

Date: 5 December 2001

Venue: Committee Room 3, National Assembly for Wales

Title: Care Standards Inspectorate for Wales (CSIW) - Progress on Implementation

Purpose

1. The purpose of this paper is to provide Committee members with a report on progress in implementing the new Care Standards Inspectorate for Wales (CSIW).

Background

2. The background to the policy reform of the arrangements for the regulation and inspection of social and private voluntary healthcare was set out in the White Paper "Building for the Future" (Chapter 4) and has been covered in earlier Committee papers:

- [HSS-02-99\(p.3\)](#)
- [HSS-08-99\(p.2\)](#)
- [PRE-16-06-99\(p.3\)](#)
- [HSS-02-01\(p.11\)](#)
- [HSS-08-01\(p.4\)](#)
- [HSS-14-01\(p.3\)](#)

3. The Care Standards Act 2000 established primary powers for these new regulatory arrangements. The policy requirements for Wales previously agreed by the Committee are now reflected in the Act.

4. The Committee last discussed the implementation of CSIW at the meeting on 24 October 2001, and requested an informal presentation on CSIW to which all Assembly Members would be invited. This presentation took place on 27 November 2001.

The Context

5. The main purpose of the Act is to reform the regulatory system for care services in Wales and England and to improve protection for vulnerable people. These regulatory functions will be undertaken by the new Care Standards Inspectorate in Wales and, in England, by the National Care Standards Commission and Ofsted (who will be responsible for regulating day care for children under 8). The new regulatory authorities will take over regulatory responsibility for all those services currently regulated by local and health authorities:

- *Residential care homes and nursing homes, which will be known as care homes in future*
- *Children's homes*
- *Independent boarding schools (welfare inspections only)*
- *Day care for children under 8*
- *Most private and voluntary healthcare services*

6. The Act provides that the new regulatory authorities should take on new functions to include:

- *Local authority care homes and children's homes (on the same basis as those in the independent sector)*
- *Domiciliary care in both the statutory and independent sectors*
- *Maintained boarding schools (welfare inspections only)*
- *Independent clinics and independent medical agencies*
- *Fostering and adoption agencies*
- *Residential family centres*

Progress on Putting in Place the Management, Staffing and Operational Structure of the CSIW

7. The personnel aspects of the implementation project continue to progress well. Earlier reported slippage against agreed timescales, has been recovered and we remain on course to deliver by 1 April 2001.

8. Highlights since last report:

- We have now appointed a deputy for Rob Pickford (Head of Regulation). Colin Vyvyan took up post on 19 November, on secondment from the Social Services Inspectorate for Wales.
- Instructions to lawyers to draft the Assembly order, giving effect to the staff transfer, have been prepared in readiness for Assembly consideration in February 2002.
- We have received a high level of interest in the external recruitment campaign to fill gaps and to cover the additional workload arising from the inspection and registration of new settings, as determined by the Care Standards Act 2000.
- The first staff moves into new CSIW offices took place in early December.

Progress on the Programme of Secondary Legislation

9. Regulations and national minimum standards will underpin the work of the new Inspectorate and the Care Standards Act 2000 places a duty to consult on these regulations and national standards. The Assembly has conducted a number of sectoral consultation exercises over the course of the summer, the details of which are listed below. Members of the Committee have received copies of all consultation documents as they have issued.

- Children's homes - Consulted on draft regulations and national minimum standards. Consultation began on 20 June 2001 and ended on 12 September 2001. 34 responses were received.

Consultees commented on, amongst other things, staffing ratios, room sizes, qualifications of staff and the issue of one manager per home.

- Care homes - Consulted on draft regulations and three sets of national minimum standards, covering care homes for older people, care homes for adults and adult placements. Consultation began on 13 August 2001 and ended on 22 October 2001. 156 responses were received, 26 of which arrived after the consultation deadline.

Consultees commented on, amongst other things, staffing ratios, training and qualification, quality assurance, police checks, and handling medication. A number of consultees also suggested separate annexes for drug and alcohol rehabilitation, and learning disability settings respectively.

- Private and voluntary health care services - Consulted on draft regulations and a set of core and service specific standards. Consultation began on 21 August and ended on 30 October 2001. 23 responses were received, one of which arrived after the consultation deadline.

Consultees commented on, amongst other things, the scope of regulation and visits by registered providers.

- Childminders and day care services for under 8s - Consulted on draft regulations and 6 sets of national minimum standards, covering childminders, full day care, sessional day care, out of school care, open access playgroups and crèches. Consultation began on 21 August and ended on 30 October 2001. 138 responses were received, 21 of which arrived after the consultation deadline.

Consultees commented on, amongst other things, records and documentation generally, quality assurance and staff ratios.

- Boarding Schools and Colleges - Consulted on draft national minimum standards for boarding schools, further education colleges and residential special schools. Consultation began on 10 September 2001 and ended on 19 November 2001. 15 responses were received.

10. Officials are now in the process of considering all responses to the consultation exercises and amending the draft regulations and national minimum standards as appropriate. A summary of all responses will be made available on the CSIW pages on the Assembly website. Officials are then convening Standards Groups, which include representatives of providers, services users and interest groups. These groups are tasked with finalising the various sets of national minimum standards and ensuring that they have the broad support of the care sector. The final regulations and standards will then be submitted for the Assembly's consideration.

11. During the summer, the Assembly consulted on regulations and national minimum standards for Fostering Services. Consultation started on 21 August 2001 and ended on 30 October 2001. 21 responses were received, 10 of which arrived after the consultation deadline. Further consideration needs to be given to the content of these standards, in co-operation with counterparts in England, and we expect to be in a position to submit the finalised regulations and standards for the Assembly's consideration in early summer 2002. Fostering services are not currently subject to regulation.

12. The Assembly has recently issued two further consultation exercises, copies of which have been sent to members of this Committee. The first deals with the proposed regulatory fee structure for the Inspectorate, whilst the second deals with the Assembly's proposals for disqualifying certain persons from caring for children. The Assembly will issue a further consultation exercise in early December, dealing with transitional arrangements and procedures for registering with CSIW. All of these regulations will need to be in place by April 2002.

13. The Assembly will aim to issue further consultation exercises on sectoral regulations and national minimum standards early in 2002. These will cover domiciliary care agencies, nurses' agencies and residential family centres. Regulations and standards for adoption agencies are unlikely to issue for consultation before 2003.

14. The main tranche of regulations are now scheduled for debate in February 2002. However, regulations for fostering services, domiciliary care agencies, residential family centres and nursing agencies will not be debated until later in 2002.

Compliance

15. The drafting of the regulations and standards are covered by Standing Orders 22 and 27 and section 65 of the Government of Wales Act 1988. The powers of the Assembly under the Care Standards Act were delegated to the First Minister on 14 September 2000 and to the Minister for Health and Social Services in February 2001. There are no issues of regularity or propriety.

Action

16. The Committee is asked to note the progress on the implementation programme for the Care Standards Inspectorate for Wales.

Contact Point

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