

Opinion piece

“But who will do all the work?”

Keith Bowen¹

It has been two years since the Social Services and Wellbeing (Wales) Act 2014 came into force and twenty-five years since Mark Drakeford (now Wales Cabinet Secretary for Finance) published an article in *Critical Social Policy* entitled “But who will do all the work?”.² His article was a damning critique of the Thatcherite policies of the early nineties and the negative impact the social care legislation of the time was having on ordinary people and professionals. The title of his article though, could equally be applied, twenty-five years later, to the Welsh Government’s Social Services and Wellbeing (Wales) Act. He concentrated primarily at the time on the detrimental effect of legislation on the social work profession but it could be argued today that, in answer to his rhetorical question, “who will now do the business of actually meeting, seeing, supervising and assisting those users in need of social work services?”, it will be informal un-paid carers who will increasingly be expected to do all the work.

The Explanatory Memorandum to the Bill, as it progressed through its various stages of scrutiny at the National Assembly for Wales, clearly stated that the aim of the legislation was to reduce the numbers of people who would go on to receive statutory support via a care plan following assessment, both unpaid carers and the people they care for. Relying instead on Information, Advice and Assistance services would guide carers and the people they care for to a range of community support, accessible mainly without assessment and provided by a range of social enterprises, cooperatives and third sector organisations (sections 16 and 17 of the Act).

In many ways, this seems like a sensible plan of action; people can find the support and services they need without having to go through the obstacle course of social services gate-keeping, while also freeing up hard pressed statutory services to focus on those in most difficulty. But at a time of ongoing financial cuts and crisis, the question remains will carers and those they care for be able to find the right information at the right time and does a relevant network of community support services exist in Wales to adequately meet their needs? So far, the jury is out.

For local community support services and the people they support, the stakes are high and the risks considerable. As Mark Drakeford commented all those years ago “voluntary and independent provision is unlikely to be characterised by a plethora of

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² Drakeford,M ‘But who will do all the work?’ in *Critical Social Policy* (1993) Volume :13 issue 38 pp 64-76.

such small-scale manifestations of the enterprise culture”. “Far from creating choice or wider options for the consumer, the cash-starved buyer – in the shape of local authorities – will shop where prices are lowest, with an inevitable tendency towards block contracts and large scale, undifferentiated provision”. This remains a risk in Wales.

Despite efforts by the Welsh Government and local authorities to protect social services funding, last year the [Local Government Information Unit](#) survey of councils in England and Wales, found that 71% of councils with social care responsibilities anticipated making cuts to front line services and that 80% considered adult social care to be the most pressing issue. Although the social enterprises, cooperatives and third sector services and activities encouraged by the Act are independent of local authorities, they still cost money to operate and it is not clear where this funding is going to come from.

[Carers Wales' Track the Act Briefing \(2017\)](#) highlighted that unpaid carers may increasingly be being charged for services through the back door. Although most councils do not have a policy of directly charging carers, the services and activities to which they refer carers (and the people they care for) do charge. Consequently, the financial costs to carers can mount up substantially.

While not welcome, this possible trend may not be surprising in light of the ever-increasing pressure on the public purse. In terms of adult social care, according to [Wales Public Services 2025](#), local authority spending per older person has declined over the last seven years by 14.4% and £134 million a year more would be needed by 2020-21 to get back to 2009-10 per capita levels. [The Health Foundation](#) found that adult social care funding in Wales (not just older people) would need to rise by 4% in real terms each year, nearly doubling by 2030 and rising up to £2.3billion.

In these challenging times, Welsh Government put unpaid carers at the heart of the Social Services and Wellbeing (Wales) Act; for the first-time carers have equal rights to support as the people they care for, there is a legal duty on councils to meet a carer's eligible needs following a carer's needs assessment and councils are required to promote the well-being of both people “in need” and their carers.

It is to be welcomed that the Act incorporated and, to a certain extent, went beyond the hard fought for rights and entitlements of the three previous England and Wales carers Acts, but as Mark Drakeford pointed out twenty-five years ago (p.65):

a process is sometimes claimed for public policy, through which primary government proposals can become ameliorated as original ideas, have to be adjusted to the requirements of legislation and legislation has to be accommodated to the exigencies of practice. In social work particularly, this can produce a sort of flabby optimism... .

It is especially important that in light of the financial challenges highlighted earlier, that we do not fall into a similar sort of flabby optimism about the implementation of the Social Services and Wellbeing (Wales) Act but should rather take a critical look at social policy and legislation and in this case, its impact on un-paid carers in

Wales. The Care and Social Services Inspectorate Wales 2017 “[In Support of Carers](#)” report and the Carers Wales’ [Track the Act](#) initiative are limited but important mechanisms to help us do this. Both these reports draw attention to some of the inherent contradictions within the Act.

In the latest [Track the Act](#) briefing there were promising indications that a high proportion of those carers who had seen information or received advice from Information, Advice and Assistance services were happy with it. More carers were seeing information produced by councils, rising from only 16% in the first six months following the Act to 46% in the second half of the year. However, most councils in Wales did not know how many carers their Information, Advice and Assistance service were providing information to, which is a concern if a cornerstone of the Act is for carers and the people they care for receive timely information and support from such services.

More worryingly the Carers Wales briefing pointed towards a concerning lack of clarity over Carers Needs Assessments and the more general “[What matters conversations](#)” which many local authorities are using. Undertaking a timely proportionate assessment of a carer’s needs is entirely appropriate and can save on unnecessary delays and bureaucracy. It is also vital that carers are fully informed and engaged in the whole process and this includes knowing the status of any assessment or conversation they are having, not least because Carers Needs Assessments have a specific legal standing. It is not unusual to hear carers say “I am not sure whether I have had an assessment or not”, which is very worrying and could potentially indicate that councils are acting unlawfully. Given the aim of the Act to reduce the number of carers and those they care for going on to receive statutory support via a care plan, it will be disappointing to see the potentially helpful What Matters conversations being used to limit access to full assessment and eligibility to support under the Act.

The [Track the Act](#) briefing found a huge variations in the numbers of carers going on to receive a service from their council following a carer’s needs assessment, from significant numbers in one county to none in another. There may be some data collection reasons behind this wide variation but between the responses provided by local authorities and those of carers themselves, it was clear that carers across Wales, who have a right to support from councils, were continuing to experience a post-code lottery in terms of accessing their statutory rights under the Act. Unpaid carers across Wales, especially those with disabled children, still seem to be having difficulty accessing the support and services they need.

Twenty five years ago Mark Drakeford, highlighted “the stark realities of resource constraint” where “community care systems, services and resources are to be fixed and finite” and the “challenge which social workers will be left to manage will be the fitting of ever poorer people to ever poorer services”. Welsh Government and local authorities across Wales face huge challenges trying to meet the increasing demand for social care with reducing resources but if we are to avoid “the fitting of ever poorer people to ever poorer services” it is essential that we take a critical look at

social policy in Wales including the implementation of the Social Services and Wellbeing (Wales) Act and how in practice it supports carers and those they care for. Otherwise it will increasingly be unpaid carers who do all the work with little or no support from ever more cash strapped local authorities.