

Health and Social Care (Wales) Act 2025

Removing profit from children's care - implementation of local authority annual sufficiency plan duty

Date of issue: 9 February 2026

Action required: Responses by 7 April 2026

Overview

This consultation relates to the implementation of the Health and Social Care (Wales) Act 2025 ('the 2025 Act').

Specifically, it concerns new section 75A inserted into the Social Services and Well-Being (Wales) Act 2014 ('the 2014 Act') requiring local authorities to prepare and publish a plan (an 'annual sufficiency plan') in relation to their section 75(1) duty.

From 1 April 2026 the current local authority sufficiency duty in section 75(1) will be amended so that:

- local authorities must take all reasonable steps to secure accommodation for their looked after children.
- the duty extends to accommodation within or near the authority's area, recognising that in some circumstances a placement outside the county may still be closer to a child's home community
- accommodation must be with providers who are either local authorities or who meet the not-for-profit requirements
- local authorities must consider the benefit of having a range of accommodation within or near their areas that meets the different needs of their looked after children.

The consultation covers:

- the proposed approach and potential content of regulations relating to sufficiency plans. This includes the proposed use of regulation making powers under new section 75A regarding the form and content of plans
- the proposed approach and processes regarding new section 75B - Duty to secure accommodation: procedure for approval of sufficiency plan, and section 75C - Duty to secure accommodation: procedure if draft plan not approved by Welsh Ministers, inserted by the 2025 Act.
- the relationship between sufficiency plans and existing planning and strategy documents relating to children looked after.

This consultation runs for an 8-week period, slightly shorter than the standard 12-week consultation window. This is to avoid overlap with the pre-election period, and in recognition that there is a distinct audience for this consultation who are familiar with the subject matter.

Removing profit from children's care: implementation of local authority annual sufficiency plan duty

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 tick here:

Please provide the first part of your postcode for example CF10: CF10

Chapter 1: Proposed approach to regulations relating to the form and content of local authority sufficiency plans - S75A subsections (2) and (3)

Question 1: Do you agree with the proposal to prescribe that sufficiency plans should take the form of a template to be developed by Welsh Government in partnership with local authorities?

Yes

No

Please give any further information for your response to this question:

These plans are an important element of the implementation of the policy intent.

Question 2: Do you agree that Welsh Government should bring forward regulations under Section 75A(3)(d) (iii) and (iv) from April 2030 as listed above:

Yes

No

Please give any further information for your response to this question:

UNISON believes that these regulations should be brought forward as soon as possible as they set clear expectations on local authorities and emphasise that compliance is for utmost importance.

The timeline should allow for the policy intentions to be realised, with expectations communicated and robust and comprehensive mechanisms for monitoring to be established and understood.

Question 3: What are your views on the potential areas to be included within regulations under Section 75A(3)(d) (iii) and (iv) as listed above?

The potential areas listed are all important.

Question 4: Are there any other areas you think should be included within regulations under Section 75A(3)(d) (iii) and (iv)?

The list of information might include whether the provider recognises any trade unions, and if so, which unions are recognised. This will aid commissioners and Welsh Ministers in ensuring that employment standards and the terms of any future Fair Pay Agreement are being properly upheld.

It should also include gender and race pay-gap information and pay ratios between executives and front-line workers from the provider. This will ensure the policy is not undermined by practices which go against its spirit and intention, and that any unreasonable or disproportionate payments made by a not-for-profit provider of supplementary placement applications.

Additionally, workforce planning would be an additional area that could be included within the regulations. Ensuring workers have certainty and that the requisite staffing levels and training provision are accounted for during the transition would be beneficial to all parties.

Question 5: Do you agree that Welsh Government should bring forward regulations under Section 75A(3)(f), listed above?

Yes

No

Please give any further information for your response to this question:

Question 6: What are your views on the potential areas to be included within regulations under Section 75A(3)(f) as listed above?

The potential areas included are all important to sufficiency plans.

Question 7: Are there any other areas you think should be included within regulations under Section 75A(3)(f)?

No.

Chapter 2: Proposed guidance on arrangements for submission and approval of sufficiency plans

Question 8: What are your views on the potential areas to be included within proposed guidance on submission and approval of sufficiency plans. Are there any other areas you think should be included?

These are important enforcement and review mechanisms that will ensure that the legislation is enacted universally across Wales.

The proposed guidance should include direct reference to the social partnership duty placed on public bodies under the Social Partnership and Public Procurement (Wales) Act. The voices of workers through their unions should be integral to all process of workplace change.

Chapter 3: Sufficiency plans - relationship with other planning documentation

Question 9: What are your views on how best to align the planning and strategy documents referenced above (particularly Placement Commissioning Strategies) with annual sufficiency plans? What should be the relationship, if any, between the documents in the future?

The proposals set out in the consultation documents appear to highlight important alignments between key documents. As discussed in Question 8, above, workers play an important role in ensuring alignment of planning and strategy through their unions in social partnership. Workers need to be engaged through their unions at the earliest possible stage and throughout, something that does not always happen locally despite the growth of social partnership working at all-Wales level. Embedding this will ensure that commissioning is done with the voice of workers through their unions is comprehensive and reflected across all an authority's policies, plans and strategies.

Chapter 4: Integrated Impact Assessment

Question 10: What are your views on Sections 1 and 8 of the Integrated Impact Assessment. Are there any specific areas where you feel further detail is required, or any specific issues you wish to highlight which may have an impact on a specific group?

There could be more detail on what is included in workforce plans under Section 1, "Action proposed", and as suggested above, information on gender and race pay gap and executive pay ratios at supplementary placement providers.

Question 11: What other impacts (including any costs or benefits) do you think the proposals might have on local authorities, different organisations or sectors within health and social care? Your views on how positive effects

could be increased, or negative effects could be mitigated, would also be welcome. Please explain your reasoning.

UNISON members are those who work in children's social care services, and they do so out of a desire to help vulnerable children and not to make profits for private shareholders.

This policy is therefore welcome and long-awaited, something that sets a new standard. It has the benefit of providing a model that can be built upon as we seek to remove all profit from the rest of social care sector in Wales and across the rest of the UK.

It will bring benefits to local communities in ensuring that all public services are coordinated and ideally delivered by democratically elected councils, as part of a wider move to bring about the biggest wave of insourcing in a generation. It provides democratic oversight by Welsh Government and the basis upon which rouse councils can be held to account.

It will bring benefits to workers as more will be covered by union recognition agreements with local authority employers and be able to join with their colleagues to improve the services they deliver.

Chapter 5: Other questions

Question 12: What, in your opinion, would be the likely effects of the proposed regulations on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

- **Do you think that there are opportunities to promote any positive effects?**
- **Do you think that there are opportunities to mitigate any adverse effects?**

UNISON is committed to ensuring employers fulfil their obligations to a thriving Welsh Language and vibrant Welsh Culture under the Wellbeing of Future Generations Act 2015. UNISON believes that the regulations and reporting around removing profit from care represent opportunities to protect the Welsh Language and mitigate the likelihood that the Welsh language will be treated less favourably than English.

The Code of Practice for the Welsh Language Standards (No.1) Regulations (2015) states that outsourced services do still fall under the Welsh Language Standards if the third party provides a service on behalf of the body.

However, if the third party does not comply with the relevant standards when providing the service on behalf of the body, the body would be liable for failing to comply with those standards. That may lead to action against the body under the Commissioner's enforcement powers, with additional costs incurred by already overstretched and under resourced public services.

The outsourcing of services to the private sector risks a reduction in control and monitoring of compliance, and a preference in favour of insourcing as proposed above presents the opportunity of mitigating this risk

<https://www.welshlanguagecommissioner.wales/media/hgqdtio/code-of-practice-regulations-1.pdf>

The likely effects of removing profit from children's services is that, if more services are retained inside local authorities, more workers will remain or become directly employed by public bodies subject to the protection afforded by the Welsh Language Act and Measure, and internal policies and initiatives aimed at encouraging and protecting Welsh Language. More children will therefore be able to access care through the medium of Welsh, and our language and culture will thrive.

Insourcing and retaining children's services in house allow for a more joined-up approach to developing the Welsh Language skills of the workforce and wider and more joined-up access to and success of Workplace Welsh learning schemes and initiatives, including those funded by the Welsh Government and supported and promoted by trade union led learning via the Wales Union Learning Fund.

This can only benefit the Welsh language skills development of children within the care system in Wales.

Question 13: In your opinion, could the proposals be formulated or changed so as to:

- **have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or**
- **mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?**

Welsh Government research (<https://www.gov.wales/welsh-language-use-workplace-welsh-language-use-survey-july-2019-march-2020-html>) has found that those working in the public sector are more than twice as likely to have access to Welsh Language technologies than their counterparts in the private sector. Nearly half (47%) of Welsh speakers working in the public sector report having access to Welsh translation tools at work, compared with 20% in the private sector.

Scale in language learning matters. The reported availability of Welsh Language support or training offers varies depending on the size of the organisation. In organisations with 250 or more workers, 46% of Welsh-speaking staff report that training or support is offered to improve their Welsh skills, and 39% report that training is offered to develop special skills in Welsh (such as answering the phone or translating). In organisations with ten or fewer workers, these figures are 16% and 12% respectively. The continued outsourcing and fragmenting of services should be expected to further undermine support or training available to Welsh speakers.

Outsourcing to private and third sector organisations not covered by Welsh Language Act (1993) and Measure (2011) or the WFGA (2015), including to organisations headquartered outside of Wales and outside the democratic control of communities, provides significant risks to the Welsh language. These risks should be taken into account when providers of additional places are considered.

Welsh speakers working for public sector employers are considerably more likely (44% offered) to have been offered something to wear to show they can speak Welsh than those in the private sector (13% offered) and voluntary/third sector (26% offered).

The impact of decades of privatisation on the use of the Welsh Language in society stark. Welsh speakers are significantly more likely to have been offered a service in Welsh by their local authority (85%) and NHS (56%) than privatised public energy or water utilities (27%) or privatised communication services (14%).

This is all to the benefit of children in the care system and is another reason why this is a vital policy for the future of Wales.

Question 14: 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 report them.

