

Cynulliad Cenedlaethol Cymru | National Assembly for Wales
Y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol | External Affairs
and Additional Legislation Committee
Y goblygiadau i Gymru wrth i Brydain adael yr Undeb Ewropeaidd |
Implications for Wales of Britain exiting the European Union
IOB 30
Ymateb gan BASW Cymru
Evidence from BASW Cymru

Introduction

1. BASW, is the largest professional association for social work in the UK, with offices in Wales, England, Northern Ireland and Scotland welcomes the opportunity to provide information to the External Affairs and Additional Legislation Committee on the implications for Wales of Britain exiting the European Union. Our response focuses primarily, on the implications for social care in Wales that may ensue from the triggering Article 50. BASW Cymru recommends that the priorities for Welsh Government prior to triggering Article 50 should be the establishing strong leadership to ensure that devolved government has a strong voice and presence at the negotiating table, when exit deals are decided – perhaps considering a Minister for ‘Brexit’, to secure the best possible outcome for the citizens of Wales.
2. BASW Cymru exists to promote the best possible social work services for all people who may need them, whilst also securing the well-being of social workers. This is achieved through committing to a code of ethics, policy work, lobbying and engagement with partners in the health and social care sector.
3. BASW Cymru is committed to working with Welsh Government and its partners to ensure that there is a strong social care sector in Wales which promotes and secures the health and well-being outcomes of all citizens in Wales.

Summary

4. We are in uncharted territory with Brexit an unknown quantity – Westminster has not given any clear indication as to what deals it hopes to make when extricating the UK from the European Union. It is therefore, for Welsh Government to think very clearly about its priorities for Wales in a post Brexit landscape **before** Article 50 is triggered. What is clear, is that we are entering a period characterised by unprecedented uncertainty which will have short as well as long term implications for public services in Wales. This comes at a time when we are already feeling the consequences of 8 years of austerity. Free movement of people is not likely to be a part of a final settlement and this will have significant implications, particularly for the NHS in Wales. How much better or worse off the people of Wales will be post Brexit is

dependent on the final settlement negotiated by Westminster, it is imperative that Welsh Government is able to influence what that looks like.

5. Although Wales is not a member of the EU and has its relationship defined through Westminster, Welsh Government is already responsible for directly applying EU legislation, so has an interest in adopting a strong negotiating position over what an exit deal looks like. Not least a renegotiation of the current devolution settlement to ensure Wales has sufficient powers to create new legislation in devolved areas.

Funding

6. The Local Government Association which represents Welsh and English councils estimates there will be a £2.9 billion annual funding gap in social care by the end of the decade.¹ With most care providers reliant on Local Authority funding - who are already squeezed after an 11 year retrenchment in public service spending - it is difficult to understand how the sector will survive, let alone thrive. This is echoed by Professor Mark Drakeford² with his phrase 'Cash strapped public services' trying to cope with the demands of an aging population. The crisis in social care will have a knock-on effect for the NHS which is already trying to mitigate the impact of delayed transfer through of a lack of social care provision to provide care and support in the community.
7. Poverty remains a persistent challenge in Wales; blighting the life of its citizens as more people experience in-work poverty that is further perpetuated by a zero hours contract landscape. The 'Tackling Poverty Action Plan 2012 - 2016'³ makes it clear that tackling poverty is a priority for all Minister and Welsh Government departments – negotiations on what Wales will look like post Brexit, should at the very least, honour the aspirations in that plan.
8. The current, and previous Conservative Governments have not appeared to support these aspirations via funding, growth and development in devolved Countries. This function seems to have been assumed instead by the European Union via its targeted funding for poorer communities. Between the years 2007-13 the European Structural Fund Programmes in Wales created 36,970 jobs; helped a further 72,700 into work; 56,055 into further learning along with the gaining of 234,335 qualifications – many of these in public services⁴. The current ESF programme runs to 2020, even with this level of EU investment (Wales gains around £520 million from EU funding and contributes approximately £442 million so is a net beneficiary)⁵. Despite this Wales remains one of the poorest regions in the UK.
9. The Social Services and Wellbeing (Wales) Act 2014 and the Wellbeing of Future Generations Act 2015 set out Welsh Governments aspirations for resilient and sustainable communities. 'Voice and control' of citizens at the centre of innovative and co-produced solutions, cannot be imagined in a future landscape if Welsh Government has not secured the best possible deal to mitigate the austerity currently experienced in Wales.

10. EU funding contributes to the promotion of wellbeing for the citizens in Wales.
Examples include: £3 million spent on upgrading Pontypridd Lido in 2015 creating an intergenerational community space; £7.3 million of EU funding contributed towards the construction of a learning zone on the site of a disused steelworks in Blaenau Gwent (opened in 2012, this learning zone is helping transform the education and future outcomes for all learners in an area of high deprivation ⁶).
11. It is not clear at this stage, how the Westminster Government will plug any hole once EU funding is withdrawn or how funding will be apportioned throughout and within the devolved nations. Will the Barnett formula still apply, or will some other formula be developed?

Workforce

12. The social care sector is particularly reliant on workers from the EU. The Wales Migration Service has analysed the Labour Force Survey data. Their figures show that there are around 69,000 EU citizens working in Wales: around 4 per cent of the workforce. The Wales Migratory Service analysis shows that around a third of all migrant workers (EU and non-EU) work in public services. If the pattern is the same for both EU and non-EU migrants, that would mean around 23,000 EU citizens working in Wales' public services ⁷ In 2015, the estimated numbers of staff employed in commissioned care was 50,500 with the largest number of those employed in residential and domiciliary care. Of those providers, 60% ⁸ provided care to adults - two crisis areas in social care. Given that most of the rhetoric around Brexit focused on immigration, it is unlikely that free movement will remain as part of any settlement. If migrant workers are not able to supplement the social care workforce (and stimulate innovation and change) the outlook for the sector and the implications for the elderly, the vulnerable, the disabled, carers and health and social care workers who support them is worrying.

Legislation

11. Whether or not Wales will continue to be subject to EU law will depend on what the final settlement is. As the notion of Sovereignty was central to the debate, it is likely that the UK will want to negotiate a settlement that doesn't appear to undermine it. EU legislation is particularly significant in relation to the European Working Time Directive⁹ which affects the number of hours an employee can work before taking a break and how many hours can be worked in a week. If this is repealed, there may be pressure on employers to force workers into working longer hours to fill gaps left by the absence of migrant workers. Such measures would roll back the employment rights that have been fought for over many generations and would be a retrograde

step. The Welsh Government should be clear about its support for the fundamental human rights and entitlements of its citizens when negotiating over the replacement of EU legislation where this occurs.

12. The Human Rights Act also plays a vital role in social care, issues around discrimination would be reliant on domestic legislation and case law ensuring the advancement of rights of people with disabilities.

Opportunities

13. Welsh Government has set out an early draft budget for 2017/18 to try and bring some stability to uncertain times, however the 6 key commitments are thin on how to effectively tackle the crisis in social care in Wales. This has to be addressed before negotiations around Brexit terms, are struck with Westminster.
14. Welsh Government could view the current situation as an opportunity to strengthen its powers as a devolved nation, so that it's able create more laws in devolved areas that reflect more accurately the needs of Wales in a post Brexit landscape.
15. Welsh Government needs to think strategically about, and secure those funds it's still able to from the EU before withdrawal.
16. Welsh Government should consider if different regions within Wales are able to form mutually beneficial dealings with regions in the Republic of Ireland to indirectly access EU funds.

References

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