

Consultation Response Form

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

A regulation requiring service providers to employ adult care home workers, or residential family centre workers registered with Social Care Wales [Annex A]

Q.1. Are the draft regulations sufficiently clear and comprehensive to effectively inform individuals that they are required to register with Social Care Wales as adult care home workers, or residential family centre workers?

Agree <input checked="" type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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Please explain:

The draft are regulations sufficiently clear and comprehensive to effectively inform individuals that they are required to register with Social Care Wales as adult care home workers, or residential family centre workers.

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A regulation requiring service providers to employ adult care home workers, or residential family centre workers registered with Social Care Wales [Annex A]

Q.2. Are the attached draft regulations sufficiently clear and comprehensive to implement the mandatory registration of adult residential care workers and residential family centre workers?

Agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input checked="" type="checkbox"/>	Disagree <input type="checkbox"/>
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Please explain:

The regulations refer to employees who provide care and support as constituting adult residential care workers. They then outline exceptions that include volunteers and therapeutic staff. However, we do not believe this is comprehensive enough as no reference is made to staff working in multi-service environments where both care and education are provided. E.g., a specialist residential college where staff are providing care and support but are not employed as residential care workers. They may for example be employed as Tutors or Learning Support staff.

A regulation requiring service providers to employ adult care home workers, or residential family centre workers registered with Social Care Wales [Annex A]

Q.3. Should any guidance be provided to support adult residential care providers and residential family centre services in complying with this regulation? If so, what guidance do you think would be required?

Agree <input type="checkbox"/>	Tend to agree <input checked="" type="checkbox"/>	Tend to disagree <input type="checkbox"/>	Disagree <input type="checkbox"/>
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Please explain:

Guidance is required specifying whether or not every employee – regardless of hours worked – has to be registered. It is unclear if there will be flexibility for occasional workers, voluntary staff or sub-contracted workers. Guidance is also required for staff not employed as care staff who occasionally provide care and support within their roles.

A regulation requiring service providers to employ adult care home workers, or residential family centre workers registered with Social Care Wales [Annex A]

Q.4. Is the statutory guidance¹ for service providers and responsible individuals clear and concise to help employers in complying with this regulation? If not, what changes to the guidance are required?

Agree <input type="checkbox"/>	Tend to agree <input type="checkbox"/>	Tend to disagree <input checked="" type="checkbox"/>	Disagree <input type="checkbox"/>
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Please explain:

The regulations are unclear if a residential specialist college who employ learning support assistants /tutors and staff in other roles would be required to register. As these are primarily education establishments, we believe that they should be exempt from the fee for registration.

¹ <https://gov.wales/sites/default/files/publications/2019-04/guidance-for-providers-and-responsible-individuals.pdf>

Q.6. The Welsh Government is interested in understanding whether the proposals in this consultation document will have an impact on groups with protected characteristics. Protected characteristics are: age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion and belief, sex, and sexual orientation.

- i. Do you think that the proposals in this consultation will have any positive impacts on groups with protected characteristics? If so, which and why/why not?**

- ii. Do you think that the proposals in this consultation will have any negative impacts on groups with protected characteristics? If so, which and why/why not?**

The sixth month time limit for registration may be detrimental to social care workers with learning difficulties and /or health conditions who may work in part time capacities. They may take longer to complete requisite training as a consequence of their protected characteristic and/or work pressures.

We have asked a number of specific questions. If you have any related issues, which we have not specifically addressed, please use this space to tell us about them.

Natspec is the voice of specialist further education. We are a membership organisation for specialist colleges within the UK, and also provide training to the wider sector regarding young people with learning difficulties and / or disabilities. In Wales, Natspec represents seven colleges, four of whom are residential.

We welcome the principle of mandating the registration of workers in care home services for adults to professionalise the workforce, improve care and support and increase public confidence in care.

We recognise that this consultation is not consulting on registration fees and that this is a matter for the workforce regulator. However, we urge Welsh Government to consider how they can work with Social Care Wales to exempt staff in specialist FE colleges from the £30 registration fee.

Specialist residential colleges are unique educational settings and no other education providers who provide care and support to their learners will be required to pay the fee.

Additionally, the implementation of this regulation and how it may affect care providers' ability to recruit and retain staff from within the UK and abroad must be understood within the context of the ongoing staffing crisis.

The staffing crisis is severely impacting the ability of some colleges to fully meet the needs of current students or to admit new students. A combination of factors has converged to create this situation. Critically, colleges are facing an acute shortage of staff resulting from:

- the nature of the current jobs market where there is a high level of employment in many areas, a severe shortage of care workers and high job availability in other – potentially less demanding – sectors such as retail or hospitality, where pensions arrangements may also be more favourable
- staff burn-out and re-evaluation of their work/life balance in response to Covid
- Brexit

While all job roles in colleges are affected, the shortages are greatest amongst those in care roles. This is exacerbated by high levels of staff absence, largely due to Covid but also to general levels of exhaustion in a workforce which continued to provide onsite care throughout the pandemic, under extremely challenging circumstances. It is also heightened by an increased demand for places, in part caused by requests for extensions for students whose programmes were most impacted by Covid, or where families have not been able to identify transition opportunities which can meet their young people's complex needs for occupation and accommodation.

There is a real danger that the implementation of the requirement to pay £30 to register with Social Care Wales will serve to disincentivise job seekers from considering a post in a residential specialist college. Already, colleges are regularly reporting the receipt of job application forms including only a name and address. They also report that candidates invited for interview will not arrive. The presumption here is that the requirement for job seekers to evidence they are seeking employment as a condition of

receiving government benefits is trumping any intention to be seriously considered for the advertised positions.

Addressing this staffing crisis will require a cross sector concerted effort. If the implementation of the requirement to register is to proceed, the rationale for doing so must be better communicated and staff in residential colleges exempted from the fee. It is currently not obvious how registration with Social Care Wales will improve outcomes and benefit the organisation over and above the regulation of Care Inspectorate Wales and the Disclosure and Barring Service (DBS). Equally, and to guard against perceptions that this fee constitutes a tax on already low paid workers, the benefits of registration for the individual workers should be made much clearer.