sectors, such as retail, where pay is often slightly higher for less demanding work and the regulatory requirements on, for example, qualifications are lower.
 - Black, Asian and Minority Ethnic workers who are overrepresented in the social care workforce and account for 7.2 per cent of the workforce in Wales⁶¹.

Services

- Standardising and simplifying through a national framework supports an approach to make better use of collective resources, across local authority boundaries, in response to population needs and outcomes. The removal of some duplication and inefficiencies in the commissioning process can free up commissioners' time to develop other elements of the commissioning cycle.
- A national framework that sets out terms through which care and support is commissioned must consider pay, terms and conditions of the workforce. Improvement to pay, terms and conditions will in part reflect the overall resources available to the sector and potentially progress decisions made in future by the Social Care Forum.
- Strengthening RPBs will better support effective joint planning and delivery of care and support where collective capacity leads to better outcomes for people, supporting statutory bodies to better deliver their current functions.

⁶⁰ [Factors that affect the recruitment and retention of domiciliary care workers and the extent to which these factors impact upon the quality of domiciliary care](#)

⁶¹ [Welsh Government analysis of the Annual Population Survey - Coronavirus \(COVID-19\) and the Black, Asian and Minority Ethnic \(BAME\) population in Wales](#)

Annex 2: Summary of the consultation questions

The Welsh Government welcome comments on all aspects of the proposals. We are particularly interested in responses to the questions. A summary of the questions is provided below.

Question 1: Do you agree that complexity in the social care sector inhibits service improvement?

Question 2: Do you agree that commissioning practices are disproportionately focussed on procurement?

Question 3: Do you agree that the ability of RPBs to deliver on their responsibilities is limited by their design and structure?

Question 4: Do you agree a national framework that includes fee methodologies and standardised commissioning practices will reduce complexity and enable a greater focus on service quality?

Question 4a: - What parts of the commissioning cycle should be reflected in the national framework?

Question 5: Do you agree that all commissioned services provided or arranged through a care and support plan, or support plan for carers, should be based on the national framework?

Question 5a- Proposals include NHS provision of funded nursing care, but do not include continuing health care; do you agree with this?

Question 5b- Are there other services which should be included in the national framework?

Question 6: Do you agree that the activities of some existing national groups should be consolidated through a national office?

Question 6a- If so, which ones?

Question 7: Do you agree that establishing RPBs as corporate legal entities capable of directly employing staff and holding budgets would strengthen their ability to fulfil their responsibilities?

Question 7a- Are there other functions that should be considered to further strengthen regional integration through RPBs?

Question 8: Do you agree that real-time population, outcome measures and market information should be used more frequently to analyse needs and service provision?

Question 8a- Within the 5 year cycle, how can this best be achieved?

Question 9: Do you consider that further change is needed to address the challenges highlighted in the case for change?

Question 9a- what should these be?

Question 10: What do you consider are the costs, and cost savings, of the proposals to introduce a national office and establish RPBs as corporate entities?

Question 10a- Are there any particular or additional costs associated with the proposals you wish to raise?

Welsh language

Question 11: We would like to know your views on the effects that a national framework for commissioning social care with regionally organised services, delivered locally would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favorably than English.

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

Question 12: Please also explain how you believe the proposed policy to develop a national framework for commissioning social care with regionally organised services, delivered locally could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.