



Gofal Cymdeithasol **Cymru** Social Care **Wales**

BOARD MEETING MINUTES **22 June 2017** **Social Care Wales Offices, Cardiff** **11:15 – 14:00**

Present:

Board Members:

Arwel Ellis Owen (Chair)
Damian Bridgeman
Emma Britton
Simon Burch
Carl Cooper
Abigail Harris
Kate Hawkins
Rhian Watcyn Jones
Joanne Kember
Peter Max
Jane Moore
Grace Quantock
Aled Roberts

Social Care Wales Officers:

Sue Evans (Chief Executive Officer)
Gerry Evans (Director of Regulation and Intelligence)
Sarah McCarty (Director of Improvement and Development)
Joanne Oak (Director of Corporate Services and Strategy)
Kate Salter (Governance, Strategy and Performance Manager)
Geraint Rowlands (Assistant Director, Finance & ICT)
Laura Pinney (Minutes)

In attendance:

Andrea Giordano, Deputy Director, Social Services Improvement
Division, Welsh Government

1. Welcome and opening comments from the Chair

- i. The Chair welcomed everyone to the Board meeting and thanked members for their enthusiasm and interest during the Audit and Risk Committee that took place earlier. Members were reminded to delete the Committee information from their devices to ensure good information security practice.
- ii. Members were informed that Llinos Bradbury, Governance Senior Officer, had given birth to a baby boy on Friday, weighing 9lbs 8oz and both mother and son were doing well. The Chair asked officers to convey the Board's good wishes to Llinos and her family.

2. Apologies and Declaration of Interests

- i. Apologies were received from Donna Hutton.

- ii. No declarations of interests were made. The Chair noted the potential for conflict of interest of several Board members during item 5 on today's agenda and acknowledged those members may need to remove themselves from any decision-making process.

3. Minutes of the Board meeting 25 May 2017

- i. The minutes were agreed as a true record.

4. Matters arising

- i. The Chair highlighted progress on matters discussed at the previous Board meeting.
- ii. Item 5 – the code of conduct for Social Care Wales Board members had been amended as recommended and appeared on the portal for further comment until the end of the month. After this period if there are no significant changes, the document will be translated and added to the Members' Handbook section of the portal.
- iii. Item 6 – the consultation on the strategic plan had gone live today and will run for eight weeks. Members can view the consultation via the portal link and were invited to make comments, however, the Chair emphasised that members should provide a copy of their comments to the Chair as a matter of courtesy.
- iv. Item 7 – the remit letter has now been received from Welsh Government and officers have confirmed there is nothing unexpected within it.
- v. Members confirmed there were no other matters arising from the minutes.

5. Consultation on Regulatory matters

- i. The Chair introduced the paper and referred to yesterday's seminar session which set out background information regarding fees for registration. Members were reminded the fees had not been raised since 2003 and were now out of line with other UK regulators. The impact of raising the fees for the sector was acknowledged as well as the potential reputational damage to the organisation should the decision be viewed out of context.
- ii. The Chair also noted the Board's strength of feeling that registering the workforce was a critical part of the sector's professionalism and regulation overall has helped to raise standards within the social care sector and to provide assurance to the public. Members were reminded that their decision should consider what is

required for the sector in the future as well as acknowledging the current challenges.

- iii. Gerry Evans, Director of Regulation and Intelligence, presented the consultation document to the Board and highlighted it covered four areas:
 - Fee levels across all current and potential registrant groups
 - Qualification requirements for domiciliary care workers
 - Revisions to the existing code of practice for employers
 - Minor amendments to our existing Fitness to Practise rules
- iv. Gerry Evans provided Board members with further context to the consultation and the rationale behind some of the proposed changes. Members noted since it opened in 2003, the Register has gradually been extended to incorporate a wider group of social care workers and regulation is generally viewed as key to improving quality of care that is provided in Wales. Members also noted there was generally strong support for registering domiciliary and adult care home workers, but acknowledged there would be challenges in identifying and engaging with the workforce.
- v. Gerry Evans referred to a report on the domiciliary care service in Wales undertaken by the Care and Social Services Inspectorate Wales (CSSIW) which highlighted there was a high standard of care provided but lot of pressure on workers. Members acknowledged consideration should be given to the increasing need to provide health related care in people's homes as part of their social care plan and how this can be done safely.
- vi. The Board acknowledged the tone of the consultation was intended to convey awareness of the situation in social care today, but also forward-looking in its ambition to drive up quality of care provided by the sector meeting future needs. Members noted the registration fee level for existing registrants hadn't changed since 2003 and had now fallen significantly out of line with other UK regulators and acknowledged that the Minister for Social Services and Public Health (the Minister) was keen to resolve this.
- vii. The fee increase proposal for consultation was tabled for Members' views with Gerry Evans summarising the basis of the calculations:
 - Costs of verifying the suitability of non-UK qualified social worker applicants is significant and the current process is running at a loss. As it is significantly less than other UK social care regulators, applicants are disproportionately applying through Social Care Wales
 - The fee level should be proportionate to average salary levels. The consultation questions whether the distribution of fee level is fair, not the fee itself
 - Regulation must be scalable and sustainable and as a result, a fee is an inevitable element

- An increase in fees, potentially spread over four years, would bring us in line with other UK regulators
- Acknowledge that no increase will be popular; however, it is reasonable in comparison to other parts of the UK and still relies on significant Welsh Government subsidy.

Fee Type	Current fee level	Proposed new fee level			
		Year 1	Year 2	Year 3	Year 4
Social Worker (application, renewal and annual)	£30	£50	£60	£70	£80
Social Worker – Non-UK Qualified (application)	£125	£350 (plus an additional fee of £200 for an aptitude test if requested by the applicant)	£350 (plus an additional fee of £200 for an aptitude test if requested by the applicant)	£350 (plus an additional fee of £200 for an aptitude test if requested by the applicant)	£350 (plus an additional fee of £200 for an aptitude test if requested by the applicant)
Social Care Manager (application, renewal, annual)	£30	£50	£60	£70	£80
Social Care Worker (application, renewal and annual)	£10	£20	£25	£30	£35
Social Work Student (application and annual)	£10	£15	£15	£15	£15
Return to Practise	£125	£200	£200	£200	£200

- ix. Members discussed the proposal and made the following observations:
- The document doesn't necessarily capture the positive intention behind regulation or rationale for the fee increase: recommended the introductory page should explain role of Social Care Wales and emphasise the ambition to improve standards, provide public assurance and raise professionalism, so that social care is promoted as a positive career choice.
 - The raising of fees is likely to be perceived as a negative 'action' when trying to promote our role as a new organisation. The Board and Executive team will need to be prepared to answer questions about Grant in Aid

funding versus funding from regulation i.e. how the registration fee is spent.

- The consultation document should be supported by other engagement to widely promote it and get a greater understanding of the workforce. The consultation must be meaningful process and not tokenistic, therefore a communications plan should be clear to manage the expectations of the sector
 - The balance of the wording on page 16 needs to be revised as it is not as simple as suggesting Welsh Government is increasing our subsidy.
 - While the views of the sector workforce are essential, more emphasis should be made on the purpose and benefits of regulation to individuals who use care and support.
 - Consideration should be given to how employers plan their budgets and whether an incremental increase in fee will take place beyond the initial four-year period outlined in the consultation document.
 - Possible that the existing registered workforce is expecting an increase in fees and while it won't necessarily be well received, it is important to offer clarity regarding what the end figure will be. Agree that it should reflect relative average pay levels but need to acknowledge that not all workers in the same roles will be receiving the same salary.
 - Costs for non-UK qualified practitioners is extremely reasonable when compared to other countries, UK and overseas.
- x. Officers responded to additional queries and confirmed: the proposed increase in fee and funding requirements for extending the Register were costed in a Regulatory Impact Assessment and provided to Welsh Government at the time the legislation was being developed; there has been some level of preliminary consultation with care workers regarding the cost of registration but without specific figures and the need for a fee has been acknowledged; there will be some savings to managers on the Register as they will no longer need to register with CSSIW in addition to Social Care Wales; and while the consultation is a statutory process and so has to follow a certain format, it will be supported with other activities and an engagement plan.
- Due to their potential conflict of interest, Peter Max, Emma Britton and Jane Moore left the room before the Board took a decision to agree the tabled fee level proposed in the consultation document.***
- xi. Gerry Evans outlined the proposals relating to the qualification requirements for domiciliary care workers registering with Social Care Wales and highlighted this

- built upon existing requirements; there is an expectation that people will undertake an induction as part of their role, alongside an accredited award. This will be the basis of their registration and there is also an expectation they achieve a qualification for their role within the first three years of registering.
- xii. Sarah McCarty informed members at least 50% of the domiciliary care workforce already meet the full qualification requirement, the proposed process will give the remainder of the workforce three years to gain the necessary qualification, so the requirement should not be regarded as onerous. Members were informed Social Care Wales was working with Qualification Wales and other partners to reform sector qualification; from 2019 the initial award requirement for registration will count towards their overall qualification. Workers will also have six months to join the register once they start working.
 - xiii. The Chair reminded members that Qualification Wales, as the qualification regulator in Wales, has been considering the qualifications for the care workforce as part of the first review to be undertaken since receiving their remit. Members were informed the number of existing qualifications relevant to domiciliary care workers will be significantly streamlined by 2019. This should make it easier for care workers and their employers to gain the right qualifications for the role.
 - xiv. Members enquired as to the requirements in England relating to cross border workers that would be affected by the changes. Officers confirmed there is a requirement to have a care certificate in England and was similar to the induction that we require, so there could be some read-across, however England is not currently registering care workers.
 - xv. A member recommended further clarity in consultation documentation regarding the current qualification requirements in relation to the Qualification Framework references as domiciliary care workers are referenced in more than one section.
 - xvi. The Board acknowledged that to prepare the sector for future requirements we must bring people with us and noted there will be an expectation on employers to publish qualification levels of their staff. Whilst the requirement for registration was still comparatively low, it has been in place for some time and offers protection for users of services and workers who are being asked to do increasingly complex tasks.
 - xvii. The Board received a summary of the review of the code of practice for employers which incorporated changes driven by the Regulation and Inspection of Social Care Act. Gerry Evans informed the Board that while the code for employers has always existed, there had been no clear mechanisms by which it could be enforced. However provisions in the new Act and service regulations enable CSSIW to take action against employers for not adhering to the code of good practice of social care employers. Members recommended strengthening references to responsible individuals and clarifying the duty on agencies that act as social care employers.

- xviii. Members received an overview of the minor technical changes to the Fitness to Practise rules proposed in the consultation, noting we have powers under the new Act to take certain conviction cases directly to a hearing however it was not clarified in the rules. The proposed amendments are also to clarify how we will use the new powers under the Act to summon witnesses. Gerry Evans concluded the summary by informing members while the changes to the Rules were minor; the Act specifies they must be incorporated via a consultation process.
- xix. The Chair thanked members for their comments and summarised the recommendations, chiefly the need for a detailed communication plan to launch and promote the consultation, in particular the proposed fee structure, with stakeholders.
- xx. Members agreed the consultation should be amended as recommended and brought to the July Board meeting for further discussion and final approval.

6. Draft Terms of Reference: Audit and Risk Committee

- i. The Chair thanked members for their contributions to the Audit and Risk Committee and noted the Board had the authority to approve the Terms of Reference, with consideration given to the Audit and Risk Committee's recommendation.
- ii. Jo Oak summarised the discussions and noted the Board needs to be content with the responsibilities it is delegating to the Committee. The Audit and Risk Committee recommended the approval of the Terms of Reference subject to two amendments: 1) clarification that only one independent member will be included in the quoracy of the Committee; and 2) minutes will be made available to the Board.
- iii. Members also noted a schedule of key decisions will also be included for Committee members and previously the Chairs of the Committees provided an oral summary of key points to the Board.
- iv. Members **considered** and **approved** the Terms of Reference.

7. Risk Register – Summary from Workshop

- i. Jo Oak referred members to the risk management workshop held at yesterday's seminar and noted some key risks emerged under our strategic aims and objectives relating to providing public confidence, developing the workforce and leading service improvement.

- ii. Members acknowledged that discussions regarding how best to present the risks to the Board will take place at the Audit and Risk Committee, however, strategic risks will be included as part of the business plan progress reports.
- iii. The Board highlighted the importance of engagement, particularly in terms of extending the register and the fragility of the sector, and recommended exploring risks more in depth at Committee level.

8. Key messages from the Chief Executive and Directors

- i. Sue Evans provided an overview of her attendance at the BASW UK standing conference for social care and social work and highlighted the comparators between Wales and other UK nations. Members noted as an organisation, we are very active in discussing issues with other UK nations and try to maintain consistency and share learning on how we support social work and social care despite differing political structures.
- ii. The Board was informed the UK Standing conference considered opportunities to raise social work as a profession and raise the profile of social care and explored how we can adopt best practice from other UK countries.
- iii. Members were also updated on the parliamentary review of social care and the session of the social care sub-group to consider the key messages that we want to include in the interim report that will be produced in July. Sue Evans reported there was strong feeling that the report should offer ways that improvements can be made.
- iv. Sue Evans also provided an update on the working arrangements with Care and Social Services Inspectorate Wales (CSSIW) to act as one public service when we can, whilst defining our separate duties. Members noted the regular meetings between the Chief Executives of both regulators, with a progress update on tackling the barriers to sharing information on Fitness to Practise cases due in the short term.
- v. Members were informed the Chair and Chief Executive will be participating in a review undertaken by Welsh Government on the governance arrangements of WGSBs and relationships with sponsor divisions. The Board will be kept informed of any recommendations.
- vi. Members received an update from Sarah McCarty and the work of the development and sector improvement directorate. The review of the health and social care induction framework was ongoing with a face to face engagement event being held in mid-Wales and an online survey available to gather views from across Wales. Members noted the proposed change in title from social care induction framework to include 'health'.

- vii. The qualification review of sector qualifications was also ongoing with Qualification Wales. Members noted the opportunity for this project to improve qualification for the sector and demonstrate responding to its needs by incorporating specific content for example supporting individuals with autism. The project has linked with sector expert groups as necessary.
- viii. Scoping work continues on the three agreed improvement priority areas (dementia, children who are looked after and care and support at home). Sarah McCarty provided a brief update on her meetings with a range of national stakeholders and noted the need for clarity about what's happening was emerging as a key theme. It was proposed that developing an online hub to share emerging and notable practice was welcomed.
- ix. Gerry Evans provided an update on the research and intelligence developments noting a programme of work had been agreed with the Social Care Institute for Excellence (SCIE) who will be supplying 'social care online' – offering examples of best practice for all social care workers to access.
- x. Members noted the contract with the Local Government Data Unit regarding the development of a national social care data set for Wales has been signed off and work has already begun on the data set. The consultation on the Research and Development Strategy for Wales developed with the School of Social Care Research in Swansea University and Health and Social Care Research Wales will be launched in July.
- xi. Further to a query, Gerry Evans confirmed there will be a link to the WCCIS (Welsh Community Care Information System) and data from various reports will be used to bring together the information in one place which is accessible for all.
- xii. The Chair brought the item to a close by noting the National Social Services Conference will take place between the 27 and 29 of June. Social Care Wales is the main sponsor and will be launching the social care accolades at the event. Members noted three Board members will be attending and will feedback on their experience at the next Board meeting. Members also noted Gerry Evans will be speaking at a conference on dementia on 11 July and Social Care Wales will also have a presence at the Royal Welsh Show in Builth Wells in July and the National Eisteddfod in Anglesey in August.
- xiii. The Chair informed the Board of a new body named Health Education Wales, which was tasked with leading on the commissioning and training development for the health sector and noted it will be useful to see how the links with the social care sector develop.

9. Meeting effectiveness

- i. Members agreed the papers were clear and they had received the information that they were expecting. The Chair enquired as to whether members felt they were able to contribute to the discussions, to which all agreed.
- ii. Members also noted it was reassuring to have the decision to bring the consultation document back to Board and the seminar presentation on risk was very helpful.
- iii. Another member commented that having two meetings on one day was an efficient use of time.

10. Message to communicate

- i. No additional messages to communicate were outlined, with the majority being linked to the consultation process and the forthcoming summer events.

Date and time of next meeting:

11.00am 13 July 2017